

By Senator Rodrigues

27-01664A-21

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1 A bill to be entitled
2 An act relating to the preemption of firearms and
3 ammunition regulation; amending s. 790.33, F.S.;
4 providing that written or unwritten policies are
5 subject to provisions allowing for recovery of damages
6 if such policies violate specified provisions;
7 providing that a plaintiff challenging a local
8 government regulation concerning firearms is
9 considered a prevailing plaintiff for certain purposes
10 in specified circumstances; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Paragraph (f) of subsection (3) of section
16 790.33, Florida Statutes, is amended to read:

17 790.33 Field of regulation of firearms and ammunition
18 preempted.—

19 (f) 1. PROHIBITIONS; PENALTIES.—

20 (f) 1. A person or an organization whose membership is
21 adversely affected by any ordinance, regulation, measure,
22 directive, rule, enactment, order, or policy, whether written or
23 unwritten, promulgated or caused to be enforced in violation of
24 this section may file suit against any county, agency,
25 municipality, district, or other entity in any court of this
26 state having jurisdiction over any defendant to the suit for
27 declaratory and injunctive relief and for actual damages, as
28 limited herein, caused by the violation. A court shall award the
29 prevailing plaintiff in any such suit:

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

33 ~~b.2.~~ The actual damages incurred, but not more than
34 \$100,000.

35 2. If after the filing of a complaint a defendant
36 voluntarily changes the ordinance, regulation, measure,
37 directive, rule, enactment, order, or policy, written or
38 unwritten, promulgated or caused to be enforced in violation of
39 this section, with or without court action, the plaintiff is
40 considered a prevailing plaintiff for purposes of this section.

41
42 Interest on the sums awarded pursuant to this subsection shall
43 accrue at the legal rate from the date on which suit was filed.

44 Section 2. This act shall take effect July 1, 2021.