

CHAMBER ACTION

1 The Judiciary Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

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6 A bill to be entitled

7 An act relating to lawful ownership, possession, and use
8 of firearms; amending s. 790.25, F.S., relating to lawful
9 ownership, possession, and use of firearms and other
10 weapons; providing definitions; authorizing an employee or
11 invitee in lawful possession of a firearm to transport and
12 store a firearm in a motor vehicle under certain
13 conditions; authorizing an employer or its lessor to
14 prohibit an employee or invitee from transporting,
15 storing, or possessing a firearm under certain conditions
16 when reasonably necessary for the safety and welfare of
17 employees, invitees, or the general public, or to
18 safeguard business operations; providing nonapplicability;
19 providing for specified immunity from liability; providing
20 enforcement by the Attorney General; providing
21 construction; providing applicability of the act;
22 providing an effective date.

HB 129

2006
CS

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

25
26 Section 1. Subsection (6) is added to section 790.25,
27 Florida Statutes, to read:

28 790.25 Lawful ownership, possession, and use of firearms
29 and other weapons.--

30 (6) STORAGE AND TRANSPORT OF FIREARMS LOCKED INSIDE OR
31 LOCKED TO A MOTOR VEHICLE IN A PARKING LOT; IMMUNITY FROM
32 LIABILITY.--

33 (a) As used in this subsection, the term:

34 1. "Motor vehicle" means any automobile, truck, minivan,
35 sports utility vehicle, motorcycle, motor scooter, or any other
36 similar vehicle required to be registered under Florida law.

37 2. "Employee" means any person who:

38 a. Works for an employer for salary, wages, or other
39 remuneration;

40 b. Is an independent contractor employed by an employer;
41 or

42 c. Is a volunteer or intern, or other individual acting in
43 a similar capacity, for an employer.

44 3. "Employer" means any business with employees that is a
45 sole proprietorship, partnership, corporation, limited liability
46 company, professional association, cooperative, joint venture,
47 trust, firm, institution, or association.

48 4. "Invitee" means any business invitee, including a
49 customer or visitor lawfully on the premises.

50 5. "Parking lot" means any property that is owned or
51 leased by an employer or a landlord of an employer, used for

HB 129

2006
CS

52 parking motor vehicles, and available to customers, employees,
53 or invitees for temporary or long-term parking or storage of
54 motor vehicles.

55 (b) Except as prohibited pursuant to paragraph (c) or
56 paragraph (d), an employee or invitee in lawful possession of a
57 firearm may transport and store a firearm locked inside or
58 locked to his or her motor vehicle in a parking lot designated
59 by the employer or its lessor if the firearm is stored in a
60 manner so as not to be visible.

61 (c) An employer or its lessor may prohibit an employee or
62 invitee from transporting, storing, or possessing a firearm on
63 property owned, leased, or controlled by the employer or its
64 lessor, or from transporting, storing, or possessing a firearm
65 in any motor vehicle owned, leased, or rented by the employer,
66 when reasonably necessary for the safety and welfare of
67 employees, invitees, or the general public, or to safeguard
68 business operations.

69 (d) The provisions of this subsection do not apply to:

70 1. School property as defined and regulated under s.
71 790.115.

72 2. Prison facility grounds as defined and regulated under
73 s. 944.47.

74 3. Property on which an employee or invitee is otherwise
75 prohibited from transporting, storing, or possessing a firearm
76 pursuant to any federal or state law.

77 (e) No employer or its lessor, or any employee of an
78 employer or its lessor, shall be liable for any harm that
79 directly or indirectly arises out of or results from the

HB 129

2006
CS

80 discharge or threatened use of a firearm that was transported or
81 stored by an employee or invitee in a motor vehicle on property
82 owned or leased by the employer or its lessor. The immunity
83 provided in this paragraph shall not apply to any person who
84 discharges or threatens to use the firearm, but it shall extend
85 to the vicarious liability of an employer or its lessor for the
86 actions or inactions of others. The immunity provided in this
87 paragraph shall not apply if the harm involved was caused, in
88 whole or in part, by the employer's or lessor's willful or
89 criminal misconduct or by the employer's or lessor's conscious
90 and flagrant indifference to the safety of the person or persons
91 harmed.

92 (f) The Attorney General shall enforce the protections of
93 this subsection on behalf of an aggrieved employee or invitee if
94 there is reasonable cause to believe that the rights of the
95 employee or invitee under this act have been willfully violated
96 by an employer or its lessor.

97 (g) The provisions of this subsection shall not be
98 construed in derogation of the state's employment-at-will
99 doctrine.

100 Section 2. This act shall take effect upon becoming a law
101 and shall apply to causes of action that accrue on or after that
102 date.