

By Senator Polsky

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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 Section 790.33, Florida Statutes, is repealed.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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inquiry regarding the presence of a firearm inside or locked to a private motor vehicle in a parking lot or by an actual search of a private motor vehicle in a parking lot to ascertain the presence of a firearm within the vehicle. Further, no public or private employer may take any action against a customer, employee, or invitee based upon verbal or written statements of any party concerning possession of a firearm stored inside a private motor vehicle in a parking lot for lawful purposes. A search of a private motor vehicle in the parking lot of a public or private employer to ascertain the presence of a firearm within the vehicle may only be conducted by on-duty law enforcement personnel, based upon due process and must comply with constitutional protections.

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

1. The fact that an employee or prospective employee is authorized to carry a concealed weapon or concealed firearm under s. 790.01(1); or

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

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

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

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

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