

WHERE WE STAND

GUNS AT WORK

“The ownership of property is one of the most sacred rights encouraged and protected by both our state and federal Constitutions.”

—Florida Supreme Court, 1923

Issue:

The National Rifle Association (NRA) has proposed sweeping legislation to strip property owners of their private property rights. Commonly referred to as “Guns At Work,” this legislation would make it illegal for businesses and other private property owners to have policies prohibiting firearms on their private property. “Guns At Work” legislation wrongly eliminates a fundamental right of every private property owner provided for by the U.S. Constitution, the Florida Constitution and the Florida Statutes.

Solution:

The Florida Chamber opposes government intrusion into the private property rights of Florida employers.

employee relationship. Individual businesses and their employees should be allowed to decide what is best for their home and their workplace — just like they do now. The “Guns At Work” legislation creates a new right that does not exist, and wrongly strips private property rights from millions of Floridians, creates unnecessary government intrusion into basic property rights afforded by the Constitution and is a big-government solution in search of a problem.

Background:

Claiming that the Second Amendment trumps all other rights, the NRA is participating in a national campaign to pass “Guns At Work” legislation in more than 20 states. Setting aside the rhetoric, the key policy question is this: Should business owners or their employees decide if employees are allowed to bring a gun on a business’ private property? We believe private property owners have the responsibility to make this decision. After all, they can be sued for accidents and injuries occurring on their property, even if committed by a criminal.

Private property owners and employees have been deciding this issue for themselves for hundreds of years and now, shockingly, the NRA wants government to decide this for us. The NRA’s national campaign is a direct assault on the employer-

No matter what proponents suggest, private property rights are the basis of the original Bill of Rights and should be jealously guarded and protected, particularly when we contemplate giving this fundamental right to government. While supporters of this legislation say employers are violating employees’ Second Amendment rights to carry a gun, they forget to mention one basic fact—the Second Amendment was written to protect the private citizen from government intrusion. Moreover, in the context of employment, it is clear that employees may agree, as a condition of employment, to various policies waiving a wide variety of rights derived from both federal and state law, e.g., policies on drug testing, manner of dress, political speech, etc. This is true because, as a general rule, the constitutional rights at issue are rights protected against intrusion by the government, not by private actors.

The Florida Chamber of Commerce, representing more than 139,000 employers, is the state’s largest and most powerful federation of businesses, chambers of commerce and associations. Established in 1916, the Chamber works within the legislative, judicial and executive branches of state government to advance *Florida’s Business Agenda*, which contains issues that are critical to the continued improvement of Florida’s business climate.

For more information, visit www.floridachamber.com.

