

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, 288.11625,
26 288.11631, and 288.1169, F.S.; conforming cross-

27 | references; providing an 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
 38 | ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is 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.—

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.—

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.

281 Section 11. Subsections (1) and (3), paragraph (a) of
282 subsection (5), and paragraph (e) of subsection (7) of section
283 288.11625, Florida Statutes, are amended to read:

284 288.11625 Sports development.—

285 (1) ADMINISTRATION.—The department shall serve as the
286 state agency responsible for screening applicants for state

287 funding under s. 212.20(6)(e)6.f. ~~212.20(6)(d)6.f.~~

288 (3) PURPOSE.—The purpose of this section is to provide
 289 applicants state funding under s. 212.20(6)(e)6.f.
 290 ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,
 291 reconstructing, renovating, or improving a facility.

292 (5) EVALUATION PROCESS.—

293 (a) Before recommending an applicant to receive a state
 294 distribution under s. 212.20(6)(e)6.f. ~~212.20(6)(d)6.f.~~, the
 295 department must verify that:

296 1. The applicant or beneficiary is responsible for the
 297 construction, reconstruction, renovation, or improvement of a
 298 facility and obtained at least three bids for the project.

299 2. If the applicant is not a unit of local government, a
 300 unit of local government holds title to the property on which
 301 the facility and project are, or will be, located.

302 3. If the applicant is a unit of local government in whose
 303 jurisdiction the facility is, or will be, located, the unit of
 304 local government has an exclusive intent agreement to negotiate
 305 in this state with the beneficiary.

306 4. A unit of local government in whose jurisdiction the
 307 facility is, or will be, located supports the application for
 308 state funds. Such support must be verified by the adoption of a
 309 resolution, after a public hearing, that the project serves a
 310 public purpose.

311 5. The applicant or beneficiary has not previously
 312 defaulted or failed to meet any statutory requirements of a

313 previous state-administered sports-related program under s.
314 288.1162, s. 288.11621, s. 288.11631, or this section.
315 Additionally, the applicant or beneficiary is not currently
316 receiving state distributions under s. 212.20 for the facility
317 that is the subject of the application, unless the applicant
318 demonstrates that the franchise that applied for a distribution
319 under s. 212.20 no longer plays at the facility that is the
320 subject of the application.

321 6. The applicant or beneficiary has sufficiently
322 demonstrated a commitment to employ residents of this state,
323 contract with Florida-based firms, and purchase locally
324 available building materials to the greatest extent possible.

325 7. If the applicant is a unit of local government, the
326 applicant has a certified copy of a signed agreement with a
327 beneficiary for the use of the facility. If the applicant is a
328 beneficiary, the beneficiary must enter into an agreement with
329 the department. The applicant's or beneficiary's agreement must
330 also require the following:

331 a. The beneficiary must reimburse the state for state
332 funds that will be distributed if the beneficiary relocates or
333 no longer occupies or uses the facility as the facility's
334 primary tenant before the agreement expires. Reimbursements must
335 be sent to the Department of Revenue for deposit into the
336 General Revenue Fund.

337 b. The beneficiary must pay for signage or advertising
338 within the facility. The signage or advertising must be placed

339 in a prominent location as close to the field of play or
340 competition as is practicable, must be displayed consistent with
341 signage or advertising in the same location and of like value,
342 and must feature Florida advertising approved by the Florida
343 Tourism Industry Marketing Corporation.

344 8. The project will commence within 12 months after
345 receiving state funds or did not commence before January 1,
346 2013.

347 (7) CONTRACT.—An applicant approved by the Legislature and
348 certified by the department must enter into a contract with the
349 department which:

350 (e) Requires the applicant to reimburse the state by
351 electing to do one of the following:

352 1. After all distributions have been made, reimburse at
353 the end of the contract term any amount by which the total
354 distributions made under s. 212.20(6)(e)6.f. ~~212.20(6)(d)6.f.~~
355 exceed actual new incremental state sales taxes generated by
356 sales at the facility during the contract, plus a 5 percent
357 penalty on that amount.

358 2. After the applicant begins to submit the independent
359 analysis under paragraph (c), reimburse each year any amount by
360 which the previous year's annual distribution exceeds 75 percent
361 of the actual new incremental state sales taxes generated by
362 sales at the facility.

363
364 Any reimbursement due to the state must be made within 90 days

365 after the applicable distribution under this paragraph. If the
366 applicant is unable or unwilling to reimburse the state for such
367 amount, the department may place a lien on the applicant's
368 facility. If the applicant is a municipality or county, it may
369 reimburse the state from its half-cent sales tax allocation, as
370 provided in s. 218.64(3). Reimbursements must be sent to the
371 Department of Revenue for deposit into the General Revenue Fund.

372 Section 12. Paragraph (c) of subsection (2) and paragraphs
373 (a), (c), and (d) of subsection (3) of section 288.11631,
374 Florida Statutes, are amended to read:

375 288.11631 Retention of Major League Baseball spring
376 training baseball franchises.—

377 (2) CERTIFICATION PROCESS.—

378 (c) Each applicant certified on or after July 1, 2013,
379 shall enter into an agreement with the department which:

380 1. Specifies the amount of the state incentive funding to
381 be distributed. The amount of state incentive funding per
382 certified applicant may not exceed \$20 million. However, if a
383 certified applicant's facility is used by more than one spring
384 training franchise, the maximum amount may not exceed \$50
385 million, and the Department of Revenue shall make distributions
386 to the applicant pursuant to s. 212.20(6)(e)6.e.

387 ~~212.20(6)(d)6.e.~~

388 2. States the criteria that the certified applicant must
389 meet in order to remain certified. These criteria must include a
390 provision stating that the spring training franchise must

391 reimburse the state for any funds received if the franchise does
 392 not comply with the terms of the contract. If bonds were issued
 393 to construct or renovate a facility for a spring training
 394 franchise, the required reimbursement must be equal to the total
 395 amount of state distributions expected to be paid from the date
 396 the franchise violates the agreement with the applicant through
 397 the final maturity of the bonds.

398 3. States that the certified applicant is subject to
 399 decertification if the certified applicant fails to comply with
 400 this section or the agreement.

401 4. States that the department may recover state incentive
 402 funds if the certified applicant is decertified.

403 5. Specifies the information that the certified applicant
 404 must report to the department.

405 6. Includes any provision deemed prudent by the
 406 department.

407 (3) USE OF FUNDS.—

408 (a) A certified applicant may use funds provided under s.
 409 212.20(6)(e)6.e. ~~212.20(6)(d)6.e.~~ only to:

410 1. Serve the public purpose of constructing or renovating
 411 a facility for a spring training franchise.

412 2. Pay or pledge for the payment of debt service on, or to
 413 fund debt service reserve funds, arbitrage rebate obligations,
 414 or other amounts payable with respect thereto, bonds issued for
 415 the construction or renovation of such facility, or for the
 416 reimbursement of such costs or the refinancing of bonds issued

417 for such purposes.

418 (c) The Department of Revenue may not distribute funds
419 under s. 212.20(6)(e)6.e. ~~212.20(6)(d)6.e.~~ until July 1, 2016.
420 Further, the Department of Revenue may not distribute funds to
421 an applicant certified on or after July 1, 2013, until it
422 receives notice from the department that:

423 1. The certified applicant has encumbered funds under
424 either subparagraph (a)1. or subparagraph (a)2.; and

425 2. If applicable, any existing agreement with a spring
426 training franchise for the use of a facility has expired.

427 (d)1. All certified applicants shall place unexpended
428 state funds received pursuant to s. 212.20(6)(e)6.e.
429 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use
430 only as authorized in this section.

431 2. A certified applicant may request that the department
432 notify the Department of Revenue to suspend further
433 distributions of state funds made available under s.
434 212.20(6)(e)6.e. ~~212.20(6)(d)6.e.~~ for 12 months after expiration
435 of an existing agreement with a spring training franchise to
436 provide the certified applicant with an opportunity to enter
437 into a new agreement with a spring training franchise, at which
438 time the distributions shall resume.

439 3. The expenditure of state funds distributed to an
440 applicant certified after July 1, 2013, must begin within 48
441 months after the initial receipt of the state funds. In
442 addition, the construction or renovation of a spring training

443 facility must be completed within 24 months after the project's
444 commencement.

445 Section 13. Subsection (6) of section 288.1169, Florida
446 Statutes, is amended to read:

447 288.1169 International Game Fish Association World Center
448 facility.—

449 (6) The department must recertify every 10 years that the
450 facility is open, that the International Game Fish Association
451 World Center continues to be the only international
452 administrative headquarters, fishing museum, and Hall of Fame in
453 the United States recognized by the International Game Fish
454 Association, and that the project is meeting the minimum
455 projections for attendance or sales tax revenues as required at
456 the time of original certification. If the facility is not
457 recertified during this 10-year review as meeting the minimum
458 projections, then funding shall be abated until certification
459 criteria are met. If the project fails to generate \$1 million of
460 annual revenues pursuant to paragraph (2)(e), the distribution
461 of revenues pursuant to s. 212.20(6)(e)6.d. ~~212.20(6)(d)6.d.~~
462 shall be reduced to an amount equal to \$83,333 multiplied by a
463 fraction, the numerator of which is the actual revenues
464 generated and the denominator of which is \$1 million. Such
465 reduction remains in effect until revenues generated by the
466 project in a 12-month period equal or exceed \$1 million.

467 Section 14. This act shall take effect July 1, 2015.