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Est. 1996

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Public Risk Management of Florida
PRM Group Health Trust Members
PRM Property & Casualty Members

OPEN CARRY LEGISLATION

Dear PRM Members,

There have been recent notable legislative Bills proposed in the House and Senate regarding the McDaniel¹ case and open carry firearms. Specifically, the locations, buildings, meetings or areas in which open carry firearms are proposed to be prohibited are currently under active consideration. Initially, there were three pending bills in the House and Senate. One Bill, HB-63, has since been withdrawn. The other two Bills mirror each other, one in the House and one in the Senate.

Senate Bill, SB-406, takes the currently enumerated areas that carrying concealed firearms are prohibited in under Fla. Stat. 790.06, and codifies it in a new statute. House Bill, HB-321, also codifies the enumerated areas encompassed within 790.06 into a separate statute that mirrors the language of proposed Senate Bill, SB-406.

The Bills state:

A bill to be entitled: An act relating to carrying weapons and firearms; creating s. 790.0135, F.S.; **prohibiting a person from carrying a weapon or firearm into certain**

¹ <https://caselaw.findlaw.com/court/fl-district-court-of-appeal/117688141.html>

locations; providing construction; providing a criminal penalty; amending ss. 790.013 and 790.06, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 790.0135, Florida Statutes, is created to read: 790.0135 Carrying a weapon or firearm; prohibited locations.—

(1) Unless otherwise authorized by law, a person may not carry a weapon or firearm into:

(a) A place of nuisance as defined in s. 823.05;

(b) A police, sheriff, or highway patrol station;

(c) A detention facility, prison, or jail;

(d) A courthouse;

(e) A courtroom, except that this section does not preclude a judge from carrying a weapon or firearm or determining who will carry a weapon or firearm in his or her courtroom;

(f) A polling place;

(g) A meeting of the governing body of a county, public school district, municipality, or special district;

(h) A meeting of the Legislature or a committee thereof;

(i) A school, college, or professional athletic event not related to firearms;

(j) An elementary or secondary school facility or administration building;

(k) A career center;

(l) A portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;

(m) A college or university facility unless the person is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;

(n) The inside of the passenger terminal and sterile area of an airport, except that a person is not prohibited from carrying a legal firearm into the terminal which is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on an aircraft; or

(o) Any place where the carrying of firearms is prohibited by federal law.

This section does not:

(a) Prohibit a person from carrying or storing a firearm in a vehicle for lawful purposes.

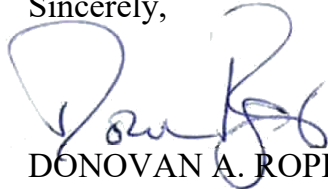
(b) Modify the terms or conditions of s. 790.251(7).

(3) A person who knowingly and willfully violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

The Senate and House Bills are currently in the Criminal Justice Sub Committee of the House and Senate respectively. The Senate and House sessions start January 13, 2026 and end on March 13, 2026. If the Bills make it through both Houses, then the Bill will be sent to Governor DeSantis at which point, if he signs the finalized Bill, it will become immediately effective in 2026. We anticipate that one of the two bills will pass both the House and Senate quickly and be signed into law promptly by Governor DeSantis.

If anyone has any questions regarding this new case, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Don Roper", is written over the printed name.

DONOVAN A. ROPER

DAR/MMZ:lb