

1 employee's motor vehicle contains specified
2 products; prohibiting employers from
3 terminating the employment of or otherwise
4 discriminating against an employee, or
5 expelling a customer or invitee, for exercising
6 his or her constitutional right to bear arms or
7 exercising the right of self-defense; providing
8 that such prohibitions apply to all
9 public-sector employers; providing specified
10 immunity from liability for employers and
11 landlords of employers; providing for
12 enforcement of the act; providing definitions;
13 providing applicability; providing an effective
14 date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 790.251, Florida Statutes, is
19 created to read:

20 790.251 Privacy and personal property protection;
21 storage of personal property locked inside or locked to a
22 motor vehicle in a parking area; prohibited acts; immunity
23 from liability; enforcement.--

24 (1) LEGISLATIVE INTENT; FINDINGS.--This act is
25 intended to codify the long-standing legislative policy of the
26 state that citizens have a constitutional right to privacy,
27 that they have a constitutional right to possess and securely
28 keep legal private property within their motor vehicles,
29 particularly such property as is necessary for or incidental
30 to their exercise of other constitutional rights, and that
31 these rights are not abrogated by virtue of a citizen becoming

1 a customer, employee, or invitee of a business entity. It is
2 the finding of the Legislature that a citizen's lawful
3 possession, transportation, and secure keeping of certain
4 private property within his or her motor vehicle is essential
5 to the exercise of fundamental constitutional rights,
6 including freedom of speech, freedom of association, the free
7 exercise of religion, and the right to keep and bear
8 arms. The Legislature finds that securing individual private
9 property rights is essential. The Legislature further finds
10 that no citizen is or should be required to waive or abrogate
11 his or her right to possess and securely keep such
12 constitutionally significant private property locked within
13 his or her motor vehicle by virtue of becoming a customer,
14 employee, or invitee of any employer or business establishment
15 within the state.

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

19 (a) No public or private entity may prohibit any
20 customer, employee, or invitee from possessing any personal
21 private property that is a legal product when such product is
22 lawfully possessed and locked inside or locked to a private
23 motor vehicle in a parking lot and when the customer,
24 employee, or invitee is lawfully in such area.

25 (b) No public or private entity may violate the
26 privacy rights of a customer, employee, or invitee by verbal
27 or written inquiry regarding the presence of personal private
28 possessions inside a private motor vehicle in a parking lot or
29 by an actual search of a private motor vehicle in a parking
30 lot. Further, no public or private entity may take any action
31 against a customer, employee, or invitee based upon verbal or

1 written statements of any party concerning the presence of
2 personal private possessions inside a private motor vehicle in
3 a parking lot. Searches of private motor vehicles may only be
4 conducted by on-duty law enforcement personnel based upon due
5 process and must comply with constitutional protections.

6 (c) No employer shall condition employment upon any
7 agreement by a prospective employee that prohibits an employee
8 from entering the parking lot of the employer's place of
9 business when the employee's motor vehicle contains any
10 product that is locked out of sight within the trunk, glove
11 box, or other enclosed compartment or area within his or her
12 motor vehicle, the lawful possession of which is protected by,
13 or the lawful use of which is incidental to, the exercise of
14 individual rights protected under the United States
15 Constitution or the Florida Constitution.

16 (d) No employer shall attempt to prevent or prohibit
17 any customer, employee, or invitee from entering the parking
18 lot of the employer's place of business when the customer's,
19 employee's, or invitee's motor vehicle contains any product
20 that is locked out of sight within the trunk, glove box, or
21 other enclosed compartment or area within his or her motor
22 vehicle, the lawful possession of which is protected by, or
23 the lawful use of which is incidental to, the exercise of
24 individual rights protected under the United States
25 Constitution or the Florida Constitution.

26 (e) No employer may terminate the employment of or
27 otherwise discriminate against an employee, or expel a
28 customer or invitee, for exercising his or her constitutional
29 right to bear arms or for exercising the right of self-defense
30 as long as a firearm is never exhibited on company property
31 for any reason other than lawful defensive purposes.

1
2 This subsection applies to all public-sector employers,
3 including those already prohibited from regulating firearms
4 under the provisions of s. 790.33.

5 (3) IMMUNITY FROM LIABILITY.--No employer or landlord
6 of an employer shall be liable in any civil action or other
7 action that arises, either directly or indirectly, out of or
8 results from the theft of or threatened, accidental, or
9 criminal use of a firearm or any other legal product that was
10 stored in a private motor vehicle by a customer, employee, or
11 invitee in a parking lot or on any property owned or leased by
12 an employer or landlord of an employer. The immunity provided
13 in this subsection shall not apply to any person who uses or
14 threatens to use a firearm or other weapon in a criminal act.
15 The immunity provided in this subsection shall not apply if
16 harm results that is caused, in whole or in part, by the
17 willful or criminal misconduct of the employer or landlord of
18 the employer.

19 (4) ENFORCEMENT.--The Attorney General shall enforce
20 the protections of this act on behalf of any customer,
21 employee, or invitee aggrieved under this act if there is
22 reasonable cause to believe that the aggrieved person's rights
23 under this act have been violated by a public or private
24 entity. In such cases, the Attorney General shall commence a
25 civil or administrative action for damages, injunctive relief
26 and civil penalties, and such other relief as may be
27 appropriate under the provisions of s. 760.51, or may
28 negotiate a settlement with any employer on behalf of any
29 person aggrieved under the act. However, nothing in this act
30 shall prohibit the right of a person aggrieved under this act
31

1 to bring a civil action for violation of rights protected
2 under the act.

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

4 (a) "Parking lot" means any property owned or leased
5 by an employer or the landlord of an employer that is used for
6 parking motor vehicles and is available to customers,
7 employees, or invitees for temporary or long-term parking or
8 storage of motor vehicles.

9 (b) "Motor vehicle" means any automobile, truck,
10 minivan, sports utility vehicle, motor home, recreational
11 vehicle, motorcycle, motor scooter, or any other vehicle
12 operated on the roads of this state and required to be
13 registered under state law.

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

- 15 1. Works for salary, wages, or other remuneration;
16 2. Is an independent contractor; or
17 3. Is a volunteer, intern, or other similar individual
18
19 for an employer.

20 (d) "Employer" means any business that is a sole
21 proprietorship, partnership, corporation, limited liability
22 company, professional association, cooperative, joint venture,
23 trust, firm, institution, or association, or public-sector
24 entity, that has employees.

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

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

30 (a) Property owned or leased by an employer or the
31 landlord of an employer upon which are conducted substantial

1 activities involving national defense, aerospace, or domestic
2 security if the presence of any legally possessed product in a
3 parking lot presents an increased danger of explosion or
4 reasonably predictable catastrophic event.

5 (b) Property owned or leased by an employer or the
6 landlord of an employer upon which the primary business
7 conducted is the manufacture, use, storage, or transportation
8 of combustible or explosive materials regulated under state or
9 federal law if the presence of any legally possessed product
10 in a parking lot presents an increased danger of explosion or
11 reasonably predictable catastrophic event.

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

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

19 (e) Any school property as defined and regulated under
20 s. 790.115.

21 (f) Any state correctional institution regulated under
22 s. 944.47.

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

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