

By the Committee on Judiciary; and Senator Peaden

308-1118-04

1                                   A bill to be entitled  
2           An act relating to sport shooting and training  
3           range environmental liability protection;  
4           creating s. 790.333, F.S.; providing  
5           legislative findings and intent; providing  
6           definitions; specifying immunity from liability  
7           for certain persons or entities from certain  
8           claims relating to projectiles at sport  
9           shooting and training ranges; providing a  
10          limitation; requiring withdrawal of certain  
11          claims from courts or administrative agencies  
12          after a certain date; providing a cause of  
13          action for treble damages, costs, and fees  
14          under certain circumstances; providing criminal  
15          penalties; specifying preemption by the  
16          Legislature; providing for construction;  
17          providing an effective date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21           Section 1. Section 790.333, Florida Statutes, is  
22 created to read:

23           790.333 Sport shooting and training range protection;  
24 liability; claims, expenses, and fees; penalties; preemption;  
25 construction.--

26           (1) LEGISLATIVE FINDINGS.--

27           (a) The Legislature finds that more than 400 sport  
28 shooting and training ranges exist on public and private lands  
29 throughout this state.

30           (b) These sport shooting and training ranges are  
31 widely used and enjoyed by the residents of this state and are

1 a necessary component of the guarantees of the Second  
2 Amendment to the United States Constitution and of s. 8, Art.  
3 I of the State Constitution.

4 (c) Many of these ranges are used by state and local  
5 law enforcement agencies for training, practice, and regular  
6 mandatory qualification by law enforcement officers; by hunter  
7 safety instructors of the Fish and Wildlife Conservation  
8 Commission who teach adults and youngsters the safe use and  
9 handling of firearms in preparation for obtaining hunting  
10 licenses; by school boards, colleges, and universities for  
11 reserve officer training corps training and activities; by  
12 school shooting teams; by Olympic competitors; and by  
13 certified instructors who teach the safe use and handling of  
14 firearms in preparation for applying for licenses to carry  
15 concealed firearms for lawful self-protection.

16 (d) The public policy of this state is to encourage  
17 the safe handling and operation of firearms and mandates  
18 appropriate training in the safe use and handling of firearms  
19 for persons licensed to carry concealed firearms and for  
20 persons licensed to hunt in this state. Sport shooting and  
21 training ranges throughout this state provide the location at  
22 which this important public purpose is served and at which the  
23 firearms training mandates are fulfilled.

24 (e) Projectiles are integral to sport shooting and  
25 training range activity and to the ownership and use of  
26 firearms.

27 (f) Over years of operation, projectiles have  
28 accumulated in the environment at many ranges, the  
29 environmental impact of which is disputed.

30 (g) Litigation initiated by certain state agencies,  
31 including the Department of Environmental Protection and the

1 Southwest Florida Water Management District, against sport  
2 shooting and training range owners and operators seeking to  
3 compel such owners and operators to discontinue the use of  
4 certain projectiles and to investigate and remove accumulated  
5 projectiles under the theory that these projectiles were  
6 deposited without authorization under prevailing state  
7 environmental laws. The cost of defending these actions is  
8 prohibitive and threatens to destroy the sport shooting and  
9 training range industry.

10 (h) The elimination of sport shooting and training  
11 ranges would unnecessarily impair the ability of residents of  
12 this state to exercise and practice their constitutional  
13 guarantees under the Second Amendment to the United States  
14 Constitution and under s. 8, Art. I of the State Constitution.

15 (2) LEGISLATIVE INTENT.--The Legislature intends to  
16 protect and immunize sport shooting and training range owners,  
17 operators, users, employees, agents, contractors, and  
18 customers from environmental liability as described in this  
19 act and to prohibit actions by the state, special purpose  
20 districts, or political subdivisions which threaten to destroy  
21 or bankrupt sport shooting and training ranges.

22 (3) DEFINITIONS.--As used in this act, the term:

23 (a) "Owner" means any person who owns or has owned a  
24 sport shooting or training range or any interest therein.

25 (b) "Operator" means any person who operates or has  
26 operated a sport shooting or training range.

27 (c) "Projectile" means any object expelled, propelled,  
28 discharged, shot, or otherwise released from a firearm, BB  
29 gun, airgun, or similar device, including, but not limited to,  
30 gunpowder, ammunition, lead, shot, skeet, and trap targets and  
31 associated chemicals, derivatives, and constituents thereof.

1           (d) "Environment" means the air, water, surface water,  
2 sediment, soil, groundwater, and other natural and manmade  
3 resources of this state.

4           (e) "User" means any person, partner, joint venture,  
5 business, or social entity or corporation, or any group of  
6 such persons or entities, organized or united for a business,  
7 sport, or social purpose.

8           (f) "Sport shooting and training range" or "range"  
9 means any area that has been designed or operated primarily  
10 for the use of firearms, rifles, shotguns, pistols,  
11 silhouettes, skeet, trap, black powder, BB guns, airguns, or  
12 similar devices or for any other type of sport or training  
13 shooting.

14           (4) SPORT SHOOTING AND TRAINING RANGE LIABILITY  
15 PROTECTION.--Notwithstanding any other provision of law, any  
16 private or public owner, operator, employee, agent,  
17 contractor, customer, or user of any sport shooting or  
18 training range located in this state shall have no liability  
19 to this state or any agency of the state, special purpose  
20 district, or political subdivision of this state, for any  
21 claim associated with the intentional or unintentional  
22 placement, deposition, or accumulation of projectiles in the  
23 environment on or under that sport shooting or training range  
24 or any other property over which the range has an easement,  
25 leasehold, or other legal right of use. For purposes of this  
26 subsection, a public owner or operator means the state, a  
27 county, a municipal corporation, a state university or  
28 college, or a school district.

29           (5) PENDING AND FUTURE CLAIMS.--

30           (a) All claims from which sport shooting and training  
31 ranges are immunized under this section which are pending in

1 any court of this state or before any administrative agency on  
2 the effective date of this act shall be withdrawn within 30  
3 days after the effective date of this act.

4 (b) Any person injured as a result of a claim filed in  
5 violation of this section shall have a civil cause of action  
6 for treble damages, reasonable attorney's fees, and costs.

7 (6) PENALTIES.--Any official, employee, or other agent  
8 of this state or its agencies, or of a county, municipality,  
9 town, special purpose district, or other political subdivision  
10 of this state, who, while acting in his or her official  
11 capacity and within the scope of his or her employment or  
12 office, willfully and knowingly brings or is a party to  
13 bringing an action in violation of this section commits a  
14 felony of the third degree, punishable as provided in s.  
15 775.082 or s. 775.083.

16 (7) PREEMPTION.--Notwithstanding any other provision  
17 of law, the Legislature preempts the entire field of  
18 regulating the environmental effects of projectile deposition  
19 at sport shooting and training ranges.

20 (8) CONSTRUCTION.--This section shall be liberally  
21 construed to effectuate its remedial and deterrent purposes.

22 Section 2. This act shall take effect upon becoming a  
23 law.

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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                   COMMITTEE SUBSTITUTE FOR  
3   SB1156  
4       Adds public sport shooting ranges to the list of ranges that  
5       are immune from administrative, criminal and civil liability  
6       for the accumulation, deposit or placement of firearm  
7       projectiles and defines public owner or operators.  
8       Removes reference to specific contaminants that the  
9       projectiles might contain or release and instead broadly  
10      states immunity applies to a claim arising from the  
11      accumulation, deposit or placement of the projectiles from the  
12      range.  
13      Clarifies that the immunity applies when the projectiles  
14      accumulate, are deposited upon or are placed into the  
15      environment but only as to range property or other property  
16      over which the range has the legal right to use.  
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