

By Senator Margolis

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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;
8 clarifying that provisions prohibiting restrictions on
9 firearms possession do not apply to restrictions on
10 possession on property owned or operated by a school
11 district; banning the possession, sale, transfer, or
12 manufacture of high-capacity ammunition feeding
13 devices; providing exceptions; providing a definition
14 of "high-capacity ammunition feeding device";
15 subjecting a person to a criminal penalty for the
16 unlawful possession, sale, transfer, or manufacture of
17 a high-capacity ammunition feeding device; providing
18 an effective date.

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

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22 Section 1. Paragraph (a) of subsection (2) of section
23 790.115, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

56 (4) PROHIBITED ACTS.—No public or private employer may
57 violate the constitutional rights of any customer, employee, or
58 invitee as provided in paragraphs (a)-(e):

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

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

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

- 82 1. The fact that an employee or prospective employee holds
83 or does not hold a license issued pursuant to s. 790.06; or
- 84 2. Any agreement by an employee or a prospective employee
85 that prohibits an employee from keeping a legal firearm locked
86 inside or locked to a private motor vehicle in a parking lot
87 when such firearm is kept for lawful purposes.

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

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

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

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

108 (a) Any ~~school~~ property owned or operated by a school
109 district or any school as defined and regulated under s.
110 790.115.

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

113 (1) (a) A person may not sell or otherwise transfer a high-
114 capacity ammunition feeding device in this state unless the sale
115 or transfer is to a law enforcement officer, a Florida National
116 Guard member on active duty, or a member of the United States

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117 Armed Forces.

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

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

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

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

139 (3) A person who violates this section commits a felony of
140 the third degree, punishable as provided in s. 775.082 or s.
141 775.083, Florida Statutes.

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