

By Senator Bullard

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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:

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

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

(6) Distribution of all proceeds under this chapter and ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

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

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

790.053 Open carrying of weapons.—

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

(2) (a) A person may openly carry, for purposes of lawful self-defense:

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

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

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

66 (3) Any person violating this section commits a misdemeanor
67 of the second degree, punishable as provided in s. 775.082 or s.
68 775.083.

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

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

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

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

83 Section 4. Paragraph (a) of subsection (12) of section
84 790.06, Florida Statutes, is amended to read:

85 790.06 License to carry concealed weapon or firearm.—

86 (12) (a) A license issued under this section does not
87 authorize any person to openly carry a handgun or carry a

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88 concealed weapon or firearm into:

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

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

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

92 4. Any courthouse;

93 5. Any courtroom, except that nothing in this section would
94 preclude a judge from carrying a concealed weapon or determining
95 who will carry a concealed weapon in his or her 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 any
103 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

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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.

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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 allocated
161 to the state and distributed pursuant to s. 212.20(6), except
162 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

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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 218.65,
195 Florida Statutes, are amended to read:

196 218.65 Emergency distribution.—

197 (5) At the beginning of each fiscal year, the Department of
198 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

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204 Trust Fund pursuant to s. 212.20(6)(e)3. ~~212.20(6)(d)3.~~,
205 excluding moneys appropriated for supplemental distributions
206 pursuant to subsection (8), for the current year are less than
207 or equal to the sum of the base allocations, each eligible
208 county shall receive a share of the appropriated amount
209 proportional to its base allocation. If the deposited amount
210 exceeds the sum of the base allocations, each county shall
211 receive its base allocation, and the excess appropriated amount,
212 less any amounts distributed under subsection (6), shall be
213 distributed equally on a per capita basis among the eligible
214 counties.

215 (6) If moneys deposited in the Local Government Half-cent
216 Sales Tax Clearing Trust Fund pursuant to s. 212.20(6)(e)3.
217 ~~212.20(6)(d)3.~~ exceed the amount necessary to provide the base
218 allocation to each eligible county, the moneys in the trust fund
219 may be used to provide a transitional distribution, as specified
220 in this subsection, to certain counties whose population has
221 increased. The transitional distribution shall be made available
222 to each county that qualified for a distribution under
223 subsection (2) in the prior year but does not, because of the
224 requirements of paragraph (2)(a), qualify for a distribution in
225 the current year. Beginning on July 1 of the year following the
226 year in which the county no longer qualifies for a distribution
227 under subsection (2), the county shall receive two-thirds of the
228 amount received in the prior year, and beginning July 1 of the
229 second year following the year in which the county no longer
230 qualifies for a distribution under subsection (2), the county
231 shall receive one-third of the amount it received in the last
232 year it qualified for the distribution under subsection (2). If

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233 insufficient moneys are available in the Local Government Half-
234 cent Sales Tax Clearing Trust Fund to fully provide such a
235 transitional distribution to each county that meets the
236 eligibility criteria in this section, each eligible county shall
237 receive a share of the available moneys proportional to the
238 amount it would have received had moneys been sufficient to
239 fully provide such a transitional distribution to each eligible
240 county.

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

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

248 288.11621 Spring training baseball franchises.—

249 (3) USE OF FUNDS.—

250 (a) A certified applicant may use funds provided under s.
251 212.20(6)(e)6.b. ~~212.20(6)(d)6.b.~~ only to:

252 1. Serve the public purpose of acquiring, constructing,
253 reconstructing, or renovating a facility for a spring training
254 franchise.

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

261 3. Assist in the relocation of a spring training franchise

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262 from one unit of local government to another only if the
263 governing board of the current host local government by a
264 majority vote agrees to relocation.

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

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

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

282 Section 11. Subsections (1) and (3), paragraph (a) of
283 subsection (5), and paragraph (e) of subsection (7) of section
284 288.11625, Florida Statutes, are amended to read:

285 288.11625 Sports development.—

286 (1) ADMINISTRATION.—The department shall serve as the state
287 agency responsible for screening applicants for state funding
288 under s. 212.20(6)(e)6.f. ~~212.20(6)(d)6.f.~~

289 (3) PURPOSE.—The purpose of this section is to provide
290 applicants state funding under s. 212.20(6)(e)6.f.

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291 ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,
292 reconstructing, renovating, or improving a facility.

293 (5) EVALUATION PROCESS.—

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

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

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

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

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

312 5. The applicant or beneficiary has not previously
313 defaulted or failed to meet any statutory requirements of a
314 previous state-administered sports-related program under s.
315 288.1162, s. 288.11621, s. 288.11631, or this section.
316 Additionally, the applicant or beneficiary is not currently
317 receiving state distributions under s. 212.20 for the facility
318 that is the subject of the application, unless the applicant
319 demonstrates that the franchise that applied for a distribution

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320 under s. 212.20 no longer plays at the facility that is the
321 subject of the application.

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

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

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

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

345 8. The project will commence within 12 months after
346 receiving state funds or did not commence before January 1,
347 2013.

348 (7) CONTRACT.—An applicant approved by the Legislature and

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349 certified by the department must enter into a contract with the
350 department which:

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

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

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

364
365 Any reimbursement due to the state must be made within 90 days
366 after the applicable distribution under this paragraph. If the
367 applicant is unable or unwilling to reimburse the state for such
368 amount, the department may place a lien on the applicant's
369 facility. If the applicant is a municipality or county, it may
370 reimburse the state from its half-cent sales tax allocation, as
371 provided in s. 218.64(3). Reimbursements must be sent to the
372 Department of Revenue for deposit into the General Revenue Fund.

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

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

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378 (2) CERTIFICATION PROCESS.—

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

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

388 ~~212.20(6)(d)6.e.~~

389 2. States the criteria that the certified applicant must
390 meet in order to remain certified. These criteria must include a
391 provision stating that the spring training franchise must
392 reimburse the state for any funds received if the franchise does
393 not comply with the terms of the contract. If bonds were issued
394 to construct or renovate a facility for a spring training
395 franchise, the required reimbursement must be equal to the total
396 amount of state distributions expected to be paid from the date
397 the franchise violates the agreement with the applicant through
398 the final maturity of the bonds.

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

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

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

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

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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 a
411 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 state
428 funds received pursuant to s. 212.20(6)(e)6.e. ~~212.20(6)(d)6.e.~~
429 in a trust fund or separate account for use only as authorized
430 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

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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

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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.