

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Stark offered the following:

Amendment (with title amendment)

Between lines 660 and 661, insert:

Section 11. Section 790.33, Florida Statutes, is repealed.

Section 12. 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.-

861267

Approved For Filing: 2/28/2018 2:05:29 PM

Amendment No.

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

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

21 (b) No public or private employer may violate the privacy
22 rights of a customer, employee, or invitee by verbal or written
23 inquiry regarding the presence of a firearm inside or locked to
24 a private motor vehicle in a parking lot or by an actual search
25 of a private motor vehicle in a parking lot to ascertain the
26 presence of a firearm within the vehicle. Further, no public or
27 private employer may take any action against a customer,
28 employee, or invitee based upon verbal or written statements of
29 any party concerning possession of a firearm stored inside a
30 private motor vehicle in a parking lot for lawful purposes. A
31 search of a private motor vehicle in the parking lot of a public
32 or private employer to ascertain the presence of a firearm
33 within the vehicle may only be conducted by on-duty law
34 enforcement personnel, based upon due process and must comply
35 with constitutional protections.

861267

Approved For Filing: 2/28/2018 2:05:29 PM

Amendment No.

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

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

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

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

51 (e) No public or private employer may terminate the
52 employment of or otherwise discriminate against an employee, or
53 expel a customer or invitee for exercising his or her
54 constitutional right to keep and bear arms or for exercising the
55 right of self-defense as long as a firearm is never exhibited on
56 company property for any reason other than lawful defensive
57 purposes.
58

861267

Approved For Filing: 2/28/2018 2:05:29 PM

Amendment No.

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

62

63

64 -----

T I T L E A M E N D M E N T

65

Between lines 58 and 59, insert:

66

repealing s. 790.33, F.S., relating to preemption of

67

the field of regulation of firearms and ammunition;

68

amending s. 790.251, F.S.; conforming provisions to

69

changes made by the act;

70