



313178

LEGISLATIVE ACTION

Senate

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House

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Floor: NC/2R

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03/03/2018 06:07 PM

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Senator Rodriguez moved the following:

**Senate Amendment (with title amendment)**

Between lines 409 and 410

insert:

Section 9. Section 790.33, Florida Statutes, is repealed.

Section 10. 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.-



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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.

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



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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 attempt  
45 to prevent any customer, employee, or invitee from entering the  
46 parking lot of the employer's place of business because the  
47 customer's, employee's, or invitee's private motor vehicle  
48 contains a legal firearm being carried for lawful purposes, that  
49 is out of sight within the customer's, employee's, or invitee's  
50 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  
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 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Between lines 58 and 59

66 insert:

67 repealing s. 790.33, F.S., relating to preempting the  
68 field of firearms and ammunition regulation; amending  
69 s. 790.251, F.S.; conforming a cross-reference;