By Senator Taddeo

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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.
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10     Be It Enacted by the Legislature of the State of Florida:
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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 Section 790.33, Florida Statutes, is repealed.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.

65

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, 2022.