

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Gaetz offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 112-174 and insert:

5 passed in violation of state law or under color of local or
6 state authority.

7 (3) PROHIBITIONS; PENALTIES.-

8 (a) Any person, county, agency, municipality, district, or
9 other entity that violates the Legislature's occupation of the
10 whole field of regulation of firearms and ammunition, as
11 declared in subsection (1), by enacting or causing to be
12 enforced any local ordinance or administrative rule or
13 regulation impinging upon such exclusive occupation of the field
14 shall be liable as set forth herein.

15 (b) If any county, city, town, or other local government
16 violates this section, the court shall declare the improper

670673

Approved For Filing: 4/25/2011 11:42:06 AM

Amendment No.

17 ordinance, regulation, or rule invalid and issue a permanent
18 injunction against the local government prohibiting it from
19 enforcing such ordinance, regulation, or rule. It is no defense
20 that in enacting the ordinance, regulation, or rule the local
21 government was acting in good faith or upon advice of counsel.

22 (c) If the court determines that a violation was knowing
23 and willful, the court shall assess a civil fine of up to \$5,000
24 against the elected or appointed local government official or
25 officials or administrative agency head under whose jurisdiction
26 the violation occurred.

27 (d) Except as required by applicable law, public funds may
28 not be used to defend or reimburse the unlawful conduct of any
29 person found to have knowingly and willfully violated this
30 section.

31 (e) A knowing and willful violation of any provision of
32 this section by a person acting in an official capacity for any
33 entity enacting or causing to be enforced a local ordinance or
34 administrative rule or regulation prohibited under paragraph (a)
35 or otherwise under color of law shall be cause for termination
36 of employment or contract or removal from office by the
37 Governor.

38 (f) A person or an organization whose membership is
39 adversely affected by any ordinance, regulation, measure,
40 directive, rule, enactment, order, or policy promulgated or
41 caused to be enforced in violation of this section may file suit
42 against any county, agency, municipality, district, or other
43 entity in any court of this state having jurisdiction over any
44 defendant to the suit for declaratory and injunctive relief and

670673

Approved For Filing: 4/25/2011 11:42:06 AM

Amendment No.

45 for actual damages, as limited herein, caused by the violation.

46 A court shall award the prevailing plaintiff in any such suit:

47 1. Reasonable attorney's fees and costs in accordance with
48 the laws of this state, including a contingency fee multiplier,
49 as authorized by law; and

50 2. The actual damages incurred, but not more than
51 \$100,000.

52
53 Interest on the sums awarded pursuant to this subsection shall
54 accrue at the legal rate from the date on which suit was filed.

55
56
57
58 -----

59 **T I T L E A M E N D M E N T**

60 Remove lines 13-26 and insert:
61 and delivery of a handgun; providing injunctive relief
62 from the enforcement of an invalid ordinance, regulation,
63 or rule; providing a civil penalty for knowing and willful
64 violation of prohibitions; providing that public funds may
65 not be used to defend or reimburse the unlawful conduct of
66 any person charged with a knowing and willful violation of
67 the act; providing for termination of employment or
68 contract or removal from office of a person acting in an
69 official capacity who knowingly and willfully violates any
70 provision of the act; providing for declaratory and
71 injunctive relief for specified persons or organizations;
72 providing for specified damages and interest;

670673

Approved For Filing: 4/25/2011 11:42:06 AM