

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Bogdanoff and Gottlieb offered the following:

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3 **Substitute Amendment for Amendment (541739)**

4 Remove line(s) 51-93 and insert:

5 8. Sexual, religious, or racial harassment;

6 9. Public humiliation; or

7 10. Destruction of property.

8 (b) "Harassment" means any threatening, insulting, or  
9 dehumanizing gesture, use of data or computer software, or  
10 written, verbal, or physical conduct directed against a student  
11 or school employee that:

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

14 2. Has the effect of substantially interfering with a  
15 student's educational performance, opportunities, or benefits;  
16 or

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17 3. Has the effect of substantially disrupting the orderly  
18 operation of a school.

19 (c) Definitions in s. 815.03 relating to computer crimes  
20 and s. 784.048 relating to stalking are applicable to this  
21 section.

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

23 1. Retaliation against a student or school employee by  
24 another student or school employee for asserting or alleging an  
25 act of bullying or harassment. Reporting an act of bullying or  
26 harassment that is not made in good faith is considered  
27 retaliation.

28 2. Perpetuation of conduct listed in paragraph (a) or  
29 paragraph (b) by an individual or group with intent to demean,  
30 dehumanize, embarrass, or cause physical harm to a student or  
31 school employee by:

32 a. Incitement or coercion;

33 b. Accessing or knowingly causing or providing access to  
34 data or computer software through a computer, computer system,  
35 or computer network within the scope of the district school  
36 system; or

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

39 (4) By September 1, 2006, each school district shall adopt  
40 a policy prohibiting bullying and harassment on school property,  
41 at a school-related or school-sponsored program or activity, on  
42 a school bus, or through the use of data or computer software  
43 that is accessed through a computer, computer system, or  
44 computer network within the scope of the district school system.

45 The school district bullying and harassment policy shall afford  
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46 | all students the same protection regardless of their status  
47 | under the law.