

By the Committee on Criminal Justice; and Senators Peaden, Posey, Bennett and Baker

591-2321-06

1 A bill to be entitled

2 An act relating to lawful ownership,

3 possession, and use of firearms; amending s.

4 790.25, F.S., relating to lawful ownership,

5 possession, and use of firearms and other

6 weapons; providing definitions; authorizing an

7 employee or invitee in lawful possession of a

8 firearm to transport and store a firearm in a

9 motor vehicle under certain conditions;

10 authorizing an employer or its lessor to

11 prohibit an employee or invitee from

12 transporting, storing, or possessing a firearm

13 under certain conditions when reasonably

14 necessary for the safety and welfare of

15 employees, invitees, or the general public, or

16 to safeguard business operations; providing

17 nonapplicability; providing for specified

18 immunity from liability; providing enforcement

19 by the Attorney General; providing

20 construction; providing applicability of the

21 act; providing an effective date.

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

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25 Section 1. Subsection (6) is added to section 790.25,

26 Florida Statutes, to read:

27 790.25 Lawful ownership, possession, and use of

28 firearms and other weapons.--

29 (6) STORAGE AND TRANSPORT OF FIREARMS LOCKED INSIDE OR

30 LOCKED TO A MOTOR VEHICLE IN A PARKING LOT; IMMUNITY FROM

31 LIABILITY.--

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

2 1. "Employee" means any person who works for an
3 employer for salary, wages, or other remuneration.

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

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

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

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

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

28 (c) An employer or its lessor may prohibit an employee
29 or invitee from transporting, storing, or possessing a firearm
30 on property owned, leased, or controlled by the employer or
31 its lessor, or from transporting, storing, or possessing a

1 firearm in any motor vehicle owned, leased, or rented by the
2 employer, when reasonably necessary for the safety and welfare
3 of employees, invitees, or the general public, or to safeguard
4 business operations.

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

6 1. School property as defined and regulated under s.
7 790.115.

8 2. Prison facility grounds as defined and regulated
9 under s. 944.47.

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

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

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

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

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

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 206

- 13 - The Committee Substitute differs from the bill as filed
14 in that the Committee Substitute removed the criminal
15 penalty, and provides civil remedies only.
- 16 - The Committee Substitute provides that an employer or its
17 lessor may prohibit employees or invitees from
18 transporting, storing, or possessing a firearm on its
19 property when reasonably necessary for the safety and
20 welfare of employees, invitees, or the general public, or
21 to safeguard business operations.
- 22 - The Committee Substitute provides that the bill may not
23 be construed in derogation of Florida's employment at
24 will doctrine.