

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Hunschofsky offered the following:

Amendment (with directory and title amendments)

Remove lines 19-43 and insert:

~~(2) POLICY AND INTENT.-~~

~~(a) It is the intent of this section to provide uniform firearms laws in the state; to declare all ordinances and regulations null and void which have been enacted by any jurisdictions other than state and federal, which regulate firearms, ammunition, or components thereof; to prohibit the enactment of any future ordinances or regulations relating to firearms, ammunition, or components thereof unless specifically~~

542025

Approved For Filing: 4/27/2021 8:16:09 AM

Amendment No.

13 ~~authorized by this section or general law; and to require local~~
14 ~~jurisdictions to enforce state firearms laws.~~

15 ~~(b) It is further the intent of this section to deter and~~
16 ~~prevent the violation of this section and the violation of~~
17 ~~rights protected under the constitution and laws of this state~~
18 ~~related to firearms, ammunition, or components thereof, by the~~
19 ~~abuse of official authority that occurs when enactments are~~
20 ~~passed in violation of state law or under color of local or~~
21 ~~state authority.~~

22 ~~(3) PROHIBITIONS; PENALTIES.—~~

23 ~~(a) Any person, county, agency, municipality, district, or~~
24 ~~other entity that violates the Legislature's occupation of the~~
25 ~~whole field of regulation of firearms and ammunition, as~~
26 ~~declared in subsection (1), by enacting or causing to be~~
27 ~~enforced any local ordinance or administrative rule or~~
28 ~~regulation impinging upon such exclusive occupation of the field~~
29 ~~shall be liable as set forth herein.~~

30 ~~(b) If any county, city, town, or other local government~~
31 ~~violates this section, the court shall declare the improper~~
32 ~~ordinance, regulation, or rule invalid and issue a permanent~~
33 ~~injunction against the local government prohibiting it from~~
34 ~~enforcing such ordinance, regulation, or rule. It is no defense~~
35 ~~that in enacting the ordinance, regulation, or rule the local~~
36 ~~government was acting in good faith or upon advice of counsel.~~

542025

Approved For Filing: 4/27/2021 8:16:09 AM

Amendment No.

37 ~~(c) If the court determines that a violation was knowing~~
38 ~~and willful, the court shall assess a civil fine of up to \$5,000~~
39 ~~against the elected or appointed local government official or~~
40 ~~officials or administrative agency head under whose jurisdiction~~
41 ~~the violation occurred.~~

42 ~~(d) Except as required by applicable law, public funds may~~
43 ~~not be used to defend or reimburse the unlawful conduct of any~~
44 ~~person found to have knowingly and willfully violated this~~
45 ~~section.~~

46 ~~(e) A knowing and willful violation of any provision of~~
47 ~~this section by a person acting in an official capacity for any~~
48 ~~entity enacting or causing to be enforced a local ordinance or~~
49 ~~administrative rule or regulation prohibited under paragraph (a)~~
50 ~~or otherwise under color of law shall be cause for termination~~
51 ~~of employment or contract or removal from office by the~~
52 ~~Governor.~~

53 ~~(f) A person or an organization whose membership is~~
54 ~~adversely affected by any ordinance, regulation, measure,~~
55 ~~directive, rule, enactment, order, or policy promulgated or~~
56 ~~caused to be enforced in violation of this section may file suit~~
57 ~~against any county, agency, municipality, district, or other~~
58 ~~entity in any court of this state having jurisdiction over any~~
59 ~~defendant to the suit for declaratory and injunctive relief and~~
60 ~~for actual damages, as limited herein, caused by the violation.~~
61 ~~A court shall award the prevailing plaintiff in any such suit:~~

542025

Approved For Filing: 4/27/2021 8:16:09 AM

Amendment No.

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

65 ~~2. The actual damages incurred, but not more than~~
66 ~~\$100,000.~~

67
68 ~~Interest on the sums awarded pursuant to this subsection shall~~
69 ~~accrue at the legal rate from the date on which suit was filed.~~

70
71 -----

D I R E C T O R Y A M E N D M E N T

72 Remove lines 15-16 and insert:

73 Section 1. Subsections (2) and (3) of section 790.33,
74 Florida Statutes, are amended to read:
75

76
77 -----

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

78 Remove lines 4-10 and insert:

79 deleting provisions relating to legislative policy and
80 intent; deleting provisions providing penalties for
81 violations by local governments and officials; providing an
82 effective
83