

By Senator Rouson

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1 A bill to be entitled
2 An act relating to local regulation of firearms and
3 ammunition; repealing s. 790.33, F.S., relating to a
4 preemption of the field of regulation of firearms and
5 ammunition to the state and penalizing violations;
6 amending s. 790.251, F.S.; conforming provisions to
7 changes made by the act; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Section 790.33, Florida Statutes, is repealed.

12 Section 2. Subsection (4) of section 790.251, Florida
13 Statutes, is amended to read:

14 790.251 Protection of the right to keep and bear arms in
15 motor vehicles for self-defense and other lawful purposes;
16 prohibited acts; duty of public and private employers; immunity
17 from liability; enforcement.—

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

21 (a) No public or private employer may prohibit any
22 customer, employee, or invitee from possessing any legally owned
23 firearm when such firearm is lawfully possessed and locked
24 inside or locked to a private motor vehicle in a parking lot and
25 when the customer, employee, or invitee is lawfully in such
26 area.

27 (b) No public or private employer may violate the privacy
28 rights of a customer, employee, or invitee by verbal or written
29 inquiry regarding the presence of a firearm inside or locked to

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30 a private motor vehicle in a parking lot or by an actual search
31 of a private motor vehicle in a parking lot to ascertain the
32 presence of a firearm within the vehicle. Further, no public or
33 private employer may take any action against a customer,
34 employee, or invitee based upon verbal or written statements of
35 any party concerning possession of a firearm stored inside a
36 private motor vehicle in a parking lot for lawful purposes. A
37 search of a private motor vehicle in the parking lot of a public
38 or private employer to ascertain the presence of a firearm
39 within the vehicle may only be conducted by on-duty law
40 enforcement personnel, based upon due process and must comply
41 with constitutional protections.

42 (c) No public or private employer shall condition
43 employment upon either:

- 44 1. The fact that an employee or prospective employee holds
45 or does not hold a license issued pursuant to s. 790.06; or
- 46 2. Any agreement by an employee or a prospective employee
47 that prohibits an employee from keeping a legal firearm locked
48 inside or locked to a private motor vehicle in a parking lot
49 when such firearm is kept for lawful purposes.

50 (d) No public or private employer shall prohibit or attempt
51 to prevent any customer, employee, or invitee from entering the
52 parking lot of the employer's place of business because the
53 customer's, employee's, or invitee's private motor vehicle
54 contains a legal firearm being carried for lawful purposes, that
55 is out of sight within the customer's, employee's, or invitee's
56 private motor vehicle.

57 (e) No public or private employer may terminate the
58 employment of or otherwise discriminate against an employee, or

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59 expel a customer or invitee for exercising his or her
60 constitutional right to keep and bear arms or for exercising the
61 right of self-defense as long as a firearm is never exhibited on
62 company property for any reason other than lawful defensive
63 purposes.

64

65 This subsection applies to all public sector employers,
66 ~~including those already prohibited from regulating firearms~~
67 ~~under the provisions of s. 790.33.~~

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Section 3. This act shall take effect upon becoming a law.