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PREEMPTION - FLORIDA

Fried v. State

Supreme Court of Florida - January 19, 2023 - So.3d - 2023 WL 309000

Municipalities, counties, elected officials, and one private citizen brought actions, which were consolidated, for declaration invalidating statutes that imposed civil penalties against governmental entities and individual officers for violating a statute that expressly preempted the whole field of firearm and ammunition regulation.

The Circuit Court granted summary judgment in part for plaintiffs. State appealed. The First District Court of Appeal reversed. Plaintiffs applied for review.

The Supreme Court held that:

- The statutes that imposed civil penalties against local officials for violating the firearm preemption statute abrogated common law legislative immunity for local officials as to the preemption statute, and
- Governmental-function immunity did not preclude enforcement of statute that allowed lawsuits against local governments for violating the firearm preemption statute.

Statute that imposed civil penalties against local officials for violating a statute that expressly preempted the whole field of firearm and ammunition regulation abrogated common law legislative immunity for local officials as to that preemption statute.

Statutes that imposed civil penalties against local officials for violating a statute that expressly preempted the whole field of firearm and ammunition regulation did not violate legislative immunity arising from the separation of powers in the Florida Constitution, despite argument that the preemption statute at issue authorized the judiciary's interference with legislative acts of local officials.

Florida Constitution's article on local government was not a basis on which legislative immunity could preclude enforcement of statutes that imposed civil penalties against local officials for violating a statute that expressly preempted the whole field of firearm and ammunition regulation; the article at issue expressly granted the legislature plenary authority over local governments, and those governments, which included counties and municipalities, were creatures of the State without any independent sovereignty.

While state legislators are immune from civil suits for their acts done within sphere of legislative activity, legislative immunity does not shield individuals who knowingly and willfully act contrary to or beyond limits of state law that provides for statutory penalties against government officials.

Governmental-function immunity did not preclude enforcement of statute that allowed lawsuits against local governments for violating a statute that expressly preempted the whole field of firearm and ammunition regulation.

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