

HB 325

2013

1 A bill to be entitled
2 An act relating to school safety; amending s. 212.20,
3 F.S.; providing that state sales and use taxes
4 collected on firearms and ammunition shall be
5 allocated to the Safe Schools Trust Fund rather than
6 the General Revenue Fund; amending s. 790.053, F.S.;
7 providing that an exception to prohibition on the open
8 carrying of weapons for certain nonlethal weapons does
9 not apply to persons, other than school faculty or
10 staff members, within school safety zones; creating s.
11 790.0535, F.S.; providing that a person present within
12 a school safety zone who is carrying a weapon or
13 firearm in violation of specified provisions may avoid
14 charges by surrendering the weapon or firearm to a
15 specified person at the earliest opportunity if the
16 person has committed no other offense involving the
17 weapon or firearm within the zone; amending s. 790.06,
18 F.S.; providing that a license to carry a concealed
19 weapon or firearm does not authorize any person to
20 openly carry a handgun or carry a concealed weapon or
21 firearm in a school safety zone; amending s. 1006.025,
22 F.S.; requiring a school district's guidance plan to
23 include mandatory guidance counseling for certain
24 students in school safety issues; amending ss. 11.45,
25 202.18, 218.245, 218.65, 288.11621, and 288.1169,
26 F.S.; conforming cross-references; providing an
27 effective date.
28

29 | Be It Enacted by the Legislature of the State of Florida:

30 |

31 | Section 1. Paragraph (d) of subsection (6) of section
32 | 212.20, Florida Statutes, is redesignated as paragraph (e), and
33 | a new paragraph (d) is added to that section to read:

34 | 212.20 Funds collected, disposition; additional powers of
35 | department; operational expense; refund of taxes adjudicated
36 | unconstitutionally collected.—

37 | (6) Distribution of all proceeds under this chapter and s.
38 | 202.18(1)(b) and (2)(b) shall be as follows:

39 | (d) Proceeds from the taxes collected under s. 212.06 on
40 | sales and use of ammunition, as defined in s. 790.001, or a
41 | firearm, as defined in s. 790.001, shall be distributed to the
42 | Safe Schools Trust Fund.

43 | Section 2. Section 790.053, Florida Statutes, is amended
44 | to read:

45 | 790.053 Open carrying of weapons.—

46 | (1) Except as provided in subsection (2) or otherwise
47 | provided by law ~~and in subsection (2)~~, it is unlawful for any
48 | person to openly carry on or about his or her person any firearm
49 | or electric weapon or device. It is not a violation of this
50 | section for a person licensed to carry a concealed firearm as
51 | provided in s. 790.06(1), and who is lawfully carrying a firearm
52 | in a concealed manner, to briefly and openly display the firearm
53 | to the ordinary sight of another person, unless the firearm is
54 | intentionally displayed in an angry or threatening manner, not
55 | in necessary self-defense.

56 | (2) (a) A person may openly carry, for purposes of lawful

57 self-defense:

58 1.~~(a)~~ A self-defense chemical spray.

59 2.~~(b)~~ A nonlethal stun gun or dart-firing stun gun or
60 other nonlethal electric weapon or device that is designed
61 solely for defensive purposes.

62 (b) This subsection does not apply to a person, other than
63 a school faculty or staff member, within a school safety zone as
64 defined in s. 810.0975.

65 (3) Any person violating this section commits a
66 misdemeanor of the second degree, punishable as provided in s.
67 775.082 or s. 775.083.

68 Section 3. Section 790.0535, Florida Statutes, is created
69 to read:

70 790.0535 Surrender of weapon or firearm in school safety
71 zone; immunity.—A person who is within a school safety zone, as
72 defined in s. 810.0975, and is otherwise in violation of s.
73 790.01, s. 790.053, or s. 790.06(12) due to the carrying of a
74 weapon or firearm may not be charged with such violation if he
75 or she:

76 (1) At the earliest opportunity after entering the school
77 safety zone surrenders the weapon or firearm to a law
78 enforcement officer, school principal, or other person
79 designated by the school principal.

80 (2) Has committed no other violation of law involving the
81 weapon or firearm while within the school safety zone.

82 Section 4. Paragraph (a) of subsection (12) of section
83 790.06, Florida Statutes, is amended to read:

84 790.06 License to carry concealed weapon or firearm.—

HB 325

2013

85 (12) (a) A license issued under this section does not
86 authorize any person to openly carry a handgun or carry a
87 concealed weapon or firearm into:

88 1. Any place of nuisance as defined in s. 823.05;

89 2. Any police, sheriff, or highway patrol station;

90 3. Any detention facility, prison, or jail;

91 4. Any courthouse;

92 5. Any courtroom, except that nothing in this section
93 would preclude a judge from carrying a concealed weapon or
94 determining who will carry a concealed weapon in his or her
95 courtroom;

96 6. Any polling place;

97 7. Any meeting of the governing body of a county, public
98 school district, municipality, or special district;

99 8. Any meeting of the Legislature or a committee thereof;

100 9. Any school, college, or professional athletic event not
101 related to firearms;

102 10. Any school safety zone as defined in s. 810.0975 or
103 any elementary or secondary school facility or administration
104 building;

105 11. Any career center;

106 12. Any portion of an establishment licensed to dispense
107 alcoholic beverages for consumption on the premises, which
108 portion of the establishment is primarily devoted to such
109 purpose;

110 13. Any college or university facility unless the licensee
111 is a registered student, employee, or faculty member of such
112 college or university and the weapon is a stun gun or nonlethal

113 electric weapon or device designed solely for defensive purposes
 114 and the weapon does not fire a dart or projectile;

115 14. The inside of the passenger terminal and sterile area
 116 of any airport, provided that no person shall be prohibited from
 117 carrying any legal firearm into the terminal, which firearm is
 118 encased for shipment for purposes of checking such firearm as
 119 baggage to be lawfully transported on any aircraft; or

120 15. Any place where the carrying of firearms is prohibited
 121 by federal law.

122 Section 5. Subsection (4) is added to section 1006.025,
 123 Florida Statutes, to read:

124 1006.025 Guidance services.—

125 (4) Each school district's guidance plan shall include
 126 mandatory guidance counseling in school safety issues for
 127 students in kindergarten through grade 5 using Florida's School
 128 Counseling and Guidance Framework.

129 Section 6. Paragraph (a) of subsection (5) of section
 130 11.45, Florida Statutes, is amended to read:

131 11.45 Definitions; duties; authorities; reports; rules.—

132 (5) PETITION FOR AN AUDIT BY THE AUDITOR GENERAL.—

133 (a) The Legislative Auditing Committee shall direct the
 134 Auditor General to make an audit of any municipality whenever
 135 petitioned to do so by at least 20 percent of the registered
 136 electors in the last general election of that municipality
 137 pursuant to this subsection. The supervisor of elections of the
 138 county in which the municipality is located shall certify
 139 whether or not the petition contains the signatures of at least
 140 20 percent of the registered electors of the municipality. After

141 the completion of the audit, the Auditor General shall determine
 142 whether the municipality has the fiscal resources necessary to
 143 pay the cost of the audit. The municipality shall pay the cost
 144 of the audit within 90 days after the Auditor General's
 145 determination that the municipality has the available resources.
 146 If the municipality fails to pay the cost of the audit, the
 147 Department of Revenue shall, upon certification of the Auditor
 148 General, withhold from that portion of the distribution pursuant
 149 to s. 212.20(6)(e)5. ~~212.20(6)(d)5.~~ which is distributable to
 150 such municipality, a sum sufficient to pay the cost of the audit
 151 and shall deposit that sum into the General Revenue Fund of the
 152 state.

153 Section 7. Paragraph (b) of subsection (2) of section
 154 202.18, Florida Statutes, is amended to read:

155 202.18 Allocation and disposition of tax proceeds.—The
 156 proceeds of the communications services taxes remitted under
 157 this chapter shall be treated as follows:

158 (2) The proceeds of the taxes remitted under s.
 159 202.12(1)(b) shall be divided as follows:

160 (b) Sixty-three percent of the remainder shall be
 161 allocated to the state and distributed pursuant to s. 212.20(6),
 162 except that the proceeds allocated pursuant to s. 212.20(6)(e)2.
 163 ~~212.20(6)(d)2.~~ shall be prorated to the participating counties
 164 in the same proportion as that month's collection of the taxes
 165 and fees imposed pursuant to chapter 212 and paragraph (1)(b).

166 Section 8. Subsection (3) of section 218.245, Florida
 167 Statutes, is amended to read:

168 218.245 Revenue sharing; apportionment.—

HB 325

2013

169 (3) Revenues attributed to the increase in distribution to
170 the Revenue Sharing Trust Fund for Municipalities pursuant to s.
171 212.20(6)(e)5. ~~212.20(6)(d)5.~~ from 1.0715 percent to 1.3409
172 percent provided in chapter 2003-402, Laws of Florida, shall be
173 distributed to each eligible municipality and any unit of local
174 government that is consolidated as provided by s. 9, Art. VIII
175 of the State Constitution of 1885, as preserved by s. 6(e), Art.
176 VIII, 1968 revised constitution, as follows: each eligible local
177 government's allocation shall be based on the amount it received
178 from the half-cent sales tax under s. 218.61 in the prior state
179 fiscal year divided by the total receipts under s. 218.61 in the
180 prior state fiscal year for all eligible local governments.
181 However, for the purpose of calculating this distribution, the
182 amount received from the half-cent sales tax under s. 218.61 in
183 the prior state fiscal year by a unit of local government which
184 is consolidated as provided by s. 9, Art. VIII of the State
185 Constitution of 1885, as amended, and as preserved by s. 6(e),
186 Art. VIII, of the Constitution as revised in 1968, shall be
187 reduced by 50 percent for such local government and for the
188 total receipts. For eligible municipalities that began
189 participating in the allocation of half-cent sales tax under s.
190 218.61 in the previous state fiscal year, their annual receipts
191 shall be calculated by dividing their actual receipts by the
192 number of months they participated, and the result multiplied by
193 12.

194 Section 9. Subsections (5), (6), and (7) of section
195 218.65, Florida Statutes, are amended to read:

196 218.65 Emergency distribution.—

197 (5) At the beginning of each fiscal year, the Department
198 of Revenue shall calculate a base allocation for each eligible
199 county equal to the difference between the current per capita
200 limitation times the county's population, minus prior year
201 ordinary distributions to the county pursuant to ss.
202 212.20(6)(e)2. ~~212.20(6)(d)2.~~, 218.61, and 218.62. If moneys
203 deposited into the Local Government Half-cent Sales Tax Clearing
204 Trust Fund pursuant to s. 212.20(6)(d)3., excluding moneys
205 appropriated for supplemental distributions pursuant to
206 subsection (8), for the current year are less than or equal to
207 the sum of the base allocations, each eligible county shall
208 receive a share of the appropriated amount proportional to its
209 base allocation. If the deposited amount exceeds the sum of the
210 base allocations, each county shall receive its base allocation,
211 and the excess appropriated amount, less any amounts distributed
212 under subsection (6), shall be distributed equally on a per
213 capita basis among the eligible counties.

214 (6) If moneys deposited in the Local Government Half-cent
215 Sales Tax Clearing Trust Fund pursuant to s. 212.20(6)(e)3.
216 ~~212.20(6)(d)3.~~ exceed the amount necessary to provide the base
217 allocation to each eligible county, the moneys in the trust fund
218 may be used to provide a transitional distribution, as specified
219 in this subsection, to certain counties whose population has
220 increased. The transitional distribution shall be made available
221 to each county that qualified for a distribution under
222 subsection (2) in the prior year but does not, because of the
223 requirements of paragraph (2)(a), qualify for a distribution in
224 the current year. Beginning on July 1 of the year following the

225 | year in which the county no longer qualifies for a distribution
 226 | under subsection (2), the county shall receive two-thirds of the
 227 | amount received in the prior year, and beginning July 1 of the
 228 | second year following the year in which the county no longer
 229 | qualifies for a distribution under subsection (2), the county
 230 | shall receive one-third of the amount it received in the last
 231 | year it qualified for the distribution under subsection (2). If
 232 | insufficient moneys are available in the Local Government Half-
 233 | cent Sales Tax Clearing Trust Fund to fully provide such a
 234 | transitional distribution to each county that meets the
 235 | eligibility criteria in this section, each eligible county shall
 236 | receive a share of the available moneys proportional to the
 237 | amount it would have received had moneys been sufficient to
 238 | fully provide such a transitional distribution to each eligible
 239 | county.

240 | (7) There is hereby annually appropriated from the Local
 241 | Government Half-cent Sales Tax Clearing Trust Fund the
 242 | distribution provided in s. 212.20(6)(e)3. ~~212.20(6)(d)3.~~ to be
 243 | used for emergency and supplemental distributions pursuant to
 244 | this section.

245 | Section 10. Paragraphs (a) and (d) of subsection (3) of
 246 | section 288.11621, Florida Statutes, are amended to read:

247 | 288.11621 Spring training baseball franchises.—

248 | (3) USE OF FUNDS.—

249 | (a) A certified applicant may use funds provided under s.
 250 | 212.20(6)(e)6.b. ~~212.20(6)(d)6.b.~~ only to:

251 | 1. Serve the public purpose of acquiring, constructing,
 252 | reconstructing, or renovating a facility for a spring training

253 franchise.

254 2. Pay or pledge for the payment of debt service on, or to
 255 fund debt service reserve funds, arbitrage rebate obligations,
 256 or other amounts payable with respect thereto, bonds issued for
 257 the acquisition, construction, reconstruction, or renovation of
 258 such facility, or for the reimbursement of such costs or the
 259 refinancing of bonds issued for such purposes.

260 3. Assist in the relocation of a spring training franchise
 261 from one unit of local government to another only if the
 262 governing board of the current host local government by a
 263 majority vote agrees to relocation.

264 (d)1. All certified applicants must place unexpended state
 265 funds received pursuant to s. 212.20(6)(e)6.b. ~~212.20(6)(d)6.b.~~
 266 in a trust fund or separate account for use only as authorized
 267 in this section.

268 2. A certified applicant may request that the Department
 269 of Revenue suspend further distributions of state funds made
 270 available under s. 212.20(6)(e)6.b. ~~212.20(6)(d)6.b.~~ for 12
 271 months after expiration of an existing agreement with a spring
 272 training franchise to provide the certified applicant with an
 273 opportunity to enter into a new agreement with a spring training
 274 franchise, at which time the distributions shall resume.

275 3. The expenditure of state funds distributed to an
 276 applicant certified before July 1, 2010, must begin within 48
 277 months after the initial receipt of the state funds. In
 278 addition, the construction of, or capital improvements to, a
 279 spring training facility must be completed within 24 months
 280 after the project's commencement.

HB 325

2013

281 Section 11. Subsection (6) of section 288.1169, Florida
282 Statutes, is amended to read:

283 288.1169 International Game Fish Association World Center
284 facility.—

285 (6) The department must recertify every 10 years that the
286 facility is open, that the International Game Fish Association
287 World Center continues to be the only international
288 administrative headquarters, fishing museum, and Hall of Fame in
289 the United States recognized by the International Game Fish
290 Association, and that the project is meeting the minimum
291 projections for attendance or sales tax revenues as required at
292 the time of original certification. If the facility is not
293 recertified during this 10-year review as meeting the minimum
294 projections, then funding shall be abated until certification
295 criteria are met. If the project fails to generate \$1 million of
296 annual revenues pursuant to paragraph (2)(e), the distribution
297 of revenues pursuant to s. 212.20(6)(e)6.d. ~~212.20(6)(d)6.d.~~
298 shall be reduced to an amount equal to \$83,333 multiplied by a
299 fraction, the numerator of which is the actual revenues
300 generated and the denominator of which is \$1 million. Such
301 reduction remains in effect until revenues generated by the
302 project in a 12-month period equal or exceed \$1 million.

303 Section 12. This act shall take effect July 1, 2013.