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CHAMBER ACTION

Senate

House

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Floor: 2/AD/2R
4/3/2008 1:55 PM

1 Senator Peaden moved the following **amendment**:

2
3 **Senate Amendment (with title amendment)**

4 Delete lines 119 through 215

5 and insert:

6 (5) DUTY OF CARE OF PUBLIC AND PRIVATE EMPLOYERS; IMMUNITY
7 FROM LIABILITY.--

8 (a) When subject to the provisions of subsection (4), a
9 public or private employer has no duty of care related to the
10 actions prohibited under such subsection.

11 (b) A public or private employer is not liable in a civil
12 action based on actions or inactions taken in compliance with
13 this section. The immunity provided in this subsection does not
14 apply to civil actions based on actions or inactions of public or
15 private employers that are unrelated to compliance with this
16 section.



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17 (c) Nothing contained in this section shall be interpreted
18 to expand any existing duty, or create any additional duty, on
19 the part of a public or private employer, property owner, or
20 property owner's agent.

21 (6) ENFORCEMENT.--The Attorney General shall enforce the
22 protections of this act on behalf of any customer, employee, or
23 invitee aggrieved under this act. If there is reasonable cause to
24 believe that the aggrieved person's rights under this act have
25 been violated by a public or private employer, the Attorney
26 General shall commence a civil or administrative action for
27 damages, injunctive relief and civil penalties, and such other
28 relief as may be appropriate under the provisions of s. 760.51,
29 or may negotiate a settlement with any employer on behalf of any
30 person aggrieved under the act. However, nothing in this act
31 shall prohibit the right of a person aggrieved under this act to
32 bring a civil action for violation of rights protected under the
33 act. In any successful action brought by a customer, employee, or
34 invitee aggrieved under this act, the court shall award all
35 reasonable personal costs and losses suffered by the aggrieved
36 person as a result of the violation of rights under this act. In
37 any action brought pursuant to this act, the court shall award
38 all court costs and attorney's fees to the prevailing party.

39 (7) EXCEPTIONS.--The prohibitions in subsection (4) do not
40 apply to:

41 (a) Any school property as defined and regulated under s.
42 790.115.

43 (b) Any correctional institution regulated under s. 944.47
44 or chapter 957.

45 (c) Any property where a nuclear-powered electricity
46 generation facility is located.



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47 (d) Property owned or leased by a public or private
48 employer or the landlord of a public or private employer upon
49 which are conducted substantial activities involving national
50 defense, aerospace, or homeland security.

51 (e) Property owned or leased by a public or private
52 employer or the landlord of a public or private employer upon
53 which the primary business conducted is the manufacture, use,
54 storage, or transportation of combustible or explosive materials
55 regulated under state or federal law, or property owned or leased
56 by an employer who has obtained a permit required under 18 U.S.C.
57 s. 842 to engage in the business of importing, manufacturing, or
58 dealing in explosive materials on such property.

59 (f) A motor vehicle owned, leased, or rented by a public or
60 private employer or the landlord of a public or private employer.

61 (g) Any other property owned or leased by a public or
62 private employer or the landlord of a public or private employer
63 upon which possession of a firearm or other legal product by a
64 customer, employee, or invitee is prohibited pursuant to any
65 federal law, contract with a federal government entity, or
66 general law of this state.

67 Section 2. This act shall take effect July 1, 2008, and
68 shall apply to causes of action accruing on or after that date.
69

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

72 And the title is amended as follows:

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74 Delete lines 39 through 47
75 and insert:
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77 providing that, when subject to the prohibitions imposed
78 by the act, a public or private employer has no duty of
79 care related to the actions prohibited thereunder;
80 providing specified immunity from liability for public and
81 private employers; providing nonapplicability of such
82 immunity; providing construction; providing for
83 enforcement of the act; providing for the award of
84 reasonable personal costs and losses; providing for the
85 award of court costs and attorney's fees; providing
86 exceptions to the prohibitions under the act; providing
87 applicability; providing an effective date.