

Bill No. SB 206

Barcode 612032

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Lynn) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

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

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

1. "Employee" means any person who:

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

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

c. Is a volunteer or intern, or other individual

Bill No. SB 206

Barcode 612032

1 acting in a similar capacity, for an employer.

2 2. "Employer" means any business having employees
3 which is a sole proprietorship, partnership, corporation,
4 limited liability company, professional association,
5 cooperative, joint venture, trust, firm, institution, or
6 association.

7 3. "Invitee" means any person on the premises of
8 another at the express or implied invitation of the latter for
9 business purposes, including a customer or visitor lawfully on
10 the premises.

11 4. "Motor vehicle" means any automobile, truck,
12 minivan, sports utility vehicle, motorcycle, motor scooter, or
13 any other similar vehicle required to be registered under
14 state law.

15 5. "Parking lot" means any property that is owned or
16 leased by an employer or a landlord of an employer, used for
17 parking motor vehicles, and available to customers, employees,
18 or invitees for temporary or long-term parking or storage of
19 motor vehicles.

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

26 (c) An employer or its lessor may prohibit an employee
27 or invitee from transporting, storing, or possessing a firearm
28 on property owned, leased, or controlled by the employer or
29 its lessor, or from transporting, storing, or possessing a
30 firearm in any motor vehicle owned, leased, or rented by the
31 employer, when reasonably necessary for the safety and welfare

Bill No. SB 206

Barcode 612032

1 of employees, invitees, or the general public, or to safeguard
2 business operations.

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

4 1. School property as defined and regulated under s.
5 790.115.

6 2. Prison facility grounds as defined and regulated
7 under s. 944.47.

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

11 (e) No employer or its lessor, or any employee of an
12 employer or its lessor, shall be liable for any harm that
13 directly or indirectly arises out of or results from the
14 discharge or threatened use of a firearm that was transported
15 or stored by an employee or invitee in a motor vehicle on
16 property owned or leased by the employer or its lessor. The
17 immunity provided in this paragraph shall not apply to any
18 person who discharges or threatens to use the firearm, but it
19 shall extend to the vicarious liability of an employer or its
20 lessor for the actions or inactions of others. The immunity
21 provided in this paragraph shall not apply if the harm
22 involved was caused, in whole or in part, by the employer's or
23 lessor's willful or criminal misconduct or by the employer's
24 or lessor's conscious and flagrant indifference to the safety
25 of the person or persons harmed.

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

31 (g) The provisions of this subsection shall not be

Bill No. SB 206

Barcode 612032

1 construed in derogation of the state's employment-at-will
2 doctrine.

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

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8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 Delete everything before the enacting clause

11
12 and insert:

13 A bill to be entitled
14 An act relating to lawful ownership,
15 possession, and use of firearms; amending s.
16 790.25, F.S., relating to lawful ownership,
17 possession, and use of firearms and other
18 weapons; providing definitions; authorizing an
19 employee or invitee in lawful possession of a
20 firearm to transport and store a firearm in a
21 motor vehicle under certain conditions;
22 authorizing an employer or its lessor to
23 prohibit an employee or invitee from
24 transporting, storing, or possessing a firearm
25 under certain conditions when reasonably
26 necessary for the safety and welfare of
27 employees, invitees, or the general public, or
28 to safeguard business operations; providing
29 nonapplicability; providing for specified
30 immunity from liability; providing enforcement
31 by the Attorney General; providing

Bill No. SB 206

Barcode 612032

1 construction; providing applicability of the
2 act; providing an effective date.

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