

1 A bill to be entitled  
2 An act relating to the field of regulation of firearms and  
3 ammunition preempted; amending Section 790.33, F.S., to  
4 provide for an exemption to allow a municipality to  
5 regulate, by ordinance, the sale of firearms and ammunition  
6 on property owned by the municipality; providing for  
7 severability; and providing an effective date.

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9 Section 1. Section 790.33, Florida Statutes, entitled "Field  
10 of regulation of firearms and ammunition preempted" is hereby  
11 amended, to read as follows:

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13 (1) PREEMPTION.—Except as expressly provided by the State  
14 Constitution or general law, the Legislature hereby  
15 declares that it is occupying the whole field of regulation  
16 of firearms and ammunition, including the purchase, sale,  
17 transfer, taxation, manufacture, ownership, possession,  
18 storage, and transportation thereof, to the exclusion of  
19 all existing and future county, city, town, or municipal  
20 ordinances or any administrative regulations or rules  
21 adopted by local or state government relating thereto. Any  
22 such existing ordinances, rules, or regulations are hereby  
23 declared null and void.

24 (2) POLICY AND INTENT.—

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

relating to firearms, ammunition, or components thereof unless specifically authorized by this section or general law; and to require local jurisdictions to enforce state firearms laws.

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

(3) PROHIBITIONS; PENALTIES.—

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

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

(c) If the court determines that a violation was knowing and willful, the court shall assess a civil fine of up to \$5,000 against the elected or appointed local government



61 official or officials or administrative agency head under  
62 whose jurisdiction the violation occurred.

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

67 (e) A knowing and willful violation of any provision of  
68 this section by a person acting in an official capacity for  
69 any entity enacting or causing to be enforced a local  
70 ordinance or administrative rule or regulation prohibited  
71 under paragraph (a) or otherwise under color of law shall  
72 be cause for termination of employment or contract or  
73 removal from office by the Governor.

74 (f) A person or an organization whose membership is  
75 adversely affected by any ordinance, regulation, measure,  
76 directive, rule, enactment, order, or policy promulgated or  
77 caused to be enforced in violation of this section may file  
78 suit against any county, agency, municipality, district, or  
79 other entity in any court of this state having jurisdiction  
80 over any defendant to the suit for declaratory and  
81 injunctive relief and for actual damages, as limited  
82 herein, caused by the violation. A court shall award the  
83 prevailing plaintiff in any such suit:

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

87 2. The actual damages incurred, but not more than \$100,000.  
88 Interest on the sums awarded pursuant to this subsection  
89 shall accrue at the legal rate from the date on which suit  
90 was filed.

(4) EXCEPTIONS.—This section does not prohibit:

(a) Zoning ordinances that encompass firearms businesses along with other businesses, except that zoning ordinances that are designed for the purpose of restricting or prohibiting the sale, purchase, transfer, or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are in conflict with this subsection and are prohibited;

(b) A duly organized law enforcement agency from enacting and enforcing regulations pertaining to firearms, ammunition, or firearm accessories issued to or used by peace officers in the course of their official duties;

(c) Except as provided in s. 790.251, any entity subject to the prohibitions of this section from regulating or prohibiting the carrying of firearms and ammunition by an employee of the entity during and in the course of the employee's official duties;

(d) A court or administrative law judge from hearing and resolving any case or controversy or issuing any opinion or order on a matter within the jurisdiction of that court or judge; or

(e) The Florida Fish and Wildlife Conservation Commission from regulating the use of firearms or ammunition as a method of taking wildlife and regulating the shooting ranges managed by the commission.

(f) A municipality from adopting an ordinance that regulates the sale of firearms or ammunition on property that is owned by that municipality.

(5) SHORT TITLE.—As created by chapter 87-23, Laws of Florida, this section may be cited as the "Joe Carlucci

121 Uniform Firearms Act."

122 Section 2. Severability. -- In case any one or more of the  
123 sections or provisions of this act or the application of such  
124 sections or provisions to any situation, circumstances, or person  
125 shall for any reason be held to be unconstitutional, such  
126 unconstitutionality shall not affect any other sections or  
127 provisions of this act or the application of such sections or  
128 provisions to any other situation, circumstances, or person, and  
129 it is intended that this law shall be construed and applied as if  
130 such section or provision had not been included herein for any  
131 unconstitutional application.

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133 Section 3. This act shall take effect July 1, 2020.  
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