



1 physical, emotional, mental, and social harm of bullying and  
2 harassment. It is the further intent of the Legislature that  
3 nothing in this section be construed to abridge the rights of  
4 students or school employees that are protected by the First  
5 Amendment to the Constitution of the United States.

6 (2) Bullying or harassment of any student or school  
7 employee is prohibited:

8 (a) During any education program or activity conducted  
9 by a public K-12 educational institution;

10 (b) During any school-related or school-sponsored  
11 program or activity or on a school bus of a public K-12  
12 educational institution; or

13 (c) Through the use of data or computer software that  
14 is accessed through a computer, computer system, or computer  
15 network of a public K-12 educational institution.

16 (3) For purposes of this section:

17 (a) "Bullying" means substantial:

- 18 1. Teasing;
- 19 2. Social exclusion;
- 20 3. Threat;
- 21 4. Intimidation;
- 22 5. Physical violence;
- 23 6. Theft;
- 24 7. Sexual or racial harassment;
- 25 8. Public humiliation; or
- 26 9. Destruction of property.

27 (b) "Harassment" means any threatening, insulting, or  
28 dehumanizing gesture, use of data or computer software, or  
29 written, verbal, or physical conduct directed against a  
30 student or school employee that:

1           1. Places a student or school employee in reasonable  
2 fear of harm to his or her person or damage to his or her  
3 property;

4           2. Has the effect of substantially interfering with a  
5 student's educational performance, opportunities, or benefits;  
6 or

7           3. Has the effect of substantially disrupting the  
8 orderly operation of a school.

9           (c) Definitions in s. 815.03, which are applicable to  
10 chapter 815, the Florida Computer Crimes Act, are applicable  
11 to this section.

12           (d) The terms "bullying" and "harassment" include:

13           1. Retaliation against a student or school employee by  
14 another student or school employee for asserting or alleging  
15 an act of bullying or harassment. Reporting an act of bullying  
16 or harassment that is not made in good faith is considered  
17 retaliation.

18           2. Perpetuation of conduct listed in paragraph (a) or  
19 paragraph (b), by an individual or group, with intent to  
20 demean, dehumanize, embarrass, or cause physical harm to a  
21 student or school employee, by:

22           a. Incitement or coercion;

23           b. Accessing or knowingly causing or providing access  
24 to data or computer software through a computer, computer  
25 system, or computer network within the scope of the district  
26 school system; or

27           c. Acting in a manner that has an effect substantially  
28 similar to the effect of bullying or harassment.

29           (4) By September 1, 2006, each school district shall  
30 adopt a policy prohibiting bullying and harassment on school  
31 property, at a school-related or school-sponsored program or

1 activity, on a school bus, or through the use of data or  
2 computer software that is accessed through a computer,  
3 computer system, or computer network within the scope of the  
4 district school system. The school district policy shall not  
5 establish categories of students but shall afford all students  
6 the same protection regardless of their status under law. The  
7 school district shall involve students, parents, teachers,  
8 administrators, school staff, school volunteers, community  
9 representatives, and local law enforcement agencies in the  
10 process of adopting the policy. The school district policy  
11 must be implemented in a manner that is ongoing throughout the  
12 school year and integrated with a school's curriculum, a  
13 school's discipline policies, and other violence prevention  
14 efforts. The school district policy must contain, at a  
15 minimum, the following components:

16 (a) A statement prohibiting bullying and harassment.  
17 (b) A definition of bullying and harassment.  
18 (c) A description of the type of behavior expected  
19 from each student and school employee.

20 (d) The consequences for a person who commits an act  
21 of bullying or harassment.

22 (e) The consequences for a person found to have  
23 wrongfully and intentionally accused another of an act of  
24 bullying or harassment.

25 (f) A procedure for reporting an act of bullying or  
26 harassment, including provisions that permit a person to  
27 anonymously report such an act. However, this paragraph does  
28 not permit formal disciplinary action to be based solely on an  
29 anonymous report.

30 (g) A procedure for the prompt investigation of a  
31 report of bullying or harassment and the persons responsible

1 for the investigation. The investigation of a reported act of  
2 bullying or harassment is deemed to be a school-related  
3 activity and begins with a report of such an act.

4 (h) A process to investigate whether a reported act of  
5 bullying or harassment is within the scope of the district  
6 school system and, if not, a process for referral of such an  
7 act to the appropriate jurisdiction.

8 (i) A procedure to refer victims and perpetrators of  
9 bullying or harassment for counseling.

10 (j) A procedure for including incidents of bullying or  
11 harassment in the school's report of safety and discipline  
12 data required under s. 1006.09(6). The report must include  
13 each incident of bullying and harassment and the resulting  
14 consequences, including discipline and referrals. The report  
15 must include in a separate section each reported incident of  
16 bullying or harassment that does not meet the criteria of a  
17 prohibited act under this section with recommendations  
18 regarding such incidents. The Department of Education shall  
19 aggregate information contained in the reports and submit an  
20 annual report to the President of the Senate and the Speaker  
21 of the House of Representatives by January 1.

22 (k) A procedure for providing instruction to students,  
23 parents, teachers, school administrators, counseling staff,  
24 and school volunteers on identifying, preventing, and  
25 responding to bullying or harassment.

26 (l) To the extent permitted under the federal Family  
27 Educational Rights and Privacy Act of 1974, as amended, a  
28 procedure for monthly reporting to a victim's parents all  
29 actions instituted against a perpetrator of bullying or  
30 harassment and the action taken to prevent any further acts of  
31 bullying or harassment.

1           (m) A procedure for publicizing the policy which must  
2 include its publication in the code of student conduct  
3 required under s. 1006.07(2) and in all employee handbooks.

4           (5) To assist school districts in developing policies  
5 for the prevention of bullying and harassment, the Department  
6 of Education shall develop model policies which must be  
7 provided to school districts no later than July 1, 2006.

8           (6) A school employee, school volunteer, student, or  
9 parent who promptly reports in good faith an act of bullying  
10 or harassment to the appropriate school official designated in  
11 the school district's policy and who makes this report in  
12 compliance with the procedures set forth in the policy is  
13 immune from a cause of action for damages arising out of the  
14 reporting itself or any failure to remedy the reported  
15 incident.

16           (7)(a) The physical location or time of access of a  
17 computer-related incident cannot be raised as a defense in any  
18 disciplinary action or prosecution initiated under this  
19 section.

20           (b) This section does not apply to any person who uses  
21 data or computer software that is accessed through a computer,  
22 computer system, or computer network when acting within the  
23 scope of his or her lawful employment or investigating a  
24 violation of this section in accordance with school district  
25 policy.

26           (8) Distribution of safe schools funds to a school  
27 district provided in the 2007-2008 General Appropriations Act  
28 is contingent upon Department of Education approval of the  
29 school district's bullying and harassment policy. Distribution  
30 of safe schools funds provided to each school district in  
31 fiscal year 2008-2009 and thereafter shall be contingent upon

1 school district compliance with all reporting procedures  
2 contained in this section.

3       (9) On or before January of each year, the  
4 Commissioner of Education shall report to the Senate and House  
5 of Representatives committees on education on the  
6 implementation of this section. The report shall include  
7 pertinent data such as incidences of bullying and harassment  
8 identified by the school districts.

9       Section 2. This act shall take effect upon becoming a  
10 law.

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