Senator Taddeo moved the following:

*Senate Amendment to Amendment (318628) (with title amendment)*

Between lines 436 and 437
insert:

Section 13. Section 790.33, Florida Statutes, is amended to read:

> 790.33 Field of Regulation of firearms and ammunition preempted. —
>
> (1) It is the intent of the Legislature to set minimum statewide firearm and ammunition standards and to allow local
governments, through their elected officials, to enact ordinances, regulations, or rules that fit the unique makeup and demographics of their respective communities.

(2) Local government officials may enact ordinances, regulations, or rules that are more stringent than the laws established by the Legislature which they deem appropriate for their respective communities.

(1) PREEMPTION.—Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void.

(2) POLICY AND INTENT.—

(a) It is the intent of this section to provide uniform firearms laws in the state; to declare all ordinances and regulations null and void which have been enacted by any jurisdictions other than state and federal, which regulate firearms, ammunition, or components thereof; to prohibit the enactment of any future ordinances or regulations relating to firearms, ammunition, or components thereof unless specifically authorized by this section or general law; and to require local jurisdictions to enforce state firearms laws.

(b) It is further the intent of this section to deter and prevent the violation of this section and the violation of
rights protected under the constitution and laws of this state
related to firearms, ammunition, or components thereof, by the
abuse of official authority that occurs when enactments are
passed in violation of state law or under color of local or
state authority.

(3) PROHIBITIONS; PENALTIES.—
(a) Any person, county, agency, municipality, district, or
other entity that violates the Legislature’s occupation of the
whole field of regulation of firearms and ammunition, as
declared in subsection (1), by enacting or causing to be
enforced any local ordinance or administrative rule or
regulation impinging upon such exclusive occupation of the field
shall be liable as set forth herein.

(b) If any county, city, town, or other local government
violates this section, the court shall declare the improper
ordinance, regulation, or rule invalid and issue a permanent
injunction against the local government prohibiting it from
enforcing such ordinance, regulation, or rule. It is no defense
that in enacting the ordinance, regulation, or rule the local
government was acting in good faith or upon advice of counsel.

(c) If the court determines that a violation was knowing
and willful, the court shall assess a civil fine of up to $5,000
against the elected or appointed local government official or
officials or administrative agency head under whose jurisdiction
the violation occurred.

(d) Except as required by applicable law, public funds may
not be used to defend or reimburse the unlawful conduct of any
person found to have knowingly and willfully violated this
section.
(e) A knowing and willful violation of any provision of this section by a person acting in an official capacity for any entity enacting or causing to be enforced a local ordinance or administrative rule or regulation prohibited under paragraph (a) or otherwise under color of law shall be cause for termination of employment or contract or removal from office by the Governor.

(f) A person or an organization whose membership is adversely affected by any ordinance, regulation, measure, directive, rule, enactment, order, or policy promulgated or caused to be enforced in violation of this section may file suit against any county, agency, municipality, district, or other entity in any court of this state having jurisdiction over any defendant to the suit for declaratory and injunctive relief and for actual damages, as limited herein, caused by the violation. A court shall award the prevailing plaintiff in any such suit:

1. Reasonable attorney’s fees and costs in accordance with the laws of this state, including a contingency fee multiplier, as authorized by law; and

2. The actual damages incurred, but not more than $100,000.

Interest on the sums awarded pursuant to this subsection shall accrue at the legal rate from the date on which suit was filed.

(4) EXCEPTIONS.—This section does not prohibit:

(a) Zoning ordinances that encompass firearms businesses along with other businesses, except that zoning ordinances that are designed for the purpose of restricting or prohibiting the sale, purchase, transfer, or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are
in conflict with this subsection and are prohibited;

(b) A duly organized law enforcement agency from enacting
and enforcing regulations pertaining to firearms, ammunition, or
firearm accessories issued to or used by peace officers in the
course of their official duties;

(c) Except as provided in s. 790.251, any entity subject to
the prohibitions of this section from regulating or prohibiting
the carrying of firearms and ammunition by an employee of the
entity during and in the course of the employee’s official
duties;

(d) A court or administrative law judge from hearing and
resolving any case or controversy or issuing any opinion or
order on a matter within the jurisdiction of that court or
judge; or

(e) The Florida Fish and Wildlife Conservation Commission
from regulating the use of firearms or ammunition as a method of
taking wildlife and regulating the shooting ranges managed by
the commission.

(5) SHORT TITLE. As created by chapter 87-23, Laws of
Florida, this section may be cited as the “Joe Carlucci Uniform
Firearms Act.”

Section 14. 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 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 holds or does not hold a license issued pursuant to s. 790.06; 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.

(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 the provisions of s. 790.33.

================= T I T L E  A M E N D M E N T =================
And the title is amended as follows:
Delete line 2515
and insert:
criminal penalties; amending s. 790.33, F.S.;
providing legislative intent; authorizing local
government officials to enact ordinances, regulations,
or rules more stringent than the laws established by
the Legislature in the regulation of firearms and
ammunition; deleting preemption provisions; deleting policy and intent provisions; deleting prohibitions on enacting certain ordinances, regulations, or rules; deleting civil penalties; deleting exceptions; deleting a short title; amending s. 790.251, F.S.; conforming a provision to changes made by the act; providing legislative intent;