

By Senator Hays

11-00240A-14

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1                   A bill to be entitled  
2       An act relating to school safety; providing  
3       legislative intent; amending s. 790.115, F.S.;  
4       providing an exception to a prohibition on possession  
5       of firearms or other specified devices on school  
6       property or in other specified areas for authorized  
7       concealed weapon or firearm licensees as designated by  
8       school principals or district superintendents;  
9       providing requirements for designees; amending s.  
10      1006.07, F.S.; requiring a school district board to  
11      formulate policies and procedures for managing active-  
12      shooter and hostage situations; requiring that active-  
13      shooter training for each school be conducted by the  
14      law enforcement agency that is designated as the  
15      first-responder agency for the school; requiring that  
16      plans for new schools be reviewed by law enforcement  
17      agencies for specified purposes; requiring that all  
18      recommendations be incorporated into such plans before  
19      construction contracts may be awarded; amending s.  
20      1006.12, F.S.; authorizing district school boards to  
21      commission one or more school safety officers on each  
22      school campus; amending ss. 435.04, 790.251, 921.0022,  
23      and 1012.315, F.S.; conforming cross-references;  
24      providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:  
27

28       Section 1. It is the intent of the Legislature to prevent  
29 violent crimes from occurring on school grounds. The Legislature

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30 acknowledges that the safekeeping of our students, teachers, and  
31 campuses is imperative. In addition, it is the intent of the  
32 Legislature that school principals or authorizing  
33 superintendents be allowed, but not required, to have one or  
34 more designees as described in the amendments made by this act  
35 to s. 790.115, Florida Statutes.

36 Section 2. Section 790.115, Florida Statutes, is amended to  
37 read:

38 790.115 Possessing or discharging weapons or firearms at a  
39 school-sponsored event or on school property prohibited;  
40 penalties; exceptions.—

41 (1) As used in this section, the term "school" means a  
42 preschool, elementary school, middle school, junior high school,  
43 or secondary school, whether public or nonpublic.

44 (2)~~(1)~~ A person who exhibits any sword, sword cane,  
45 firearm, electric weapon or device, destructive device, or other  
46 weapon as defined in s. 790.001(13), including a razor blade,  
47 box cutter, or common pocketknife, except as authorized in  
48 support of school-sanctioned activities, in the presence of one  
49 or more persons in a rude, careless, angry, or threatening  
50 manner and not in lawful self-defense~~7~~, at a school-sponsored  
51 event or on the grounds or facilities of any school, school bus,  
52 or school bus stop, or within 1,000 feet of the real property on  
53 which ~~that comprises a public or private elementary school is~~  
54 ~~situated, middle school, or secondary school,~~ during school  
55 hours or during the time of a sanctioned school activity,  
56 commits a felony of the third degree, punishable as provided in  
57 s. 775.082, s. 775.083, or s. 775.084. This subsection does not  
58 apply to the exhibition of a firearm or weapon on private real

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59 property within 1,000 feet of a school by the owner of such  
60 property or by a person whose presence on such property has been  
61 authorized, licensed, or invited by the owner.

62 (3)~~(2)~~(a) A person may ~~shall~~ not possess any firearm,  
63 electric weapon or device, destructive device, or other weapon  
64 as defined in s. 790.001(13), including a razor blade or box  
65 cutter, except as authorized in support of school-sanctioned  
66 activities, at a school-sponsored event or on the property of  
67 any school, school bus, or school bus stop; however, a person  
68 may carry a firearm:

69 1. In a case to a firearms program, class, or function  
70 which has been approved in advance by the principal or chief  
71 administrative officer of the school as a program or class to  
72 which firearms may ~~could~~ be carried;

73 2. In a case to a career center having a firearms training  
74 range; or

75 3. In a vehicle pursuant to s. 790.25(5), unless the school  
76 district adopts; ~~except that school districts may adopt~~ written  
77 and published policies that waive the exception in this  
78 subparagraph for purposes of student and campus parking  
79 privileges.

80  
81 ~~For the purposes of this section, "school" means any preschool,~~  
82 ~~elementary school, middle school, junior high school, secondary~~  
83 ~~school, career center, or postsecondary school, whether public~~  
84 ~~or nonpublic.~~

85 (b) A person who willfully and knowingly possesses any  
86 electric weapon or device, destructive device, or other weapon  
87 as defined in s. 790.001(13), including a razor blade or box

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88 cutter, except as authorized in support of school-sanctioned  
89 activities, in violation of this subsection commits a felony of  
90 the third degree, punishable as provided in s. 775.082, s.  
91 775.083, or s. 775.084.

92 (c)1. A person who willfully and knowingly possesses any  
93 firearm in violation of this subsection commits a felony of the  
94 third degree, punishable as provided in s. 775.082, s. 775.083,  
95 or s. 775.084.

96 2. A person who stores or leaves a loaded firearm within  
97 the reach or easy access of a minor who obtains the firearm and  
98 commits a violation of subparagraph 1. commits a misdemeanor of  
99 the second degree, punishable as provided in s. 775.082 or s.  
100 775.083.~~;~~ ~~except that~~ This subparagraph does not apply:

101 a. If the firearm was stored or left in a securely locked  
102 box or container or in a location which a reasonable person  
103 would have believed to be secure, or was securely locked with a  
104 firearm-mounted push-button combination lock or a trigger lock;

105 b. If the minor obtains the firearm as a result of an  
106 unlawful entry by any person; or

107 c. To members of the Armed Forces, National Guard, or State  
108 Militia, or to police or other law enforcement officers, with  
109 respect to firearm possession by a minor which occurs during or  
110 incidental to the performance of their official duties.

111 (d) A person who discharges any weapon or firearm while in  
112 violation of paragraph (a), unless discharged for lawful defense  
113 of himself, ~~or~~ herself, or another or for a lawful purpose,  
114 commits a felony of the second degree, punishable as provided in  
115 s. 775.082, s. 775.083, or s. 775.084.

116 (e) The penalties of this subsection do ~~shall~~ not apply to

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117 persons licensed under s. 790.06. Persons licensed under s.  
118 790.06 shall be punished as provided in s. 790.06(12), except  
119 that a licenseholder who unlawfully discharges a weapon or  
120 firearm on school property as prohibited by this subsection  
121 commits a felony of the second degree, punishable as provided in  
122 s. 775.082, s. 775.083, or s. 775.084.

123 ~~(4)(3)~~ This section does not apply to any law enforcement  
124 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),  
125 (8), (9), or (14).

126 (5) Notwithstanding subsections (2) and (3), a school  
127 principal may designate an employee of that school to carry a  
128 concealed weapon or firearm on school property, and a district  
129 school superintendent may designate an employee of the school  
130 district to carry a concealed weapon or firearm in an  
131 administrative building of the school district.

132 (a) A designee authorized under this subsection to carry a  
133 concealed weapon or firearm on such school property may only  
134 carry such weapon or firearm in a concealed manner.

135 1. The weapon or firearm must be carried on the designee's  
136 person at all times while the designee is performing his or her  
137 official school duties.

138 2. The designee must submit to the authorizing principal or  
139 superintendent proof of completion of a minimum of 40 hours of a  
140 school safety program and annually complete 8 hours of active-  
141 shooting training and 4 hours of firearm proficiency training as  
142 such training programs are defined and administered by the  
143 Department of Law Enforcement.

144 (b) In order to be eligible for appointment as a designee  
145 under this subsection, a person must be:

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146 a. A military veteran who was honorably discharged and who  
147 has not been found to have committed a firearms-related  
148 disciplinary infraction during his or her service;

149 b. An active-duty member of the military, the National  
150 Guard, or military reserves who has not been found to have  
151 committed a firearms-related disciplinary infraction during his  
152 or her service;

153 c. A law enforcement officer or a former law enforcement  
154 officer who has not been found to have committed a firearms-  
155 related disciplinary infraction during his or her law  
156 enforcement service; or

157 d. In possession of a valid permit under s. 790.06.

158 (c) Each public or private school principal or  
159 superintendent may designate one or more designees who have  
160 passed the training administered by the Department of Law  
161 Enforcement and any additional screening as required by the  
162 school principal or superintendent pursuant to this subsection.

163 (6)-(4) Notwithstanding s. 985.24, s. 985.245, or s.  
164 985.25(1), a ~~any~~ minor younger than ~~under~~ 18 years of age who is  
165 charged under this section with possessing or discharging a  
166 firearm on school property shall be detained in secure  
167 detention, unless the state attorney authorizes the release of  
168 the minor, and shall be given a probable cause hearing within 24  
169 hours after being taken into custody. At the hearing, the court  
170 may order that the minor continue to be held in secure detention  
171 for a period of 21 days, during which time the minor shall  
172 receive medical, psychiatric, psychological, or substance abuse  
173 examinations pursuant to s. 985.18, and a written report shall  
174 be completed.

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175 Section 3. Subsections (4) and (6) of section 1006.07,  
176 Florida Statutes, are amended, and subsection (7) is added to  
177 that section, to read:

178 1006.07 District school board duties relating to student  
179 discipline and school safety.—The district school board shall  
180 provide for the proper accounting for all students, for the  
181 attendance and control of students at school, and for proper  
182 attention to health, safety, and other matters relating to the  
183 welfare of students, including:

184 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

185 (a) Formulate and prescribe policies and procedures for  
186 emergency drills and for actual emergencies, including, but not  
187 limited to, fires, natural disasters, active shooters, hostage  
188 situations, and bomb threats, for all the public schools of the  
189 district which comprise grades K-12. District school board  
190 policies shall include commonly used alarm system responses for  
191 specific types of emergencies and verification by each school  
192 that drills have been provided as required by law and fire  
193 protection codes. The emergency response agency that is  
194 responsible for notifying the school district for each type of  
195 emergency must be listed in the district's emergency response  
196 policy.

197 (b) Establish model emergency management and emergency  
198 preparedness procedures, including emergency notification  
199 procedures pursuant to paragraph (a), for the following life-  
200 threatening emergencies:

201 1. Weapon-use, ~~and~~ hostage, and active-shooter situations.  
202 The active-shooter situation training for each school must be  
203 conducted by the law enforcement agency that is designated as

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204 the first responder for the school's campus.

205 2. Hazardous materials or toxic chemical spills.

206 3. Weather emergencies, including hurricanes, tornadoes,  
207 and severe storms.

208 4. Exposure as a result of a manmade emergency.

209 (6) SAFETY AND SECURITY BEST PRACTICES.—Use the Safety and  
210 Security Best Practices developed by the Office of Program  
211 Policy Analysis and Government Accountability to conduct a self-  
212 assessment of the school districts' current safety and security  
213 practices. Based on these self-assessment findings, the district  
214 school superintendent shall provide recommendations to the  
215 district school board and local law enforcement agencies that  
216 are first responders for the district campuses which identify  
217 strategies and activities that the district school board should  
218 implement in order to improve school safety and security.  
219 Annually each district school board must receive the self-  
220 assessment results at a publicly noticed district school board  
221 meeting to provide the public an opportunity to hear the  
222 district school board members discuss and take action on the  
223 report findings. Each district school superintendent shall  
224 report the self-assessment results and school board action to  
225 the commissioner within 30 days after the district school board  
226 meeting.

227 (7) SAFETY IN CONSTRUCTION AND PLANNING.—Before beginning  
228 the construction bid process, a district school board shall  
229 supply construction plans for a new school to the law  
230 enforcement agency designated as the law enforcement first  
231 responder for that school for review and comment concerning  
232 school safety and emergency issues. The district school board



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233 must incorporate any changes recommended by the law enforcement  
234 agency into the plans before awarding a construction bid.

235 Section 4. Paragraph (b) of subsection (2) of section  
236 1006.12, Florida Statutes, is amended to read:

237 1006.12 School resource officers and school safety  
238 officers.—

239 (2)

240 (b) A district school board may commission one or more  
241 school safety officers for the protection and safety of school  
242 personnel, property, and students on each school campus within  
243 the school district. The district school superintendent may  
244 recommend and the district school board may appoint the ~~one or~~  
245 ~~more~~ school safety officers.

246 Section 5. Paragraphs (p) and (q) of subsection (2) of  
247 section 435.04, Florida Statutes, are amended to read:

248 435.04 Level 2 screening standards.—

249 (2) The security background investigations under this  
250 section must ensure that no persons subject to the provisions of  
251 this section have been arrested for and are awaiting final  
252 disposition of, have been found guilty of, regardless of  
253 adjudication, or entered a plea of nolo contendere or guilty to,  
254 or have been adjudicated delinquent and the record has not been  
255 sealed or expunged for, any offense prohibited under any of the  
256 following provisions of state law or similar law of another  
257 jurisdiction:

258 (p) Section 790.115(2) ~~790.115(1)~~, relating to exhibiting  
259 firearms or weapons within 1,000 feet of a school.

260 (q) Section 790.115(3)(b) ~~790.115(2)(b)~~, relating to  
261 possessing an electric weapon or device, destructive device, or

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262 other weapon on school property.

263 Section 6. Paragraph (a) of subsection (7) of section  
 264 790.251, Florida Statutes, is amended to read:

265 790.251 Protection of the right to keep and bear arms in  
 266 motor vehicles for self-defense and other lawful purposes;  
 267 prohibited acts; duty of public and private employers; immunity  
 268 from liability; enforcement.-

269 (7) EXCEPTIONS.—The prohibitions in subsection (4) do not  
 270 apply to:

271 (a) Any school property as defined in s. 790.115(1) and  
 272 regulated under that section ~~s. 790.115~~.

273 Section 7. Paragraphs (d) and (f) of subsection (3) of  
 274 section 921.0022, Florida Statutes, are amended to read:

275 921.0022 Criminal Punishment Code; offense severity ranking  
 276 chart.-

277 (3) OFFENSE SEVERITY RANKING CHART

278 (d) LEVEL 4

279

Florida Statute	Felony Degree	Description
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver

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pedigree papers.

282

499.0051 (2) 3rd Failure to authenticate  
pedigree papers.

283

499.0051 (6) 2nd Knowing sale or delivery, or  
possession with intent to sell,  
contraband prescription drugs.

284

517.07 (1) 3rd Failure to register securities.

285

517.12 (1) 3rd Failure of dealer, associated  
person, or issuer of securities  
to register.

286

784.07 (2) (b) 3rd Battery of law enforcement  
officer, firefighter, etc.

287

784.074 (1) (c) 3rd Battery of sexually violent  
predators facility staff.

288

784.075 3rd Battery on detention or  
commitment facility staff.

289

784.078 3rd Battery of facility employee by  
throwing, tossing, or expelling  
certain fluids or materials.

290

784.08 (2) (c) 3rd Battery on a person 65 years of

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age or older.

291

784.081 (3) 3rd Battery on specified official  
or employee.

292

784.082 (3) 3rd Battery by detained person on  
visitor or other detainee.

293

784.083 (3) 3rd Battery on code inspector.

294

784.085 3rd Battery of child by throwing,  
tossing, projecting, or  
expelling certain fluids or  
materials.

295

787.03 (1) 3rd Interference with custody;  
wrongly takes minor from  
appointed guardian.

296

787.04 (2) 3rd Take, entice, or remove child  
beyond state limits with  
criminal intent pending custody  
proceedings.

297

787.04 (3) 3rd Carrying child beyond state  
lines with criminal intent to  
avoid producing child at  
custody hearing or delivering  
to designated person.

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787.07	3rd	Human smuggling.
<u>790.115(2)</u> <del>790.115(1)</del>	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
<u>790.115(3)(b)</u> <del>790.115(2)(b)</del>	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
<u>790.115(3)(c)</u> <del>790.115(2)(c)</del>	3rd	Possessing firearm on school property.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.

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307	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
308	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
309	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
310	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
311	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
312	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
313	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any

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registered horse or cattle.

314

837.02 (1) 3rd Perjury in official proceedings.

315

837.021 (1) 3rd Make contradictory statements in official proceedings.

316

838.022 3rd Official misconduct.

317

839.13 (2) (a) 3rd Falsifying records of an individual in the care and custody of a state agency.

318

839.13 (2) (c) 3rd Falsifying records of the Department of Children and Family Services.

319

843.021 3rd Possession of a concealed handcuff key by a person in custody.

320

843.025 3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

321

843.15 (1) (a) 3rd Failure to appear while on bail for felony (bond estreature or

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bond jumping).

322

847.0135 (5) (c) 3rd Lewd or lascivious exhibition using computer; offender less than 18 years.

323

874.05 (1) (a) 3rd Encouraging or recruiting another to join a criminal gang.

324

893.13 (2) (a) 1. 2nd Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 4. drugs).

325

914.14 (2) 3rd Witnesses accepting bribes.

326

914.22 (1) 3rd Force, threaten, etc., witness, victim, or informant.

327

914.23 (2) 3rd Retaliation against a witness, victim, or informant, no bodily injury.

328

918.12 3rd Tampering with jurors.

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934.215 3rd Use of two-way communications device to facilitate commission of a crime.



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(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051 (3)	2nd	Knowing forgery of pedigree papers.
499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875 (1)	3rd	Taking firearm from law enforcement officer.
784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.

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341	784.041	3rd	Felony battery; domestic battery by strangulation.
342	784.048 (3)	3rd	Aggravated stalking; credible threat.
343	784.048 (5)	3rd	Aggravated stalking of person under 16.
344	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
345	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
346	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
347	784.081 (2)	2nd	Aggravated assault on specified official or employee.
348	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
349	784.083 (2)	2nd	Aggravated assault on code inspector.

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787.02 (2) 3rd False imprisonment; restraining  
with purpose other than those  
in s. 787.01.

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790.115 (3) (d) 2nd Discharging firearm or weapon  
~~790.115 (2) (d)~~ on school property.

351

790.161 (2) 2nd Make, possess, or throw  
destructive device with intent  
to do bodily harm or damage  
property.

352

790.164 (1) 2nd False report of deadly  
explosive, weapon of mass  
destruction, or act of arson or  
violence to state property.

353

790.19 2nd Shooting or throwing deadly  
missiles into dwellings,  
vessels, or vehicles.

354

794.011 (8) (a) 3rd Solicitation of minor to  
participate in sexual activity  
by custodial adult.

355

794.05 (1) 2nd Unlawful sexual activity with  
specified minor.

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800.04 (5) (d) 3rd Lewd or lascivious molestation;

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victim 12 years of age or older  
but less than 16 years;  
offender less than 18 years.

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800.04 (6) (b)                      2nd      Lewd or lascivious conduct;  
offender 18 years of age or  
older.

358

806.031 (2)                              2nd      Arson resulting in great bodily  
harm to firefighter or any  
other person.

359

810.02 (3) (c)                              2nd      Burglary of occupied structure;  
unarmed; no assault or battery.

360

810.145 (8) (b)                              2nd      Video voyeurism; certain minor  
victims; 2nd or subsequent  
offense.

361

812.014 (2) (b) 1.                              2nd      Property stolen \$20,000 or  
more, but less than \$100,000,  
grand theft in 2nd degree.

362

812.014 (6)                                      2nd      Theft; property stolen \$3,000  
or more; coordination of  
others.

363

812.015 (9) (a)                              2nd      Retail theft; property stolen  
\$300 or more; second or

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subsequent conviction.

364

812.015 (9) (b)            2nd    Retail theft; property stolen  
\$3,000 or more; coordination of  
others.

365

812.13 (2) (c)            2nd    Robbery, no firearm or other  
weapon (strong-arm robbery).

366

817.4821 (5)            2nd    Possess cloning paraphernalia  
with intent to create cloned  
cellular telephones.

367

825.102 (1)            3rd    Abuse of an elderly person or  
disabled adult.

368

825.102 (3) (c)           3rd    Neglect of an elderly person or  
disabled adult.

369

825.1025 (3)            3rd    Lewd or lascivious molestation  
of an elderly person or  
disabled adult.

370

825.103 (2) (c)           3rd    Exploiting an elderly person or  
disabled adult and property is  
valued at less than \$20,000.

371

827.03 (2) (c)           3rd    Abuse of a child.

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827.03 (2) (d) 3rd Neglect of a child.

374

827.071 (2) & (3) 2nd Use or induce a child in a sexual performance, or promote or direct such performance.

375

836.05 2nd Threats; extortion.

376

836.10 2nd Written threats to kill or do bodily injury.

377

843.12 3rd Aids or assists person to escape.

378

847.011 3rd Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

379

847.012 3rd Knowingly using a minor in the production of materials harmful to minors.

380

847.0135 (2) 3rd Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

914.23 2nd Retaliation against a witness, victim, or informant, with

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bodily injury.

381

944.35 (3) (a) 2.            3rd    Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

382

944.40                        2nd    Escapes.

383

944.46                        3rd    Harboring, concealing, aiding escaped prisoners.

384

944.47 (1) (a) 5.           2nd    Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

385

951.22 (1)                   3rd    Intoxicating drug, firearm, or weapon introduced into county facility.

386

387            Section 8. Paragraphs (n) and (o) of subsection (1) of  
388 section 1012.315, Florida Statutes, are amended to read:

389            1012.315 Disqualification from employment.—A person is  
390 ineligible for educator certification, and instructional  
391 personnel and school administrators, as defined in s. 1012.01,  
392 are ineligible for employment in any position that requires  
393 direct contact with students in a district school system,

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394 charter school, or private school that accepts scholarship  
395 students under s. 1002.39 or s. 1002.395, if the person,  
396 instructional personnel, or school administrator has been  
397 convicted of:

398 (1) Any felony offense prohibited under any of the  
399 following statutes:

400 (n) Section 790.115(2) ~~790.115(1)~~, relating to exhibiting  
401 firearms or weapons at a school-sponsored event, on school  
402 property, or within 1,000 feet of a school.

403 (o) Section 790.115(3) (b) ~~790.115(2) (b)~~, relating to  
404 possessing an electric weapon or device, destructive device, or  
405 other weapon at a school-sponsored event or on school property.

406 Section 9. This act shall take effect July 1, 2014.