

By Senator Taddeo

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

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Section 790.33, Florida Statutes, is repealed.

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

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

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

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

28 (b) No public or private employer may violate the privacy
29 rights of a customer, employee, or invitee by verbal or written

40-00264B-19

20191662__

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

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

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

47 2. Any agreement by an employee or a prospective employee
48 that prohibits an employee from keeping a legal firearm locked
49 inside or locked to a private motor vehicle in a parking lot
50 when such firearm is kept for lawful purposes.

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

58 (e) No public or private employer may terminate the

40-00264B-19

20191662__

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

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

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Section 3. This act shall take effect July 1, 2019.