1 March 2026

To The Attorney General of the State of Florida:

Whereas the matter set forth in this document is integrally connected to the 13th District Civil Circuit Court Tampa Division filing of *Lucas Seidman vs. Hillsborough County Public School District*, Case No. 26-CA-000617 ***and***

Whereas the matter set forth in this document shall be further explored in an anticipated filing in the United States District Court, Middle District of Florida, with similar parties but not the same legal underpinnings ***and***

Whereas the matter set forth is part of an active case made by the State against the aggrieved Lucas David Seidman in the 13th District Court, Case No. 25-CF-014711-A ***and***

Whereas the contents of this document are of interest to the livelihoods of United States Armed Services Members in the State of Florida and other allperson Florida citizens with service-connected weapons training affected by a "loophole" in the law, please find the following

Notice of Constitutional Challenge

Highlighting FSS 790.251(7) as violative of Federal Law under USERRA and as violative of The United States and Florida Constitutions, "on its face" and in practice. FSS 790.251, in its entirety, is given hereafter: "

1) Short title.--This section may be cited as the "Preservation and Protection of the Right to Keep and Bear Arms in Motor Vehicles Act of 2008."

(2) Definitions.--As used in this section, the term:

(a) "Parking lot" means any property that is used for parking motor vehicles and is available to customers, employees, or invitees for temporary or long-term parking or storage of motor vehicles.

(b) “Motor vehicle” means any automobile, truck, minivan, sports utility vehicle, motor home, recreational vehicle, motorcycle, motor scooter, or any other vehicle operated on the roads of this state and required to be registered under state law.

(c) “Employee” means any person who is authorized to carry a concealed weapon or concealed firearm under s. 790.01(1) and:

1. Works for salary, wages, or other remuneration;

2. Is an independent contractor; or

3. Is a volunteer, intern, or other similar individual for an employer.

(d) “Employer” means any business that is a sole proprietorship, partnership, corporation, limited liability company, professional association, cooperative, joint venture, trust, firm, institution, or association, or public sector entity, that has employees.

(e) “Invitee” means any business invitee, including a customer or visitor, who is lawfully on the premises of a public or private employer.

As used in this section, the term “firearm” includes ammunition and accoutrements attendant to the lawful possession and use of a firearm.

(3) Legislative intent; findings.--This act is intended to codify the long-standing legislative policy of the state that individual citizens have a constitutional right to keep and bear arms, that they have a constitutional right to possess and keep legally owned firearms within their motor vehicles for self-defense and other lawful purposes, and that these rights are not abrogated by virtue of a citizen becoming a customer, employee, or invitee of a business entity. It is the finding of the Legislature that a citizen's lawful possession, transportation, and secure keeping of firearms and ammunition within his or her motor vehicle is essential to the exercise of the fundamental constitutional right to keep and bear arms and the constitutional right of self-defense. The Legislature finds that protecting and preserving these rights is essential to the exercise of freedom and individual responsibility. The Legislature further finds that no citizen can or should be required to waive or abrogate his or her right to possess and securely keep firearms and ammunition locked within his or her motor vehicle by virtue of becoming a customer, employee, or invitee of any employer or business establishment within the state, unless specifically required by state or federal law.

(4) Prohibited acts.--No public or private employer may violate the constitutional rights of any customer, employee, or invitee as provided in paragraphs (a)-(e):

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

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

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

1. The fact that an employee or prospective employee is authorized to carry a concealed weapon or concealed firearm under s. 790.01(1); or

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

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

(e) No public or private employer may terminate the employment of or otherwise discriminate against an employee, or expel a customer or invitee for exercising his or her constitutional right to keep and bear arms or for exercising the right of self-defense as long as a firearm is never exhibited on company property for any reason other than lawful defensive purposes.

This subsection applies to all public sector employers, including those already prohibited from regulating firearms under s. 790.33.

(5) Duty of care of public and private employers; immunity from liability.--

(a) When subject to the provisions of subsection (4), a public or private employer has no duty of care related to the actions prohibited under such subsection.

(b) A public or private employer is not liable in a civil action based on actions or inactions taken in compliance with this section. The immunity provided in this subsection does not apply to civil actions based on actions or inactions of public or private employers that are unrelated to compliance with this section.

(c) Nothing contained in this section shall be interpreted to expand any existing duty, or create any additional duty, on the part of a public or private employer, property owner, or property owner's agent.

(6) Enforcement.--The Attorney General shall enforce the protections of this act on behalf of any customer, employee, or invitee aggrieved under this act. If there is reasonable cause to believe that the aggrieved person's rights under this act have been violated by a public or private employer, the Attorney General shall commence a civil or administrative action for damages, injunctive relief and civil penalties, and such other relief as may be appropriate under the provisions of s. 760.51, or may negotiate a settlement with any employer on behalf of any person aggrieved under the act. However, nothing in this act shall prohibit the right of a person aggrieved under this act to bring a civil action for violation of rights protected under the act. In any successful action brought by a customer, employee, or invitee aggrieved under this act, the court shall award all reasonable personal costs and losses suffered by the aggrieved person as a result of the violation of rights under this act. In any action brought pursuant to this act, the court shall award all court costs and attorney's fees to the prevailing party.

(7) Exceptions.--The prohibitions in subsection (4) do not apply to:

(a) Any school property as defined and regulated under s. 790.115.

(b) Any correctional institution regulated under s. 944.47 or chapter 957.

(c) Any property where a nuclear-powered electricity generation facility is located.

(d) Property owned or leased by a public or private employer or the landlord of a public or private employer upon which are conducted substantial activities involving national defense, aerospace, or homeland security.

(e) Property owned or leased by a public or private employer or the landlord of a public or private employer upon which the primary business conducted is the manufacture, use, storage, or transportation of combustible or explosive materials regulated under state or federal law, or property owned or leased by an employer who has obtained a permit required under 18 U.S.C. s. 842 to engage in the business of importing, manufacturing, or dealing in explosive materials on such property.

(f) A motor vehicle owned, leased, or rented by a public or private employer or the landlord of a public or private employer.

(g) Any other property owned or leased by a public or private employer or the landlord of a public or private employer upon which possession of a firearm or other legal product by a customer, employee, or invitee is prohibited pursuant to any federal law, contract with a federal government entity, or general law of this state. "

As is evident from the contents of FSS 790.251(4), "constitutional rights" are invoked and affirmed, though there is no specification of whether the act invokes and affirms the United States Constitution or the Florida Constitution. Let us then suppose, through a liberal construction, that it upholds and affirms both sets of rights, which are undoubtedly similar, though worded differently. Let us also assume there is not meant to be direct facial violation or rejection of the Federal Supremacy Clause as found in article 5 of the Constitution, as found hereafter:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

Specific Facial Challenge to FSS 790.251(7)

FSS 790.251(7) gives a list of sensitive or otherwise specialized places wherein other Florida state law or overriding Federal Law may be applied that does not conform to the straightforward citizen protections found as prohibitions in 790.251(4). Using propositional logic, this challenge assumes within reading and applying FSS 790.251(7) all prohibitions in FSS 790.251(4) uniformly, instantaneously "do not apply", which is the substance of the reading, very directly. This proposition is hereafter used in the context of a school parking lot, wherein the real world standing of Plaintiff exists as one such site is where violation of his rights under FSS 790.251 did take place, as listed in the above named court proceedings.

To reiterate: "

7) EXCEPTIONS.—The prohibitions in subsection (4) do not apply to:"

let the State consider specifically this logic as applied to FSS 790.251(7)(a). This is then assuming that the Legislature meant to provide means to School Boards that ALL subsections within FSS 790.251(4) could be overridden, to not apply, simultaneously. This means that: "

7) EXCEPTIONS.—The prohibitions in subsection (4) do not apply to:
(a) Any school property as defined and regulated under s. 790.115."

If the State shall hold that a School Board or affiliated Law Enforcement need not conform to the statutory prohibitions of 790.251(4), the results, as applied, appear as follows: "

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

If FSS 790.251(7) is applied as currently written, then:

The Florida legislature has ignored the Supremacy Clause and created a statutory environment in which public or private sector employers are positively statutorily empowered to "violate the Constitutional Rights of any customer, employee, or invitee as provided in paragraphs (a)-(e):"

However:

No state law can directly, generally authorize the violation of constitutional rights of US Citizens, pursuant to the Federal Supremacy Clause. And yet FSS 790.251(7) does just this.

Further: "

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

If this did apply as written, then:

School Boards (or ANY public or private employers) can prohibit ANY customer, employee, or invitee from possessing a legally owned firearm when such firearm is lawfully possessed and locked inside or locked to a private motor vehicle in a parking lot and when the customer, employee, or invitee is lawfully in such area.

However:

FSS 790.115(2)(a)(3) makes it clear that all such customers invitees, or employees enjoy the protections of FSS 790.25(4), allowing them to constructively possess firearms securely encased in a locked vehicle. This specific segment is delivered as an exception, which can be waived by school boards, using every exact and specific language as found in two Florida 5th District Court of Appeals cases, for those school districts seeking to regulate "student and campus parking privileges."

It is also of note that Staff parking does not appear functionally nor, in general, legally defined as a "privilege" and thus is not regulated by FSS 790.115(2)(a)(3). This makes facial application of FSS 790.251(7) as unlikely as the legislature purposefully negating the "constitutional rights" of every human being in the state of Florida.

Further: "

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

If FSS 790.251(7) is applied as currently written, then:

The Florida legislature has ignored the Supremacy Clause.

This would mean that non law enforcement personnel, at will, could search the private motor vehicle of ANY customer, employee, or invitee for the presence of a firearm and that there need be no due process and that the school board need not comply with constitutional protections.

However:

Through the Supremacy Clause and pursuant to Federal Law, the State cannot summarily abridge nor suspend simultaneously the 4th and 5th Amendments. It is simply not Constitutionally possible. Also without the specific notice of waiver of the FSS 790.25(4) exception found in FSS 790.115, as outlined by State v Ragland and Forrester v Sumter County School Board, students and employee vehicles fully enjoy the protections of FSS 790.25(4) and FSS 790.251, this law having been created after Ragland, among other statutes that permit lawful constructive possession of firearms but that the Legislature has not specifically given School Boards any ability to abrogate like FSS 790.01 or FSS 790.25(2).

Further: "

(c) No public or private employer shall condition employment upon either:
1. The fact that an employee or prospective employee is authorized to carry a concealed weapon or concealed firearm under s. 790.01(1); or

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

If this did apply as written, then:

Any public or private employer listed in 790.251(7) could condition employment on the fact that an employee or prospective employee is authorized to carry a concealed weapon or concealed firearm under FSS 790.01

AND

May condition employment on an agreement by an employee or a prospective employee that prohibits an employee from keeping a legal firearm locked inside or locked to a private motor vehicle in a parking lot when such firearm is kept for lawful purposes.

This is where the passage of "Permitless Carry" found in 790.01(1)(b) has opened up a Veteran Discrimination Loophole because, quite simply, as long as they qualify under other elements of FSS 790.06, which they mostly can be expected to, then Military Status has automatically made them authorized to carry a firearm, which means FSS 790.251(7) automatically empowers all classification of employers, as they uniformly negate prohibitions found in FSS 790.251(4), to automatically discriminate against all components of Service Members with regard to hiring or sustained employment. This is not a trick, nor a stretch of the definitions. It is a very straightforward reading, and one that, beyond all the other constitutional issues in this document, is also therefore in violation of USERRA.

Further, from 790.251(4): "

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

However:

This does not denote that, in the case of schools, appellate court cases Ragland and Forrester direct that notice of the waiver of the FSS 790.25(4) exception must be written and published before the Legislative protection of FSS 790.25(4) ceases to apply to student and campus parking privileges, meaning that, in the case of schools, schools would be discriminating against or attempting to prevent people from entering parking lots who are exercising their lawful rights and their lawful constitutional rights as FSS 790.251(7) does not require Notice of Waiver to enact its negations of the FSS 790.251(4) Prohibitions.

Further: "

(e) No public or private employer may terminate the employment of or otherwise discriminate against an employee, or expel a customer or invitee for exercising his or her constitutional right to keep and bear arms or for exercising the right of self-defense as long as a firearm is never exhibited on company property for any reason other than lawful defensive purposes.
This subsection applies to all public sector employers, including those already prohibited from regulating firearms under s. 790.33."

If this did apply as written, then:

This would mean that the School Board, a correctional facility, a power plant, a state entity, can terminate the employment of or otherwise discriminate against an employee, or expel a customer or invitee for exercising his or her constitutional right to keep and bear arms or for exercising the right of self-defense even if a firearm is never exhibited on company property for any reason other than lawful defensive purposes.

However, from FSS 790.251(3):

"The Legislature further finds that no citizen can or should be required to waive or abrogate his or her right to possess and securely keep firearms and ammunition locked within his or her motor vehicle by virtue of becoming a customer, employee, or invitee of any employer or business establishment within the state, unless specifically required by state or federal law."

This is inconsistent with the law and the general legal principle that no Citizen can be punished for exercising their fundamental rights. It is also violative of Administrative Law proceedings wherein the burden of proof for just cause for administratively terminating an employee typically cannot rely on the fact that an employee violated a policy which was unconstitutional or unlawful in its construction. Such employee actions then do not constitute Just Cause, specific to the Administrative Law setting. Further, in a fairly recent Administrative Court finding, an ALJ determined that (e), particularly when the School Board's Policies, using empowerments given within 790.115(2)(a)(3), but in accordance with specific standards of form given State v Ragland and Forrester v. Sumter County School Board, do not properly waive the FSS 790.25(4) exception found in FSS 790.115(2)(a)(3), that instructional staff still enjoy the protections of FSS 790.251, even in the presence of generally prohibitive language that invokes and affirms Florida Law, a Florida Law which upholds the rights that Board policies are prohibiting. *St. Lucie County School Board v. Potts, Case No. 22-3771TTS (DOAH June 20, 2023) (Recommended Order)*.

<u>Specific to 790.251(4)(c) and the Veterans Employment Discrimination Loophole</u>

As prepondered above, misconstrued application of 790.251(7) can lead to violation of the Constitution and USERRA. Some think it more likely that the act must be narrowly construed on a case by case basis by courts. This reactive thinking is not useful nor relevant. Using the 'supremacy-of-text principle'—namely, the principle that '[t]he words of a governing text are of paramount concern, and what they convey, in their context, is what the text means." Ham v.

Portfolio Recovery Assocs., LLC, 308 So. 3d 942, 946 (Fla. 2020) (citing Antonin Scalia & Bryan A. Garner, Reading Law: The Interpretation of Legal Texts 56 (2012)), unlawful or Unconstitutional texts cannot be allowed to stand unaltered waiting or individual judiciary review. They are unlawful, as is oft cited, on their face, and do not require situations or circumstances leading to a court's opportunity to narrowly construe them in favor of citizens' rights to have already violated the rights of Florida citizens and the Federal protections afforded our Armed Services Members. USERRA does have other administrative remedies for penalizing those employers found to be in violation of its protections but this would require, most likely, direct evidence of this loophole, or any such automatic discrimination, and the time and effort of an individual seeking redress in an administrative setting. This is simply not the law. The law is proactive in that it forbids such discrimination, not solely reactive in its ability to help those veterans affected, particularly in a statutory environment wherein veterans can be arbitrarily, statutorily discriminated against pursuant to the wording of the statute.

An alternative analysis

It must be the case that students, via a reduced set of constitutional rights on campus according to *New Jersey vs. TLO,* and unregulated, non-contract visitors, whose sole means of lawful possession rest in FSS 790.25(4), are the subject of FSS 790.115 and that FSS 790.251(7) explains this, "relating back" to the substance of FSS 790.115, but, at this time, the law sits on the books as unconstitutional and in violation of Federal law. It should not require this level of research nor analysis to arrive at the expected behaviors issued by the statute as the "rule of strict construction arises from the Due Process requirement that criminal statutes must apprise ordinary persons of common intelligence what is prohibited." (*State v. Cohen, 696 So. 2d 435, 440 (Fla. 4th DCA 1997*))

<u>Specific Violation of USERRA</u>

The Uniform Services Employment and Reemployment Rights Act provides, through 38 U.S.C. § 4311 "

a) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service, application for service, or obligation."

However, FSS 790.251(7) creates a situation in which, based on the knowledge that a citizen is authorized to carry a concealed weapon, employment can specifically be denied to citizens either at the application phase or in the retention phase. This means that any business entity that qualifies under FSS 790.251(7) can discriminate against, refuse to hire or choose to fire without any other just cause required a member of the United States Armed Forces simply because through their military service and their training, which automatically qualifies them for, among other necessary qualifications, range training and further experience required in FSS 790.06(2)(h)(5), they are automatically authorized to carry concealed weapons under FSS 790.01(1)(b).

The facial unlawfulness of the statute in the face of USERRA, notwithstanding all of the other technical possible Unconstitutional applications of the law, is not cured through reactive administrative redress but must be proactively rewritten.

This anti-veteran loophole is unlawful, unconstitutional, and specifically counter to the American way of life in which we support our veterans, typically give them preference when it comes to hiring and certainly don't create loopholes wherein their service can automatically disqualify them from consideration or continued employment.

This facial application creates:

1) Unlawful abridgment of the 2nd Amendment Right to keep and bear arms

2) Unlawful authorization to suspend the 4th Amendment

3) Unlawful authorization to suspend the 5th Amendment

4) Unlawful authorization to suspend the 14th Amendment

5) Authorization to Violate USERRA, 38 U.S.C. § 4311

The State, even with the tremendous power reserved for it and its citizens in the 9th and 10th Amendments, and even with the sound declaration of its preemption of the field of firearms in its entirety in FSS 790.33, cannot make a blanket statement or general statement that authorizes anyone to violate the constitutional rights, specifically the secured freedoms, of a protected class of people or defined class of people, namely, in the case of 790.251(7), Armed Service Personnel, through opening of this loophole, and also educational staff and other contracted school employees, at will. Thus "no set of circumstances exists under which the statute would be valid" as written. See State v. Bales, 343 So.2d 9, 11 (Fla.1977); Cashatt v. State, 873 So.2d 430, 434 (Fla. 1st DCA 2004).

If these were niche places with few employees, it would be less of an issue, but in any listing of the largest employers in 67 counties in the state of Florida, one would find the school board or public school district to be in the top five in nearly all of them. Jobs at nuclear power facilities are excellent jobs, as are those at Florida aerospace companies, and the rest of the sensitive sites found in FSS 790.251(7), many of which perfectly complement the various military occupational specialties of our Armed Forces, but some personnel may never get to continue service in these jobs because this particular law allows them to be disqualified based on that service. It is egregious.

As Florida, our great state, has 25 million citizens and Armed Services components represent 8% of that population by some count, this is well over 1.5 million people for whom this act has opened the door to legal discrimination on the basis of their willingness to serve their country.

Action Requested of the Attorney General

The Attorney General bears now the solemn burden of proving that no Armed Services Member at this time is being actively discriminated against based on the subversive override of prohibitions found in FSS 790.251(7) and at all associated businesses that service these venues or institutions. This proof offered, and in its entirety for all time, or simply the correct change to the text as it is read, so it cannot be interpreted by any number of employers to authorize discrimination against Armed Forces Personnel, would uphold the law and the ideals of our Great State and Great Nation. This Veterans Discrimination Loophole must be closed and as it has aggrieved one Veteran and can potentially aggrieve more, FSS 790.251 itself offers the cause of action and impetus for doing so, "

(6) Enforcement.--The Attorney General shall enforce the protections of this act on behalf of any customer, employee, or invitee aggrieved under this act. If there is reasonable cause to believe that the aggrieved person's rights under this act have been violated by a public or private employer, the Attorney General shall commence a civil or administrative action for damages, injunctive relief and civil penalties, and such other relief as may be appropriate under the provisions of s. 760.51, or may negotiate a settlement with any employer on behalf of any person aggrieved under the act. However, nothing in this act shall prohibit the right of a person aggrieved under this act to bring a civil action for violation of rights protected under the act. In any successful action brought by a customer, employee, or invitee aggrieved under this act, the court shall award all reasonable personal costs and losses suffered by the aggrieved person as a result of the violation of rights under this act. In any action brought pursuant to this act, the court shall award all court costs and attorney's fees to the prevailing party."

It is then the burden of the Attorney General and his Office, given his mandate to enforce FSS 790.251 and also hear from those aggrieved under this Act, who is also tasked with defending the laws of the state of Florida from accusations of violation of federal law, specifically USERRA, to prove to himself that there is no automatic veteran discrimination loophole or that, if there is, to close it through remedies directed at the necessary statutes, the merits of any answer to this Challenge spoken for in the court cases of the above-named Plaintiff, with all due respect for The Office of The Attorney General and our Great State of Florida and with the rights of so many at stake.

ADDENDUM RELATING BACK TO CITIZEN'S CONSTITUTIONAL CHALLENGE AS IT RELATES TO UNIFORM RECOGNITION OF FSS 790.251 PROTECTIONS FOR THE DISTINCT AND PROTECTED CLASS OF CITIZENS, SPECIFICALLY EDUCATIONAL STAFF SUBJECT TO COLLECTIVE BARGAINING AGREEMENTS "CONTRACTS", ENTERED INTO WITH SCHOOLS AND/OR THEIR PARENT SCHOOL DISTRICT.

The primary Florida Statute addressing constructive possession of firearms in the private conveyance of any Employee in the State of Florida is FSS 790.251, an act designed to protect Lawful possessors of firearms from employers making terms of their employment contingent upon whether or not they possess a firearm in their vehicle. For the most part, this is a protection for all Citizens in the domain of all "businesses" such that no employer may, through its own policies or interests, abridge the Second Amendment or Florida Statutory Rights of Employees, Customers, Attendees, or other generalized Visitors to such businesses.

Section 790.251(3) further provides: "Legislative intent; findings.—This act is intended to codify the long-standing legislative policy of the state that individual citizens have a constitutional right to keep and bear arms, that they have a constitutional right to possess and keep legally owned firearms within their motor vehicles for self-defense and other lawful purposes, and that these rights are not abrogated by virtue of a citizen becoming a customer, employee, or invitee of a business entity. It is the finding of the Legislature that a citizen's lawful possession, transportation, and secure keeping of firearms and ammunition within his or her motor vehicle is essential to the exercise of the fundamental constitutional right to keep and bear arms and the constitutional right of self-defense."

This should be, as an extension of The State's Preemption of the entire Field of Firearms, the primary guiding mechanism for all employer policies, or its presence the reason for specific refusal to formulate additional policies, regarding parking and firearms in the State of Florida. However, in an attempt to keep our schools safer, the Law does allow that whereas the conveyances of invitees, attendees, or other visitors could otherwise not be searched, FSS 790.115 can be utilized at a statewide level to enforce parking on various school board properties or at various school board-sponsored events, specifically permitting the Lawful possession of securely encased firearms (790.115 2(a)(3)): "In a vehicle pursuant to s. 790.25(4); except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges."

The purpose of this challenge, for the benefit of all Districts, Law Enforcement personnel and affected Instructional Staff, is to determine what constitutes "student and campus parking privileges." It is of note that at no time does this subsection specifically name "instructional personnel", "teachers", or any derivation thereof as being subject to its general regulation.

The gateway to clarification of this statute and the Legislative Intent is the specific use of the word "privileges".

Privilege, from Webster - As a noun:

1) a right, exemption, or immunity granted, as a particular benefit, advantage, or favor.
2) a right of benefit given to some people, but not others.
3) advantage that wealthy and powerful people have over other people in a society.
4) a special opportunity to do something that causes the feeling of pride
As a verb:
1) to grant a privilege to.
2) to record a higher value or superior position to

In Hillsborough County, within the HCTA Instructional Contract (2023–2026), Article 7, specifically addresses parking for Educators. "

7 Facilities
7.1 Facilities
7.1. Each school will have the following facilities:
A. Space in each adequately furnished classroom in which teachers may store instructional materials and supplies. Itinerant teachers shall be provided space for the storage of their records and materials at each school.
B. An individual workspace.
C. Consistent and reliable high speed wireless internet access.
D. Well lighted and clean teacher restrooms.
E. A workroom for teachers containing equipment and supplies to aid in the preparation of instructional materials.
F. All buildings that contained a furnished room used as a faculty lounge during the 2009-2010 school year shall continue, when possible, to maintain such faculty lounge. All additional buildings that can accommodate providing a furnished room to be used as a faculty lounge shall do so. In both cases, such room will be in addition to the teacher workroom referenced in paragraph 7.7.1(E).
G. Telephone service available to teachers to conduct school business which permits privacy of conversation.
of 11 42H. Space in the parking lot at each school will be reserved for teacher parking.
I. Every effort should be made to provide Student Services Personnel a private area (sufficient to accommodate individual/group counseling), locked file cabinet and telephone.
J. It shall be the district's objective to provide teachers technological tools fundamental to meeting the needs of the classroom.
K. A teacher required to utilize a classroom assigned to another teacher during a class period shall be given uninterrupted use of that classroom unless prior agreement to allow access is reached.
L. Each site will guarantee reasonable and free access to copiers during the workday. Teachers should not be required to provide paper, staples or other basic copy supplies.
7.1.2 Consideration shall be given to safety and security of teachers' cars when assigning teacher parking areas."

With Webster's first definition of privilege, the noun speaks to a thing *granted* while the first verb falls in line contextually with a concept of something *given* to a group of people or to an individual that is theirs to enjoy that others do not have. In a modern context, it is *given*, perhaps as a reward, and it can be taken away *by the giver*. In the case of HCTA contract-regulated

Instructional Parking, there is no body to grant a privilege, nor revoke it. As synthesized from the HCTA document, 7.1.H, signed and agreed to by School Districts, Instructional Staff Parking is:

A *mandatory* reservation **or**

a reserved *provision* **or**

a *term or condition of employment* that cannot be unilaterally changed or removed by a District without negotiation **or**

a mandatory obligation *imposed* on the district **or**

a bargained-for facility provision that the district is *required* to provide.

There are any number of ways to describe teacher parking but “privilege”, as it is afforded by one party to another, typically, with the contextual supposition that it could be taken away, is not of one of them. Parking for students, visitors, and the focal point of all possibly dangerous traffic on a high school campus, sports event attendees, particularly during rivalries or in certain historically violent areas, *is* a revocable condition subject to a high level of regulation for the sake of the Community’s safety. But not Instructional Staff parking. Instructional Staff parking, different than student parking, which is noted as specifically being a privilege in other lesser, non-legally binding School District communications, typically to students, is *not* a privilege, and the condition held up under legal scrutiny would not fit the definition contextually as applied to privilege. Thus 790.115(2)(a)(3) does not apply to Instructional Staff or other educational staff when regulating campus parking. And yet, as it is being enforced to include contract educational staff, is completely misconstrued, and finds those enforcing it this way in complete violation of FSS 790.251, the subject of this challenge, as any law or enforcement of law that violates FSS

790.251 is most likely violating the 2nd, 4th, 5th and 14th Amendment rights of The Aggrieved. Plaintiff in the attached court case is aggrieved. As a specific class, nearly all contract educational staff should be aggrieved for the subversion of their Civil Rights.

Also reiterated here that, pursuant to 790.251(7), while Correctional Facilities and Nuclear Power Facilities have specific Federal Law that governs, overrides or at least has the good effect of comprehensive regulation of sensitive sites, schools have, wherein the statute on its face remains ambiguously connected to FSS 790.115 but there is no preempting, comprehensive set of Federal Codes that pick up where general Florida Statute would otherwise leave off, become an odd statutory no man's land. This has NOT necessarily made them safer, nor better for their purpose: the daily safekeeping, education and social development of our youth. Alternatively, this statutory environment, as posited within this document, has summarily abridged the 2nd Amendment rights of all educational staff and forced them to live either in fear of exercising their fundamental rights or peculiarly deconditioned from the exercise of such rights, both of which cannot have a lawfully satisfactory effect on the children they are responsible for overseeing.

Action Requested of Attorney General

Based on the arguments contained herein and the office's jurisdiction laid out in FSS 790.251, as follows: "

(6) Enforcement.--The Attorney General shall enforce the protections of this act on behalf of any customer, employee, or invitee aggrieved under this act. If there is reasonable cause to believe that the aggrieved person's rights under this act have been violated by a public or private employer, the Attorney General shall commence a civil or administrative action for damages, injunctive relief and civil penalties, and such other relief as may be appropriate under the provisions of s. 760.51, or may negotiate a settlement with any employer on behalf of any person aggrieved under the act. However, nothing in this act shall prohibit the right of a person aggrieved under this act to bring a civil action for violation of rights protected under the act. In any successful action brought by a customer, employee, or invitee aggrieved under this act, the court shall award all reasonable personal costs and losses suffered by the aggrieved person as a result of the violation of rights under this act. In any action brought pursuant to this act, the court shall award all court costs and attorney's fees to the prevailing party."

It is the express hope here that the Attorney General will investigate the matter, not only in the case of Lucas Seidman, via his criminal court case and civil filings, but in the general case of all educational staff so affected and "shall commence a civil or administrative action for damages, injunctive relief and civil penalties, and such other relief as may be appropriate."

DESIGNATION OF E-MAIL ADDRESSES

Plaintiff designates the following e-mail address for correspondence related to this matter:

Lucas David Seidman, tcl08@protonmail.com

Offered with respect to The Office of The Attorney General in the light of Truth and in the pursuit of Justice,

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(813) 954 - 3907
Defendant, Conductor of His own Cause
In forma pauperis