



FLORIDIANS AGAINST  
WORKPLACE VIOLENCE

*Guns at work. It's bad news waiting to happen.*

## **Frequently asked questions about [SB 2356 and HB 1417](#)**

**How do SB 2356 and House Bill 1417 jeopardize workplace safety?** SB 2356 and HB 1417 make it a felony for property owners to prohibit guns in the vehicles of any customers, employees, or invitees, provided only that the gun is “out of sight.” This dangerous legislation will decrease the safety of everyone on the premises — customers and employees alike — and significantly increase the likelihood of gun-related violence at Florida’s workplaces.

**Some say this bill is about protecting my constitutional rights under the 2nd Amendment. Is that true?** Quite to the contrary of its stated intentions, SB 2356 and HB 1417 are not bills that defend constitutional rights; they are bills that infringe upon individuals’ rights to dispense their constitutional rights as they see fit. The Second Amendment protects citizens from their government impeding their right to bear arms. It doesn’t, however, have anything to do with the rights of private property owners. Under this legislation, gun owners retain Second Amendment gun *ownership* rights, and property owners retain the right to keep guns off their property

**Does allowing guns on company property make employees and customers safer?** Research shows otherwise. Florida employers, worksite managers, risk managers, and actuaries agree with empirical evidence showing that firearms in the workplace simply lead to workplace violence. Workplaces where guns were permitted were about five times as likely to experience a homicide as those where all weapons were prohibited, according to a study by the University of North Carolina’s Department of Epidemiology and the Injury Prevention Research Center. Research in the American Journal of Public Health found in 2005 that American workers who take weapons with them to work are three to seven times as likely to be murdered at work than those who work at places that prohibit weapons.



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**Doesn't Florida's concealed weapons law ensure that only law-abiding citizens carry them in the first place?** Even limiting concealed weapons permits to licensees is no guarantee that permit holders will continue to live within the law. A January 2007 *South Florida Sun-Sentinel* inquiry of Florida's current and former concealed weapons permit holders found more than 11,322 of 443,425 had their permits suspended or revoked for crimes ranging from child molestation to murder. Consequently, some concealed weapons permit holders who keep guns in their cars at work may be a hidden threat to customers or fellow coworkers.

**Aren't employers held immune from liability lawsuits under this legislation?** That appears to be the intent. However, the legislation states that employers are immune from a lawsuit stemming from a workplace shooting as long as they have made a reasonable effort to prevent violence in their workplace. The problem with this provision lies in what may be deemed reasonable steps to prevent violence.

Would this mean background checks? Or would it require more in-depth measures, such as metal detectors and surveillance cameras? What happens if an employee's gun gets lost or stolen while at work? And who would be held responsible for the potentially catastrophic consequences of a gun accident or intentional act of gun violence at a chemical plant or oil refinery?

**How does Floridians against Workplace Violence balance private property rights of business owners against personal property rights of gun owners? Do SB 2356 and House Bill 1417 protect my right to privacy?** Policies prohibiting employees from bringing firearms on to company property are widespread and nearly universal among larger Florida employers. Furthermore, Florida employers consider these policies vital to meeting their duties to provide a safe business environment for employees and invitees.



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Florida is an employment at will state, meaning employers can fire an employee for any legal reason. Conversely, an employee never has to accept a position with unacceptable terms, such as those that may prohibit them from taking guns, pornography, or other items to work. In no situation are employers seeking to statutorily affirm their right to search employees' vehicles.

**By opposing this legislation, what is to there to prevent someone from driving to and opening fire outside or inside a business?** The reality is that no law can stop someone who is intent on harming coworkers, customers, or anyone else. Security measures vary by industry and individual business, and it is important that private property owners retain the option to prohibit guns at work.

**How have other states dealt with workplace safety?** Courts in Oklahoma and Utah have ruled in favor of employers' rights to enforce policies against bringing guns to work or onto work property. A U.S. district court in Oklahoma upheld a lower court ruling that Weyerhaeuser Company had the right to terminate employees who were discovered to have kept firearms in their vehicles parked in the company parking lot. The employees had argued that their termination violated their right to carry firearms and rights protecting unlawful search and seizure, among many other claims.

In *Hansen v. America Online, Inc.*, 96 P.3d 950, Utah's Supreme Court unanimously ruled that AOL had the right to prohibit its employees from possessing or carrying any type of at work, in company parking lots, or while performing work for AOL. The court wrote that the right to bear arms "cannot supplant the right of an employer to regulate the possession of firearms by employees within the workplace environment."