

HB 213

2011

1 A bill to be entitled
2 An act relating to bullying of school children; amending
3 s. 1006.147, F.S.; prohibiting bullying or harassment of a
4 student or school employee by use of any computer,
5 computer system, or computer network that is physically
6 located on school property, regardless of ownership;
7 adding "emotional hurt" to the list of behaviors that,
8 when taken singularly or in combination, may indicate that
9 a child is being bullied at school; defining the term
10 "within the scope of a public K-12 educational
11 institution"; requiring that each school district include
12 in its districtwide policy instruction to students,
13 parents, teachers, school administrators, counseling
14 staff, and school volunteers on how to recognize behaviors
15 that lead to bullying and harassment and how to take
16 appropriate preventative action based on each of those
17 individual's observations; requiring that any complaint of
18 a computer-related incident of bullying be investigated by
19 a school district official using a computer on which web-
20 filtering software is not installed; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsections (2) and (3) and paragraph (1) of
26 subsection (4) of section 1006.147, Florida Statutes, are
27 amended, and paragraph (c) is added to subsection (7) of that
28 section, to read:

HB 213

2011

29 | 1006.147 Bullying and harassment prohibited.—

30 | (2) Bullying or harassment of any student or employee of a
 31 | public K-12 educational institution is prohibited:

32 | (a) During any education program or activity conducted by
 33 | a public K-12 educational institution;

34 | (b) During any school-related or school-sponsored program
 35 | or activity or on a school bus of a public K-12 educational
 36 | institution; or

37 | (c) Through the use of data or computer software that is
 38 | accessed through a computer, computer system, or computer
 39 | network within the scope of a public K-12 educational
 40 | institution.

41 | (3) For purposes of this section:

42 | (a) "Bullying" means systematically and chronically
 43 | inflicting physical hurt or psychological distress on one or
 44 | more students and may involve:

- 45 | 1. Teasing;
- 46 | 2. Social exclusion;
- 47 | 3. Threat;
- 48 | 4. Intimidation;
- 49 | 5. Stalking;
- 50 | 6. Physical violence;
- 51 | 7. Theft;
- 52 | 8. Sexual, religious, or racial harassment;
- 53 | 9. Public humiliation; ~~or~~
- 54 | 10. Destruction of property; or
- 55 | 11. Emotional hurt.

56 | (b) "Harassment" means any threatening, insulting, or

57 | dehumanizing gesture, use of data or computer software, or
 58 | written, verbal, or physical conduct directed against a student
 59 | or school employee that:

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

62 | 2. Has the effect of substantially interfering with a
 63 | student's educational performance, opportunities, or benefits;
 64 | or

65 | 3. Has the effect of substantially disrupting the orderly
 66 | operation of a school.

67 | (c) "Within the scope of a public K-12 educational
 68 | institution" means, regardless of ownership, any computer,
 69 | computer system, or computer network that is physically located
 70 | on school property.

71 | ~~(d)(e)~~ Definitions in s. 815.03 and the definition in s.
 72 | 784.048(1)(d) relating to stalking are applicable to this
 73 | section.

74 | ~~(e)(d)~~ The definitions of "bullying" and "harassment"
 75 | include:

76 | 1. Retaliation against a student or school employee by
 77 | another student or school employee for asserting or alleging an
 78 | act of bullying or harassment. Reporting an act of bullying or
 79 | harassment that is not made in good faith is considered
 80 | retaliation.

81 | 2. Perpetuation of conduct listed in paragraph (a) or
 82 | paragraph (b) by an individual or group with intent to demean,
 83 | dehumanize, embarrass, or cause physical harm to a student or
 84 | school employee by:

HB 213

2011

85 a. Incitement or coercion;

86 b. Accessing or knowingly causing or providing access to
87 data or computer software through a computer, computer system,
88 or computer network within the scope of the district school
89 system; or

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

92 (4) By December 1, 2008, each school district shall adopt
93 a policy prohibiting bullying and harassment of any student or
94 employee of a public K-12 educational institution. Each school
95 district's policy shall be in substantial conformity with the
96 Department of Education's model policy mandated in subsection
97 (5). The school district bullying and harassment policy shall
98 afford all students the same protection regardless of their
99 status under the law. The school district may establish separate
100 discrimination policies that include categories of students. The
101 school district shall involve students, parents, teachers,
102 administrators, school staff, school volunteers, community
103 representatives, and local law enforcement agencies in the
104 process of adopting the policy. The school district policy must
105 be implemented in a manner that is ongoing throughout the school
106 year and integrated with a school's curriculum, a school's
107 discipline policies, and other violence prevention efforts. The
108 school district policy must contain, at a minimum, the following
109 components:

110 (1) A procedure for providing instruction to students,
111 parents, teachers, school administrators, counseling staff, and
112 school volunteers on identifying, preventing, and responding to

HB 213

2011

113 bullying or harassment, including instruction on how to
114 recognize behaviors that lead to bullying and harassment and how
115 to take appropriate preventative action based on each of those
116 individual's observations.

117 (7)

118 (c) Any complaint of a computer-related incident must be
119 investigated by a school district official using a computer on
120 which web-filtering software is not installed.

121 Section 2. This act shall take effect July 1, 2011.