



236270

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/28/2018	.	
	.	
	.	
	.	

---

The Committee on Appropriations (Stewart) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 1543 - 1734

and insert:

Section 23. 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



236270

11 or electric weapon or device. It is not a violation of this  
12 section for a person licensed to carry a concealed firearm as  
13 provided in s. 790.06(1), and who is lawfully carrying a firearm  
14 in a concealed manner, to briefly and openly display the firearm  
15 to the ordinary sight of another person, unless the firearm is  
16 intentionally displayed in an angry or threatening manner, not  
17 in necessary self-defense.

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

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

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

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

27 (3) Any person violating this section commits a misdemeanor  
28 of the second degree, punishable as provided in s. 775.082 or s.  
29 775.083.

30 Section 24. Section 790.0535, Florida Statutes, is created  
31 to read:

32 790.0535 Surrender of weapon or firearm in school safety  
33 zone; immunity.—A person who is within a school safety zone, as  
34 defined in s. 810.0975, and is otherwise in violation of s.  
35 790.01, s. 790.053, or s. 790.06(12) due to the carrying of a  
36 weapon or firearm may not be charged with such violation if he  
37 or she:

38 (1) At the earliest opportunity after entering the school  
39 safety zone surrenders the weapon or firearm to a law



236270

40 enforcement officer, school principal, or other person  
41 designated by the school principal.

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

44 Section 25. Paragraph (a) of subsection (12) of section  
45 790.06, Florida Statutes, is amended to read:

46 790.06 License to carry concealed weapon or firearm.-

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

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

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

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

53 4. Any courthouse;

54 5. Any courtroom, except that nothing in this section would  
55 preclude a judge from carrying a concealed weapon or determining  
56 who will carry a concealed weapon in his or her courtroom;

57 6. Any polling place;

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

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

61 9. Any school, college, or professional athletic event not  
62 related to firearms;

63 10. Any school safety zone as defined in s. 810.0975 or any  
64 elementary or secondary school facility or administration  
65 building;

66 11. Any career center;

67 12. Any portion of an establishment licensed to dispense  
68 alcoholic beverages for consumption on the premises, which



236270

69 portion of the establishment is primarily devoted to such  
70 purpose;

71 13. Any college or university facility unless the licensee  
72 is a registered student, employee, or faculty member of such  
73 college or university and the weapon is a stun gun or nonlethal  
74 electric weapon or device designed solely for defensive purposes  
75 and the weapon does not fire a dart or projectile;

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

81 15. Any place where the carrying of firearms is prohibited  
82 by federal law.

83 Section 26. Subsection (4) is added to section 1006.025,  
84 Florida Statutes, to read:

85 1006.025 Guidance services.—

86 (4) Each school district's guidance plan shall include  
87 mandatory guidance counseling in school safety issues for  
88 students in kindergarten through grade 5 using Florida's School  
89 Counseling and Guidance Framework.

90 Section 27. Section 1006.149, Florida Statutes, is created  
91 to read:

92 1006.149 Public School Emergency Response Learning System  
93 Program.—

94 (1) The Public School Emergency Response Learning System  
95 Program is established to assist school personnel in preparing  
96 for and responding to active emergency situations and to  
97 implement local notification systems for all Florida public



236270

98 schools, with the ultimate goal of preventing tragedy and the  
99 loss of life through proactive strategies.

100 (2) The program is created within the department and shall  
101 be administered by the Office of Safe Schools, created pursuant  
102 to s. 1001.217. Through the program, local law enforcement  
103 agencies shall partner with participating public preschools,  
104 public child care providers, or public school districts and  
105 schools. Training, notifications, and resources must be  
106 available for school personnel and students and their families  
107 through, at minimum, the following mechanisms:

108 (a) Activities and direct training to mitigate risk and  
109 save lives in emergency situations, such as lockdown, bomb  
110 threat, active shooter, and other emergency situations.

111 (b) Vital local notification systems implemented to alert  
112 schools of imminent danger.

113 (c) Other resources provided in conjunction with the  
114 training, including, but not limited to, an emergency plan flip  
115 chart, communication cards, instructional resources, activity  
116 books for children and teachers, and certificates of training  
117 and completion.

118 (3) Each program participant must develop a preemptive plan  
119 of action that includes multiple options for addressing various  
120 situations based on the form of danger present and the unique  
121 needs and circumstances of each school and its faculty, staff,  
122 students, and visitors.

123 (4) A school district must include in its emergency  
124 notification procedures established pursuant to s. 1006.07 any  
125 program participant who notifies the district of his or her  
126 desire to participate.



127           (5) Funding for program activities may be provided by the  
128 Legislature to implement this section.

129  
130 ===== T I T L E   A M E N D M E N T =====

131 And the title is amended as follows:

132           Delete lines 164 - 184

133 and insert:

134           specified evaluations; amending s. 790.053, F.S.;

135           providing that an exception to prohibition on the open

136           carrying of weapons for certain nonlethal weapons does

137           not apply to persons, other than school faculty or

138           staff members, within school safety zones; creating s.

139           790.0535, F.S.; providing that a person present within

140           a school safety zone who is carrying a weapon or

141           firearm in violation of specified provisions may avoid

142           charges by surrendering the weapon or firearm to a

143           specified person at the earliest opportunity if the

144           person has committed no other offense involving the

145           weapon or firearm within the zone; amending s. 790.06,

146           F.S.; providing that a license to carry a concealed

147           weapon or firearm does not authorize any person to

148           openly carry a handgun or carry a concealed weapon or

149           firearm in a school safety zone; amending s. 1006.025,

150           F.S.; requiring a school district's guidance plan to

151           include mandatory guidance counseling for certain

152           students in school safety issues; creating s.

153           1006.149, F.S.; establishing the Public School

154           Emergency Response Learning System Program within the

155           department; establishing the program as a partnership



236270

156       between local law enforcement agencies and public  
157       education entities; specifying activities, training,  
158       notification systems, and resources provided through  
159       the program; specifying the creation of a preemptive  
160       plan of action; authorizing funding provided by the  
161       Legislature to implement the program; creating s.