

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 unwritten policies are subject to
 5 provisions allowing for recovery of damages if such
 6 policies violate specified provisions; providing that
 7 a plaintiff challenging a local government regulation
 8 concerning firearms may be considered a prevailing
 9 plaintiff for certain purposes in specified
 10 circumstances; providing an effective date.

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

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

16 790.33 Field of regulation of firearms and ammunition
 17 preempted.—

18 (3) PROHIBITIONS; PENALTIES.—

19 (f) 1. A person or an organization whose membership is
 20 adversely affected by any ordinance, regulation, measure,
 21 directive, rule, enactment, order, or policy, whether written or
 22 unwritten, promulgated or caused to be enforced in violation of
 23 this section may file suit against any county, agency,
 24 municipality, district, or other entity in any court of this
 25 state having jurisdiction over any defendant to the suit for

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26 | declaratory and injunctive relief and for actual damages, as
27 | limited herein, caused by the violation. A court shall award the
28 | prevailing plaintiff in any such suit:

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

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

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

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

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