

CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Section 790.333, Florida Statutes, is created  
22 to read:

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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 widely  
 31 used and enjoyed by the citizens of this state and are a  
 32 necessary component of the guarantees of the Second Amendment to  
 33 the United States Constitution and of s. 8, Art. I of the State  
 34 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 is to encourage the  
 47 safe 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

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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, the environmental impact of  
 59 which is disputed.

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

71 (h) The elimination of sport shooting and training ranges  
 72 would unnecessarily impair the ability of citizens of this state  
 73 to exercise and practice their constitutional guarantees under  
 74 the Second Amendment to the United States Constitution and under  
 75 s. 8, Art. I of the State Constitution.

76 (2) LEGISLATIVE INTENT.--The Legislature intends to  
 77 protect and immunize sport shooting and training range owners,  
 78 operators, users, employees, agents, contractors, and customers

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79 from environmental liability as described in this section and to  
 80 prohibit actions by the state, special purpose districts, or  
 81 political subdivisions which threaten to destroy or bankrupt  
 82 sport shooting and training ranges.

83 (3) DEFINITIONS.--As used in this section:

84 (a) "Environment" means the air, water, surface water,  
 85 sediment, soil, groundwater, and other natural and manmade  
 86 resources of this state.

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

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

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

96 (e) "Sport shooting and training range" or "range" means  
 97 any area that has been designed or operated primarily for the  
 98 use of firearms, rifles, shotguns, pistols, silhouettes, skeet,  
 99 trap, black powder, BB guns, airguns, or similar devices or for  
 100 any other type of sport or training shooting.

101 (f) "User" means any person, partner, joint venture,  
 102 business, or social entity or corporation, or any group of such  
 103 persons or entities, organized or united for a business, sport,  
 104 or social purpose.

105 (4) SPORT SHOOTING AND TRAINING RANGE LIABILITY  
 106 PROTECTION.--Notwithstanding any other provision of law, any

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107 private or public owner, operator, employee, agent, contractor,  
108 customer, or user of any sport shooting or training range  
109 located in this state shall have no liability to this state or  
110 any agency of the state, special purpose district, or political  
111 subdivision of this state for any claim associated with the  
112 intentional or unintentional placement or accumulation of  
113 projectiles in the environment on or under that sport shooting  
114 or training range. For purposes of this subsection, a public  
115 owner or operator means the state, a county, a municipal  
116 corporation, a state university or college, or a school  
117 district.

118 (5) PENDING AND FUTURE CLAIMS.--

119 (a) All claims from which sport shooting and training  
120 ranges are provided immunity from liability under subsection (4)  
121 that are pending in any court of this state or before any  
122 administrative agency on the effective date of this section  
123 shall be withdrawn within 30 days after the effective date of  
124 this section.

125 (b) Any person injured as a result of a claim filed in  
126 violation of this section shall have a civil cause of action for  
127 treble damages, reasonable attorney fees, and costs.

128 (6) PENALTIES.--Any official, employee, or other agent of  
129 this state or its agencies, or of a county, municipality, town,  
130 special purpose district, or other political subdivision of this  
131 state, who, while acting in his or her official capacity and  
132 within the scope of his or her employment or office, willfully  
133 and knowingly brings or is party to bringing an action in

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134 | violation of this section commits a felony of the third degree,  
 135 | punishable as provided in s. 775.082 or s. 775.083.

136 |       (7) PREEMPTION.--Notwithstanding any other provision of  
 137 | law, the Legislature preempts the entire field of regulating the  
 138 | environmental effects of projectile deposition at sport shooting  
 139 | and training ranges.

140 |       (8) CONSTRUCTION.--This section shall be liberally  
 141 | construed to effectuate its remedial and deterrent purposes.

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