

HB 1335

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1 A bill to be entitled
2 An act relating to weapons or firearms; amending s.
3 790.115, F.S.; prohibiting possession of any firearm,
4 electric weapon, or other specified device on property
5 operated by a school district; providing criminal
6 penalties; amending s. 790.251, F.S., and reenacting
7 subsection (4), relating to prohibited acts; clarifying
8 that provisions prohibiting restrictions on firearms
9 possession do not apply to restrictions on possession on
10 property owned or operated by a school district; banning
11 the possession, sale, transfer, or manufacture of high-
12 capacity ammunition feeding devices; providing exceptions;
13 providing a definition of "high-capacity ammunition
14 feeding device"; subjecting a person to a criminal penalty
15 for the unlawful possession, sale, transfer, or
16 manufacture of a high-capacity ammunition feeding device;
17 providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Paragraph (a) of subsection (2) of section
22 790.115, Florida Statutes, is amended to read:

23 790.115 Possessing or discharging weapons or firearms at a
24 school-sponsored event or on school property prohibited;
25 penalties; exceptions.—

26 (2) (a) A person shall not possess any firearm, electric
27 weapon or device, destructive device, or other weapon as defined
28 in s. 790.001(13), including a razor blade or box cutter, except

29 as authorized in support of school-sanctioned activities, at a
 30 school-sponsored event or on any ~~the~~ property owned or operated
 31 by a school district or ~~of~~ any school, school bus, or school bus
 32 stop; however, a person may carry a firearm:

33 1. In a case to a firearms program, class or function
 34 which has been approved in advance by the principal or chief
 35 administrative officer of the school as a program or class to
 36 which firearms could be carried;

37 2. In a case to a career center having a firearms training
 38 range; or

39 3. In a vehicle pursuant to s. 790.25(5); except that
 40 school districts may adopt written and published policies that
 41 waive the exception in this subparagraph for purposes of student
 42 and campus parking privileges.

43
 44 For the purposes of this section, "school" means any preschool,
 45 elementary school, middle school, junior high school, secondary
 46 school, career center, or postsecondary school, whether public
 47 or nonpublic.

48 Section 2. Subsection (4) of section 790.251, Florida
 49 Statutes, is reenacted, and paragraph (a) of subsection (7) of
 50 that section is amended, to read:

51 790.251 Protection of the right to keep and bear arms in
 52 motor vehicles for self-defense and other lawful purposes;
 53 prohibited acts; duty of public and private employers; immunity
 54 from liability; enforcement.—

55 (4) PROHIBITED ACTS.—No public or private employer may
 56 violate the constitutional rights of any customer, employee, or

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57 invitee as provided in paragraphs (a)-(e):

58 (a) No public or private employer may prohibit any
59 customer, employee, or invitee from possessing any legally owned
60 firearm when such firearm is lawfully possessed and locked
61 inside or locked to a private motor vehicle in a parking lot and
62 when the customer, employee, or invitee is lawfully in such
63 area.

64 (b) No public or private employer may violate the privacy
65 rights of a customer, employee, or invitee by verbal or written
66 inquiry regarding the presence of a firearm inside or locked to
67 a private motor vehicle in a parking lot or by an actual search
68 of a private motor vehicle in a parking lot to ascertain the
69 presence of a firearm within the vehicle. Further, no public or
70 private employer may take any action against a customer,
71 employee, or invitee based upon verbal or written statements of
72 any party concerning possession of a firearm stored inside a
73 private motor vehicle in a parking lot for lawful purposes. A
74 search of a private motor vehicle in the parking lot of a public
75 or private employer to ascertain the presence of a firearm
76 within the vehicle may only be conducted by on-duty law
77 enforcement personnel, based upon due process and must comply
78 with constitutional protections.

79 (c) No public or private employer shall condition
80 employment upon either:

81 1. The fact that an employee or prospective employee holds
82 or does not hold a license issued pursuant to s. 790.06; or

83 2. Any agreement by an employee or a prospective employee
84 that prohibits an employee from keeping a legal firearm locked

85 | inside or locked to a private motor vehicle in a parking lot
 86 | when such firearm is kept for lawful purposes.

87 | (d) No public or private employer shall prohibit or
 88 | attempt to prevent any customer, employee, or invitee from
 89 | entering the parking lot of the employer's place of business
 90 | because the customer's, employee's, or invitee's private motor
 91 | vehicle contains a legal firearm being carried for lawful
 92 | purposes, that is out of sight within the customer's,
 93 | employee's, or invitee's private motor vehicle.

94 | (e) No public or private employer may terminate the
 95 | employment of or otherwise discriminate against an employee, or
 96 | expel a customer or invitee for exercising his or her
 97 | constitutional right to keep and bear arms or for exercising the
 98 | right of self-defense as long as a firearm is never exhibited on
 99 | company property for any reason other than lawful defensive
 100 | purposes.

101 |
 102 | This subsection applies to all public sector employers,
 103 | including those already prohibited from regulating firearms
 104 | under the provisions of s. 790.33.

105 | (7) EXCEPTIONS.—The prohibitions in subsection (4) do not
 106 | apply to:

107 | (a) Any ~~school~~ property owned or operated by a school
 108 | district or any school as defined and regulated under s.
 109 | 790.115.

110 | Section 3. Ban of high-capacity ammunition feeding
 111 | devices.—

112 | (1) (a) A person may not sell or otherwise transfer a high-

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113 capacity ammunition feeding device in this state unless the sale
114 or transfer is to a law enforcement officer, a Florida National
115 Guard member on active duty, or a member of the United States
116 Armed Forces.

117 (b)1. A person may not possess a high-capacity ammunition
118 feeding device in this state unless the person is a law
119 enforcement officer, a Florida National Guard member on active
120 duty, or a member of the United States Armed Forces or the
121 person is the manufacturer or an employee of the manufacturer
122 and the manufacturer is licensed to manufacture the devices
123 under federal law.

124 2. This paragraph does not apply to a person in possession
125 of a high-capacity ammunition feeding device on July 1, 2011.
126 However, the person may not sell or otherwise transfer the
127 device except as authorized in paragraph (a).

128 (c) A person may not manufacture a high-capacity
129 ammunition feeding device in this state unless the device is
130 manufactured for sale to a law enforcement officer, a Florida
131 National Guard member, or a member of the United States Armed
132 Forces or is for export as authorized by federal law.

133 (2) As used in this section, the term "high-capacity
134 ammunition feeding device" means a magazine, belt, drum, feed
135 strip, or similar device that has the capacity of, or can be
136 readily restored or converted to accept, more than 15 rounds of
137 ammunition.

138 (3) A person who violates this section commits a felony of
139 the third degree, punishable as provided in s. 775.082 or s.
140 775.083, Florida Statutes.

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Section 4. This act shall take effect July 1, 2011.