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A bill to be entitled

An act relating to sport shooting and training range liability protection; creating s. 790.333, F.S.; providing legislative findings and intent; providing definitions; specifying absence of liability for certain persons or entities from certain claims, fines, penalties, remedies, and damages relating to projectiles at sport shooting and training ranges; providing a limitation; requiring withdrawal of certain claims from courts or administrative agencies after a certain date; requiring recovery of certain fees and costs; specifying certain actions as frivolous; requiring a court to award treble damages in certain actions under certain circumstances; requiring recovery of certain fees, costs, and expenses; providing criminal penalties; specifying preemption by the Legislature; providing construction and severability; providing an effective date.

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

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

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

(1) LEGISLATIVE FINDINGS.--

(a) The Legislature finds that more than 400 sport shooting and training ranges exist on public and private lands throughout this state, many of which are owned and operated by

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30 state, county, and municipal governments.

31 (b) These sport shooting and training ranges are widely
 32 used and enjoyed by the citizens of this state and are a
 33 necessary component of the guarantees of the Second Amendment to
 34 the United States Constitution and of the Florida Constitution.

35 (c) Many of these ranges are used by state and local law
 36 enforcement agencies for training, practice, and regular
 37 mandatory qualification by law enforcement officers; by Florida
 38 Wildlife Commission Hunter Safety Instructors who teach adults
 39 and youngsters the safe use and handling of firearms in
 40 preparation for obtaining hunting licenses; by school boards,
 41 colleges, and universities for reserve officer training corps
 42 training and activities; by school shooting teams; by Olympic
 43 competitors; and by certified instructors who teach the safe use
 44 and handling of firearms in preparation for applying for
 45 licenses to carry concealed firearms for lawful self-protection.

46 (d) The public policy of this state encourages the safe
 47 handling and operation of firearms and mandates appropriate
 48 training in the safe use and handling of firearms for persons
 49 licensed to carry concealed firearms and for persons licensed to
 50 hunt in this state. Sport shooting and training ranges
 51 throughout this state provide the location at which this
 52 important public purpose is served and at which the firearms
 53 training mandates are fulfilled.

54 (e) Projectiles are integral to sport shooting and
 55 training range activity and to the ownership and use of
 56 firearms.

57 (f) Over years of operation, projectiles have accumulated
 58 in the environment at many ranges and there is no indisputable

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59 or incontrovertible evidence that projectile accumulation at
 60 sport shooting and training ranges poses a threat to the
 61 environment or to human health.

62 (g) Litigation initiated by certain state agencies,
 63 including the Department of Environmental Protection and the
 64 Southwest Florida Water Management District, against sport
 65 shooting and training range owners and operators seeks to enjoin
 66 such owners and operators to discontinue the use of certain
 67 projectiles and to investigate and remove accumulated
 68 projectiles under the theory that these projectiles were
 69 deposited without authorization under prevailing state
 70 environmental laws. The cost of defending these actions is
 71 prohibitive and threatens to destroy the sport shooting and
 72 training range industry.

73 (h) The elimination of sport shooting and training ranges
 74 would unnecessarily impair the ability of citizens of this state
 75 to exercise and practice their constitutional guarantees under
 76 the Second Amendment to the United States Constitution and under
 77 the constitution of this state.

78 (2) LEGISLATIVE INTENT.--The Legislature intends to
 79 protect and immunize sport shooting and training range owners,
 80 operators, users, employees, agents, contractors, customers,
 81 lenders, and insurers from liability as described in this act
 82 and to prohibit actions by the state, special purpose districts,
 83 or political subdivisions which threaten to destroy or bankrupt
 84 sport shooting and training ranges.

85 (3) DEFINITIONS.--As used in this act:

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

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

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

95 (d) "Environment" means the air, water, surface water,
 96 sediment, soil, groundwater, and other natural and manmade
 97 resources of this state.

98 (e) "User" means any person, partner, joint venture,
 99 business, or social entity or corporation, or any group of such
 100 persons or entities, organized or united for a business, sport,
 101 or social purpose.

102 (f) "Sport shooting and training range" or "range" means
 103 any area that has been designed or operated for the use of
 104 firearms, rifles, shotguns, pistols, silhouettes, skeet, trap,
 105 black powder, BB guns, airguns, or similar devices or for any
 106 other type of sport or training shooting.

107 (4) SPORT SHOOTING AND TRAINING RANGE LIABILITY
 108 PROTECTION.--Notwithstanding any other provision of law, any
 109 private owner, operator, employee, agent, contractor, customer,
 110 lender, insurer, or user of any sport shooting or training range
 111 located in this state shall have no liability to this state or
 112 any agency of the state, special purpose district, or political
 113 subdivision of this state, or to any other person or entity, for
 114 any claim associated with the use, release, placement,
 115 deposition, or accumulation of any projectile in the
 116 environment, including, but not limited to, claims for

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117 injunctive relief, fines, penalties, or administrative remedies;
 118 property damages of any kind, including, but not limited to,
 119 diminished value of real property or improvements, lost or
 120 delayed rent, sale, or use of real property or improvements, or
 121 stigma to real property or improvements; natural resources
 122 damage; or the investigation or remediation of pollution or
 123 contamination until, if at all, such time as the Legislature
 124 convenes fact-finding tribunals and concludes that such remedies
 125 are supported by competent scientific evidence and are
 126 necessary.

127 (5) REQUIRED WITHDRAWAL OF CLAIMS AND RECOVERY OF EXPENSES
 128 AND ATTORNEY'S FEES.--

129 (a) All claims that are pending in any court of this state
 130 or before any administrative agency on the effective date of
 131 this act shall be withdrawn within 30 days after the effective
 132 date of this act. In all such cases, the defendant shall recover
 133 its reasonable attorney's fees, paralegal fees, and costs of
 134 defending the claim from the plaintiff.

135 (b) Any action filed in violation of this act shall be
 136 deemed frivolous per se, and the court shall award treble
 137 damages to the defendant, including all of the defendant's
 138 attorney's fees, costs, and expenses, compensation for loss of
 139 income, and expenses incurred as a result of such action. The
 140 defendant shall recover all expenses resulting from such action
 141 from the governmental body, person, or entity bringing such
 142 action.

143 (6) PENALTIES.--Any official, employee, or other agent of
 144 a county, municipality, town, special purpose district, or other
 145 political subdivision of this state who, while acting in his or

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146 her official capacity and within the scope of his or her
 147 employment or office, willfully and knowingly brings or is party
 148 to bringing an action in violation of this section commits a
 149 felony of the third degree, punishable as provided in s. 775.082
 150 or s. 775.083.

151 (7) PREEMPTION.--Except as expressly provided by general
 152 law, the Legislature preempts the entire field of regulating
 153 firearms and ammunition use at sport shooting and training
 154 ranges, including the environmental effects of projectile
 155 deposition at sport shooting and training ranges.

156 (8) CONSTRUCTION AND SEVERABILITY.--

157 (a) This act shall be liberally construed to effectuate
 158 its remedial and deterrent purposes.

159 (b) If any provision of this act or its application is
 160 held invalid, that provision or its application is severable and
 161 does not affect the validity of other provisions or applications
 162 of this act.

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