

1 A bill to be entitled
2 An act relating to the "Individual Personal Private
3 Property Protection Act of 2007"; creating s. 790.251,
4 F.S.; creating the "Individual Personal Private Property
5 Protection Act of 2007"; providing legislative findings
6 and intent; prohibiting a public or private entity from
7 prohibiting a customer, employee, or invitee from
8 possessing any personal private property that is a legal
9 product when such product is lawfully possessed and locked
10 inside or locked to a private motor vehicle in a parking
11 lot; prohibiting a public or private entity from violating
12 the privacy rights of a customer, employee, or invitee by
13 verbal or written inquiry or actual search of a private
14 motor vehicle in a parking lot; prohibiting actions
15 against a customer, employee, or invitee based upon verbal
16 or written statements concerning the presence of personal
17 private possessions inside a private motor vehicle;
18 prohibiting an employer from conditioning employment upon
19 an agreement by a prospective employee that prohibits
20 employees from entering the parking lot of the employer's
21 place of business when the employee's motor vehicle
22 contains specified products; prohibiting an employer from
23 attempting to prevent or prohibiting any customer,
24 employee, or invitee from entering the parking lot of the
25 employer's place of business when the employee's motor
26 vehicle contains specified products; prohibiting employers
27 from terminating the employment of or otherwise
28 discriminating against an employee, or expelling a

29 customer or invitee, for exercising his or her
 30 constitutional right to bear arms or exercising the right
 31 of self-defense; providing that such prohibitions apply to
 32 all public-sector employers; providing specified immunity
 33 from liability for employers and landlords of employers;
 34 providing for enforcement of the act; providing
 35 definitions; providing applicability; providing an
 36 effective date.

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

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40 Section 1. Section 790.251, Florida Statutes, is created
 41 to read:

42 790.251 Privacy and personal property protection; storage
 43 of personal property locked inside or locked to a motor vehicle
 44 in a parking area; prohibited acts; immunity from liability;
 45 enforcement.--

46 (1) LEGISLATIVE INTENT; FINDINGS.--This act is intended to
 47 codify the long-standing legislative policy of the state that
 48 citizens have a constitutional right to privacy, that they have
 49 a constitutional right to possess and securely keep legal
 50 private property within their motor vehicles, particularly such
 51 property as is necessary for or incidental to their exercise of
 52 other constitutional rights, and that these rights are not
 53 abrogated by virtue of a citizen becoming a customer, employee,
 54 or invitee of a business entity. It is the finding of the
 55 Legislature that a citizen's lawful possession, transportation,
 56 and secure keeping of certain private property within his or her

57 motor vehicle is essential to the exercise of fundamental
 58 constitutional rights, including freedom of speech, freedom of
 59 association, the free exercise of religion, and the right to
 60 keep and bear arms. The Legislature finds that securing
 61 individual private property rights is essential. The Legislature
 62 further finds that no citizen is or should be required to waive
 63 or abrogate his or her right to possess and securely keep such
 64 constitutionally significant private property locked within his
 65 or her motor vehicle by virtue of becoming a customer, employee,
 66 or invitee of any employer or business establishment within the
 67 state.

68 (2) PROHIBITED ACTS.--No public or private entity may
 69 violate the constitutional rights of any customer, employee, or
 70 invitee as provided in paragraphs (a)-(e):

71 (a) No public or private entity may prohibit any customer,
 72 employee, or invitee from possessing any personal private
 73 property that is a legal product when such product is lawfully
 74 possessed and locked inside or locked to a private motor vehicle
 75 in a parking lot and when the customer, employee, or invitee is
 76 lawfully in such area.

77 (b) No public or private entity may violate the privacy
 78 rights of a customer, employee, or invitee by verbal or written
 79 inquiry regarding the presence of personal private possessions
 80 inside a private motor vehicle in a parking lot or by an actual
 81 search of a private motor vehicle in a parking lot. Further, no
 82 public or private entity may take any action against a customer,
 83 employee, or invitee based upon verbal or written statements of
 84 any party concerning the presence of personal private

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85 possessions inside a private motor vehicle in a parking lot.
86 Searches of private motor vehicles may only be conducted by on-
87 duty law enforcement personnel based upon due process and must
88 comply with constitutional protections.

89 (c) No employer shall condition employment upon any
90 agreement by a prospective employee that prohibits an employee
91 from entering the parking lot of the employer's place of
92 business when the employee's motor vehicle contains any product
93 that is locked out of sight within the trunk, glove box, or
94 other enclosed compartment or area within his or her motor
95 vehicle, the lawful possession of which is protected by, or the
96 lawful use of which is incidental to, the exercise of individual
97 rights protected under the United States Constitution or the
98 Florida Constitution.

99 (d) No employer shall attempt to prevent or prohibit any
100 customer, employee, or invitee from entering the parking lot of
101 the employer's place of business when the customer's,
102 employee's, or invitee's motor vehicle contains any product that
103 is locked out of sight within the trunk, glove box, or other
104 enclosed compartment or area within his or her motor vehicle,
105 the lawful possession of which is protected by, or the lawful
106 use of which is incidental to, the exercise of individual rights
107 protected under the United States Constitution or the Florida
108 Constitution.

109 (e) No employer may terminate the employment of or
110 otherwise discriminate against an employee, or expel a customer
111 or invitee, for exercising his or her constitutional right to
112 bear arms or for exercising the right of self-defense as long as

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113 a firearm is never exhibited on company property for any reason
114 other than lawful defensive purposes.

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116 This subsection applies to all public-sector employers,
117 including those already prohibited from regulating firearms
118 under the provisions of s. 790.33.

119 (3) IMMUNITY FROM LIABILITY.--No employer or landlord of
120 an employer shall be liable in any civil action or other action
121 that arises, either directly or indirectly, out of or results
122 from the theft of or threatened, accidental, or criminal use of
123 a firearm or any other legal product that was stored in a
124 private motor vehicle by a customer, employee, or invitee in a
125 parking lot or on any property owned or leased by an employer or
126 landlord of an employer. The immunity provided in this
127 subsection shall not apply to any person who uses or threatens
128 to use a firearm or other weapon in a criminal act. The immunity
129 provided in this subsection shall not apply if harm results that
130 is caused, in whole or in part, by the willful or criminal
131 misconduct of the employer or landlord of the employer.

132 (4) ENFORCEMENT.--The Attorney General shall enforce the
133 protections of this act on behalf of any customer, employee, or
134 invitee aggrieved under this act if there is reasonable cause to
135 believe that the aggrieved person's rights under this act have
136 been violated by a public or private entity. In such cases, the
137 Attorney General shall commence a civil or administrative action
138 for damages, injunctive relief and civil penalties, and such
139 other relief as may be appropriate under the provisions of s.
140 760.51, or may negotiate a settlement with any employer on

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141 behalf of any person aggrieved under the act. However, nothing
 142 in this act shall prohibit the right of a person aggrieved under
 143 this act to bring a civil action for violation of rights
 144 protected under the act.

145 (5) DEFINITIONS.--As used in this section, the term:

146 (a) "Parking lot" means any property owned or leased by an
 147 employer or the landlord of an employer that is used for parking
 148 motor vehicles and is available to customers, employees, or
 149 invitees for temporary or long-term parking or storage of motor
 150 vehicles.

151 (b) "Motor vehicle" means any automobile, truck, minivan,
 152 sports utility vehicle, motor home, recreational vehicle,
 153 motorcycle, motor scooter, or any other vehicle operated on the
 154 roads of this state and required to be registered under state
 155 law.

156 (c) "Employee" means any person who:

- 157 1. Works for salary, wages, or other remuneration;
- 158 2. Is an independent contractor; or
- 159 3. Is a volunteer, intern, or other similar individual

160
 161 for an employer.

162 (d) "Employer" means any business that is a sole
 163 proprietorship, partnership, corporation, limited liability
 164 company, professional association, cooperative, joint venture,
 165 trust, firm, institution, or association, or public-sector
 166 entity, that has employees.

167 (e) "Invitee" means any business invitee, including a
 168 customer or visitor, who is lawfully on the premises of an
 169 entity described in paragraph (d).

170 (6) EXCEPTIONS.--The prohibitions in subsection (2) do not
 171 apply to:

172 (a) Property owned or leased by an employer or the
 173 landlord of an employer upon which are conducted substantial
 174 activities involving national defense, aerospace, or domestic
 175 security if the presence of any legally possessed product in a
 176 parking lot presents an increased danger of explosion or
 177 reasonably predictable catastrophic event.

178 (b) Property owned or leased by an employer or the
 179 landlord of an employer upon which the primary business
 180 conducted is the manufacture, use, storage, or transportation of
 181 combustible or explosive materials regulated under state or
 182 federal law if the presence of any legally possessed product in
 183 a parking lot presents an increased danger of explosion or
 184 reasonably predictable catastrophic event.

185 (c) A motor vehicle owned, leased, or rented by an
 186 employer or the landlord of an employer.

187 (d) Any other property owned or leased by an employer or
 188 the landlord of an employer upon which possession of a firearm
 189 or other legal product by a customer, employee, or invitee is
 190 prohibited pursuant to any federal law or any general law of
 191 this state on the effective date of this act.

192 (e) Any school property as defined and regulated under s.
 193 790.115.

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194 (f) Any state correctional institution regulated under s.
195 944.47.

196 (7) SHORT TITLE.--This section may be cited as "The
197 Individual Personal Private Property Protection Act of 2007."

198 Section 2. This act shall take effect upon becoming a law
199 and shall apply to causes of action accruing on or after that
200 date.