

By Senator Taddeo

40-00170-21

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1 A bill to be entitled  
2 An act relating to the preemption of firearms and  
3 ammunition regulation; repealing s. 790.33, F.S.,  
4 relating to the preemption of the field of regulation  
5 of firearms and ammunition to the Legislature, to the  
6 exclusion of local jurisdictions; amending s. 790.251,  
7 F.S.; conforming a provision to changes made by the  
8 act; providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Section 790.33, Florida Statutes, is repealed.

13 Section 2. Subsection (4) of section 790.251, Florida  
14 Statutes, is amended to read:

15 790.251 Protection of the right to keep and bear arms in  
16 motor vehicles for self-defense and other lawful purposes;  
17 prohibited acts; duty of public and private employers; immunity  
18 from liability; enforcement.—

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

22 (a) No public or private employer may prohibit any  
23 customer, employee, or invitee from possessing any legally owned  
24 firearm when such firearm is lawfully possessed and locked  
25 inside or locked to a private motor vehicle in a parking lot and  
26 when the customer, employee, or invitee is lawfully in such  
27 area.

28 (b) No public or private employer may violate the privacy  
29 rights of a customer, employee, or invitee by verbal or written

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

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

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

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

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

58 (e) No public or private employer may terminate the

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59 employment of or otherwise discriminate against an employee, or  
60 expel a customer or invitee for exercising his or her  
61 constitutional right to keep and bear arms or for exercising the  
62 right of self-defense as long as a firearm is never exhibited on  
63 company property for any reason other than lawful defensive  
64 purposes.

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

69

Section 3. This act shall take effect July 1, 2021.