Shooting Ranges

Number: INFORMAL

Date: August 06, 2008

The Honorable Hugh H. Gibson, III
Representative, District 42
916 Avenida Central
The Villages, Florida 32159

Dear Representative Gibson:

Thank you for your letter of July 23, 2008, requesting an interpretation of section 790.333, Florida Statutes, on behalf of a constituent who would like to open a shooting range. Attorney General McCollum has asked that I respond to your letter.

After reviewing the information you have submitted, it does not appear that this office may formally comment on this matter. The Florida Attorney General is statutorily limited to providing legal advice and opinions to governmental agencies and officers on questions relating to their official duties.[1] This office has no authority to provide legal advice to private individuals, whether an opinion request is received from the individual or through his or her legal or governmental representative. However, in an effort to be of some assistance to you I offer the following informal comments.

Section 790.333, Florida Statutes, was adopted in 2004.[2] Legislative intent for adoption of the statute is expressed in subsection (2):

"The Legislature intends to protect public and private sport shooting or training range owners, operators, users, employees, agents, contractors, customers, lenders, and insurers from lawsuits and other legal actions by the state, special purpose districts, or political subdivisions and to promote maximum flexibility for implementation of environmental management practices and of the principles of risk-based corrective action pursuant to s. 376.30701. It is also the intent of the Legislature that legal action against sport shooting and training ranges will only be a last-resort option and be available only to the department and only after all reasonable efforts to resolve disputes at shooting ranges, including compliance assistance, negotiations, and alternative dispute resolution have been attempted."

Thus, the intent of this legislation is to protect the owners of sport shooting and training ranges from liability in lawsuits. The statute does not appear to be directed to streamlining the permitting process by local governments, but to provide immunity from legal action.

Section 790.333, Florida Statutes, states:

"Notwithstanding any other provision of law, any public or private owner, operator, employee, agent, contractor, customer, lender, insurer, or user of any sport shooting or training range located in this state shall have immunity from lawsuits and other legal actions from the state and

any of its agencies, special purpose districts, or political subdivisions for any claims of any kind associated with the use, release, placement, deposition, or accumulation of any projectile in the environment, on or under that sport shooting or training range, or any other property over which the range has an easement, leasehold, or other legal right of use, if the sport shooting or training range owner or operator has made a good faith effort to comply with subsection (4)."[3]

I am enclosing a copy of the Staff Analysis for HB 149 for your consideration.

I trust that these informal comments will be helpful to you.

Sincerely,

Gerry Hammond
Senior Assistant Attorney General

GH/t

Enclosure: House of Representatives Staff Analysis, HB 149 w/CS,
dated Dec. 16, 2003
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[1] *See* s. 16.01(3), Fla. Stat., and Department of Legal Affairs Statement Concerning Attorney General Opinions (available at www.myfloridalegal.com).

[2] *See* Ch. 2004-56, Laws of Fla.

[3] Section 790.333(5), Fla. Stat.