

By Senator Polsky

30-00106-26

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A bill to be entitled

An act relating to the preemption of firearms and ammunition; repealing s. 790.33, F.S., relating to the preemption of the field of regulation of firearms and ammunition to the Legislature, to the exclusion of local jurisdictions; amending s. 790.251, F.S.; conforming a provision to changes made by the act; providing an effective date.

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

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 Section 790.33, Florida Statutes, is repealed.

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

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

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

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

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

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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 is
46 authorized to carry a concealed weapon or concealed firearm
47 under s. 790.01(1); or

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

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

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59 (e) No public or private employer may terminate the
60 employment of or otherwise discriminate against an employee, or
61 expel a customer or invitee for exercising his or her
62 constitutional right to keep and bear arms or for exercising the
63 right of self-defense as long as a firearm is never exhibited on
64 company property for any reason other than lawful defensive
65 purposes.

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

70 Section 3. This act shall take effect July 1, 2026.