

1                                   A bill to be entitled  
 2           An act relating to lawful ownership, possession, and use  
 3           of firearms and other weapons; amending s. 790.25, F.S.;  
 4           prohibiting specified persons, employers, and business  
 5           entities from establishing, maintaining, or enforcing any  
 6           policy or rule that prohibits a person from parking a  
 7           motor vehicle on property set aside for such purpose when  
 8           a secured firearm or firearms are being lawfully  
 9           transported and stored in the motor vehicle; providing a  
 10          penalty; providing construction; providing for specified  
 11          immunity from liability; providing civil remedies;  
 12          defining "motor vehicle" for purposes of the act;  
 13          providing intent; amending s. 27.53, F.S.; conforming a  
 14          cross-reference; providing an effective date.

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

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 18           Section 1.   Section 790.25, Florida Statutes, is amended to  
 19   read:

20           790.25   Lawful ownership, possession, and use of firearms  
 21   and other weapons.--

22           (1)   DECLARATION OF POLICY.--The Legislature finds as a  
 23   matter of public policy and fact that it is necessary to promote  
 24   firearms safety and to curb and prevent the use of firearms and  
 25   other weapons in crime and by incompetent persons without  
 26   prohibiting the lawful use in defense of life, home, and  
 27   property, and the use by United States or state military  
 28   organizations, and as otherwise now authorized by law, including

29 | the right to use and own firearms for target practice and  
 30 | marksmanship on target practice ranges or other lawful places,  
 31 | and lawful hunting and other lawful purposes.

32 | (2) USES NOT AUTHORIZED.--

33 | (a) This section does not authorize carrying a concealed  
 34 | weapon without a permit, as prohibited by ss. 790.01 and 790.02.

35 | (b) The protections of this section do not apply to the  
 36 | following:

37 | 1. A person who has been adjudged mentally incompetent,  
 38 | who is addicted to the use of narcotics or any similar drug, or  
 39 | who is a habitual or chronic alcoholic, or a person using  
 40 | weapons or firearms in violation of ss. 790.07-790.12, 790.14-  
 41 | 790.19, 790.22-790.24.+

42 | 2. Vagrants and other undesirable persons as defined in s.  
 43 | 856.02.+

44 | 3. A person in or about a place of nuisance as defined in  
 45 | s. 823.05, unless such person is there for law enforcement or  
 46 | some other lawful purpose.

47 | (3) LAWFUL USES.--The provisions of ss. 790.053 and 790.06  
 48 | do not apply in the following instances, and, despite such  
 49 | sections, it is lawful for the following persons to own,  
 50 | possess, and lawfully use firearms and other weapons,  
 51 | ammunition, and supplies for lawful purposes:

52 | (a) Members of the Militia, National Guard, Florida State  
 53 | Defense Force, Army, Navy, Air Force, Marine Corps, Coast Guard,  
 54 | organized reserves, and other armed forces of the state and of  
 55 | the United States, when on duty, when training or preparing

56 | themselves for military duty, or while subject to recall or  
57 | mobilization.+

58 |       (b) Citizens of this state subject to duty in the Armed  
59 | Forces under s. 2, Art. X of the State Constitution, under  
60 | chapters 250 and 251, and under federal laws, when on duty or  
61 | when training or preparing themselves for military duty.+

62 |       (c) Persons carrying out or training for emergency  
63 | management duties under chapter 252.+

64 |       (d) Sheriffs, marshals, prison or jail wardens, police  
65 | officers, Florida highway patrol officers, game wardens, revenue  
66 | officers, forest officials, special officers appointed under the  
67 | provisions of chapter 354, and other peace and law enforcement  
68 | officers and their deputies and assistants and full-time paid  
69 | peace officers of other states and of the Federal Government who  
70 | are carrying out official duties while in this state.+

71 |       (e) Officers or employees of the state or United States  
72 | duly authorized to carry a concealed weapon.+

73 |       (f) Guards or messengers of common carriers, express  
74 | companies, armored car carriers, mail carriers, banks, and other  
75 | financial institutions, while actually employed in and about the  
76 | shipment, transportation, or delivery of any money, treasure,  
77 | bullion, bonds, or other thing of value within this state.+

78 |       (g) Regularly enrolled members of any organization duly  
79 | authorized to purchase or receive weapons from the United States  
80 | or from this state, or regularly enrolled members of clubs  
81 | organized for target, skeet, or trap shooting, while at or going  
82 | to or from shooting practice; or regularly enrolled members of  
83 | clubs organized for modern or antique firearms collecting, while

84 such members are at or going to or from their collectors' gun  
85 shows, conventions, or exhibits.†

86 (h) A person engaged in fishing, camping, or lawful  
87 hunting or going to or returning from a fishing, camping, or  
88 lawful hunting expedition.†

89 (i) A person engaged in the business of manufacturing,  
90 repairing, or dealing in firearms, or the agent or  
91 representative of any such person while engaged in the lawful  
92 course of such business.†

93 (j) A person firing weapons for testing or target practice  
94 under safe conditions and in a safe place not prohibited by law  
95 or going to or from such place.†

96 (k) A person firing weapons in a safe and secure indoor  
97 range for testing and target practice.†

98 (l) A person traveling by private conveyance when the  
99 weapon is securely encased or in a public conveyance when the  
100 weapon is securely encased and not in the person's manual  
101 possession.†

102 (m) A person parking a motor vehicle on any property set  
103 aside for the parking of a motor vehicle, whether or not such  
104 property is designated as a parking lot, parking facility, or  
105 parking space, when a firearm or firearms are being lawfully  
106 stored and transported in the motor vehicle and the firearm or  
107 firearms are locked in or locked to the motor vehicle.

108 (n)~~(m)~~ A person while carrying a pistol unloaded and in a  
109 secure wrapper, concealed or otherwise, from the place of  
110 purchase to his or her home or place of business or to a place  
111 of repair or back to his or her home or place of business.†

112        (o)~~(n)~~ A person possessing arms at his or her home or  
 113 place of business.†

114        (p)~~(e)~~ Investigators employed by the several public  
 115 defenders of the state, while actually carrying out official  
 116 duties, provided such investigators:

- 117            1. Are employed full time;
- 118            2. Meet the official training standards for firearms  
 119 established by the Criminal Justice Standards and Training  
 120 Commission as provided in s. 943.12(5) and the requirements of  
 121 ss. 493.6108(1)(a) and 943.13(1)-(4); and
- 122            3. Are individually designated by an affidavit of consent  
 123 signed by the employing public defender and filed with the clerk  
 124 of the circuit court in the county in which the employing public  
 125 defender resides.

126        (q)~~(p)~~ Investigators employed by the capital collateral  
 127 representative, while actually carrying out official duties,  
 128 provided such investigators:

- 129            1. Are employed full time;
- 130            2. Meet the official training standards for firearms as  
 131 established by the Criminal Justice Standards and Training  
 132 Commission as provided in s. 943.12(1) and the requirements of  
 133 ss. 493.6108(1)(a) and 943.13(1)-(4); and
- 134            3. Are individually designated by an affidavit of consent  
 135 signed by the capital collateral representative and filed with  
 136 the clerk of the circuit court in the county in which the  
 137 investigator is headquartered.

138        (4) CONSTRUCTION.--This act shall be liberally construed  
 139 to carry out the declaration of policy herein and in favor of

140 the constitutional right to keep and bear arms for lawful  
 141 purposes. This act is supplemental and additional to existing  
 142 rights to bear arms now guaranteed by law and decisions of the  
 143 courts of Florida, and nothing herein shall impair or diminish  
 144 any of such rights. This act shall supersede any law, ordinance,  
 145 or regulation in conflict herewith.

146 (5) POSSESSION IN PRIVATE CONVEYANCE.--Notwithstanding  
 147 subsection (2), it is lawful and is not a violation of s. 790.01  
 148 for a person 18 years of age or older to possess a concealed  
 149 firearm or other weapon for self-defense or other lawful purpose  
 150 within the interior of a private conveyance, without a license,  
 151 if the firearm or other weapon is securely encased or is  
 152 otherwise not readily accessible for immediate use. Nothing  
 153 herein contained prohibits the carrying of a legal firearm other  
 154 than a handgun anywhere in a private conveyance when such  
 155 firearm is being carried for a lawful use. Nothing herein  
 156 contained shall be construed to authorize the carrying of a  
 157 concealed firearm or other weapon on the person. This subsection  
 158 shall be liberally construed in favor of the lawful use,  
 159 ownership, and possession of firearms and other weapons,  
 160 including lawful self-defense as provided in s. 776.012.

161 (6) STORAGE AND TRANSPORT OF FIREARMS IN LOCKED VEHICLE IN  
 162 PARKING AREA; PENALTY; IMMUNITY FROM LIABILITY.--

163 (a) No person, property owner, tenant, employer, or  
 164 business entity shall establish, maintain, or enforce any policy  
 165 or rule that prohibits or has the effect of prohibiting any  
 166 person who may lawfully possess, purchase, receive, or transfer  
 167 firearms from parking a motor vehicle on any property set aside

168 for the parking of a motor vehicle, whether or not such property  
 169 is designated as a parking lot, parking facility, or parking  
 170 space, when the person is lawfully transporting and storing a  
 171 firearm or firearms in the motor vehicle and the firearm or  
 172 firearms are locked in or locked to the motor vehicle. Any  
 173 person, property owner, tenant, employer, or owner of a business  
 174 entity who violates this paragraph commits a felony of the third  
 175 degree, punishable as provided in s. 775.082, s. 775.083, and s.  
 176 775.084. This subsection shall be liberally construed in favor  
 177 of the lawful use, ownership, and possession of firearms and  
 178 other weapons, including lawful self-defense as provided in s.  
 179 776.012.

180 (b) No person, property owner, tenant, employer, or  
 181 business entity shall be liable in any civil action for any  
 182 occurrence which results from, is connected with, or is  
 183 incidental to the use of a firearm which is being lawfully  
 184 transported and stored in a locked motor vehicle on any property  
 185 set aside for the parking of motor vehicles as provided in  
 186 paragraph (a), unless the person, property owner, tenant,  
 187 employer, or owner of the business entity commits a criminal act  
 188 involving the use of such firearm.

189 (c)1. A person who is injured, physically or otherwise, as  
 190 a result of any policy or rule prohibited by paragraph (a) may  
 191 bring a civil action in the appropriate court against any  
 192 person, property owner, tenant, employer, or business entity  
 193 violating the provisions of paragraph (a), including an action  
 194 to enforce this subsection. If a plaintiff prevails in a civil  
 195 action related to a policy or rule prohibited by this act, the

196 court shall award actual damages, enjoin further violations of  
 197 this act, and award court costs and attorney's fees to the  
 198 prevailing plaintiff.

199 2. An employee discharged by an employer or business  
 200 entity for violation of a policy or rule prohibited under  
 201 paragraph (a), when such employee was lawfully transporting or  
 202 storing a firearm in a locked motor vehicle on property set  
 203 aside by the employer or business entity for the parking of  
 204 motor vehicles as provided in paragraph (a), is entitled to full  
 205 recovery as specified in sub-subparagraphs a.-d. In the event  
 206 the demand for such recovery is denied, the employee may bring a  
 207 civil action in the courts of this state against the employer  
 208 and is entitled to:

209 a. Reinstatement to the same position held at the time of  
 210 his or her termination from employment, or to an equivalent  
 211 position.

212 b. Reinstatement of the employee's full fringe benefits  
 213 and seniority rights, as appropriate.

214 c. Compensation, if appropriate, for lost wages, benefits,  
 215 or other lost remuneration caused by the termination.

216 d. Payment of reasonable attorney's fees and costs  
 217 incurred.

218 (d) As used in this section, "motor vehicle" means any  
 219 automobile, truck, minivan, sports utility vehicle, motorcycle,  
 220 motor scooter, or any other vehicle required to be registered  
 221 under Florida law.

222 (e) It is the intent of this subsection to reinforce and  
 223 protect the right of each law-abiding citizen to enter and exit



224 any parking lot, parking facility, or space used for the parking  
 225 of motor vehicles while such person is lawfully transporting and  
 226 storing a firearm or firearms in the motor vehicle and the  
 227 firearm or firearms are locked in or locked to the motor  
 228 vehicle, to avail himself or herself of temporary or long-term  
 229 parking or storage of a motor vehicle, and to prohibit any  
 230 infringement of the right to lawful possession of firearms when  
 231 such firearms are being transported and stored in a vehicle for  
 232 a lawful purpose.

233 Section 2. Subsection (1) of section 27.53, Florida  
 234 Statutes, is amended to read:

235 27.53 Appointment of assistants and other staff; method of  
 236 payment.--

237 (1) The public defender of each judicial circuit is  
 238 authorized to employ and establish, in such numbers as  
 239 authorized by the General Appropriations Act, assistant public  
 240 defenders and other staff and personnel pursuant to s. 29.006,  
 241 who shall be paid from funds appropriated for that purpose.  
 242 Notwithstanding the provisions of s. 790.01, s. 790.02, or s.  
 243 790.25(2)(a), an investigator employed by a public defender,  
 244 while actually carrying out official duties, is authorized to  
 245 carry concealed weapons if the investigator complies with s.  
 246 790.25(3)(p)~~(e)~~. However, such investigators are not eligible  
 247 for membership in the Special Risk Class of the Florida  
 248 Retirement System. The public defenders of all judicial circuits  
 249 shall jointly develop a coordinated classification and pay plan  
 250 which shall be submitted on or before January 1 of each year to  
 251 the Justice Administrative Commission, the office of the

252 | President of the Senate, and the office of the Speaker of the  
253 | House of Representatives. Such plan shall be developed in  
254 | accordance with policies and procedures of the Executive Office  
255 | of the Governor established in s. 216.181. Each assistant public  
256 | defender appointed by a public defender under this section shall  
257 | serve at the pleasure of the public defender. Each investigator  
258 | employed by a public defender shall have full authority to serve  
259 | any witness subpoena or court order issued, by any court or  
260 | judge within the judicial circuit served by such public  
261 | defender, in a criminal case in which such public defender has  
262 | been appointed to represent the accused.

263 |       Section 3. This act shall take effect upon becoming a law.