HB 6061

1	A bill to be entitled
2	An act relating to local regulation of firearms and
3	ammunition; repealing s. 790.33, F.S., relating to a
4	preemption of the field of regulation of firearms and
5	ammunition to the state and penalizing violations;
6	
	amending s. 790.251, F.S.; conforming provisions to
7	changes made by the act; providing an effective date.
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9	Be It Enacted by the Legislature of the State of Florida:
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11	Section 1. <u>Section 790.33</u> , Florida Statutes, is repealed.
12	Section 2. Subsection (4) of section 790.251, Florida
13	Statutes, is amended to read:
14	790.251 Protection of the right to keep and bear arms in
15	motor vehicles for self-defense and other lawful purposes;
16	prohibited acts; duty of public and private employers; immunity
17	from liability; enforcement
18	(4) PROHIBITED ACTS.—No public or private employer may
19	violate the constitutional rights of any customer, employee, or
20	invitee as provided in paragraphs (a)-(e):
21	(a) No public or private employer may prohibit any
22	customer, employee, or invitee from possessing any legally owned
23	firearm when such firearm is lawfully possessed and locked
24	inside or locked to a private motor vehicle in a parking lot and
25	when the customer, employee, or invitee is lawfully in such
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26 area.

27 No public or private employer may violate the privacy (b) 28 rights of a customer, employee, or invitee by verbal or written 29 inquiry regarding the presence of a firearm inside or locked to 30 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 31 32 presence of a firearm within the vehicle. Further, no public or 33 private employer may take any action against a customer, 34 employee, or invitee based upon verbal or written statements of any party concerning possession of a firearm stored inside a 35 private motor vehicle in a parking lot for lawful purposes. A 36 37 search of a private motor vehicle in the parking lot of a public 38 or private employer to ascertain the presence of a firearm 39 within the vehicle may only be conducted by on-duty law enforcement personnel, based upon due process and must comply 40 with constitutional protections. 41

42 (c) No public or private employer shall condition43 employment upon either:

44 1. The fact that an employee or prospective employee holds45 or does not hold a license issued pursuant to s. 790.06; or

46 2. Any agreement by an employee or a prospective employee 47 that prohibits an employee from keeping a legal firearm locked 48 inside or locked to a private motor vehicle in a parking lot 49 when such firearm is kept for lawful purposes.

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(d) No public or private employer shall prohibit or

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attempt to prevent any customer, employee, or invitee from 51 52 entering the parking lot of the employer's place of business 53 because the customer's, employee's, or invitee's private motor 54 vehicle contains a legal firearm being carried for lawful 55 purposes, that is out of sight within the customer's, 56 employee's, or invitee's private motor vehicle. 57 (e) No public or private employer may terminate the 58 employment of or otherwise discriminate against an employee, or expel a customer or invitee for exercising his or her 59 60 constitutional right to keep and bear arms or for exercising the right of self-defense as long as a firearm is never exhibited on 61 62 company property for any reason other than lawful defensive 63 purposes. 64 65 This subsection applies to all public sector employers  $\tau$ 66 including those already prohibited from regulating firearms 67 under the provisions of s. 790.33. 68 Section 3. This act shall take effect upon becoming a law.

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