

By Senator Bogdanoff

25-00656-12

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

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

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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:

29       1006.147 Bullying and harassment prohibited.—

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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 a  
33 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) As used in ~~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, spoken ~~verbal~~, or physical act ~~conduct~~ directed against

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59 a student or school employee which ~~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 which ~~that~~ is not made in good faith is considered  
80 retaliation.

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

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,

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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 a  
93 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  
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 individuals' observations.

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(7)

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

Section 2. This act shall take effect July 1, 2012.