

HB 627

2012

1                   A bill to be entitled  
2     An act relating to bullying in the public school  
3     system; amending s. 1006.147, F.S.; revising  
4     provisions prohibiting bullying or harassment of a  
5     student or school employee through the use of  
6     computer-related activities; prohibiting bullying  
7     through the use of data or computer software that is  
8     accessed at a nonschool-related location or activity  
9     if certain conditions are met; providing that bullying  
10    includes cyberbullying; revising the list of behaviors  
11    that indicate possible bullying; defining the terms  
12    "cyberbullying" and "within the scope of a public K-12  
13    educational institution"; requiring that each school  
14    district include in its districtwide policy  
15    instruction on recognizing behaviors that lead to  
16    bullying and harassment and taking appropriate  
17    preventive action; requiring that any complaint of a  
18    computer-related incident be investigated by a school  
19    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:

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; or

41 | (d) Through the use of data or computer software that is  
 42 | accessed at a nonschool-related location, activity, function, or  
 43 | program or through the use of technology or an electronic device  
 44 | that is not owned, leased, or used by a school district or  
 45 | school, if the bullying creates a hostile environment at school  
 46 | for the victim, infringes on the rights of the victim at school,  
 47 | or materially or substantially disrupts the education process or  
 48 | the orderly operation of a school. This paragraph does not  
 49 | require a school to staff any nonschool-related activity,  
 50 | function, or program.

51 | (3) For purposes of this section:

52 | (a) "Bullying" includes cyberbullying and means  
 53 | systematically and chronically inflicting physical hurt or  
 54 | psychological distress on one or more students and may involve:

- 55 | 1. Teasing;
- 56 | 2. Social exclusion;

- 57 3. Threat;
- 58 4. Intimidation;
- 59 5. Stalking;
- 60 6. Physical violence;
- 61 7. Theft;
- 62 8. Sexual, religious, or racial harassment;
- 63 9. Public or private humiliation; ~~or~~
- 64 10. Emotional pain or discomfort; or
- 65 11.10. Destruction of property.
- 66 (b) "Cyberbullying" means bullying through the use of
- 67 technology or any electronic communication, which includes, but
- 68 is not limited to, any transfer of signs, signals, writing,
- 69 images, sounds, data, or intelligence of any nature transmitted
- 70 in whole or in part by a wire, radio, electromagnetic system,
- 71 photoelectronic system, or photooptical system, including, but
- 72 not limited to, electronic mail, Internet communications,
- 73 instant messages, or facsimile communications. Cyberbullying
- 74 includes the creation of a webpage or weblog in which the
- 75 creator assumes the identity of another person, or the knowing
- 76 impersonation of another person as the author of posted content
- 77 or messages, if the creation or impersonation creates any of the
- 78 conditions enumerated in the definition of bullying.
- 79 Cyberbullying also includes the distribution by electronic means
- 80 of a communication to more than one person or the posting of
- 81 material on an electronic medium that may be accessed by one or
- 82 more persons, if the distribution or posting creates any of the
- 83 conditions enumerated in the definition of bullying.
- 84 (c) ~~(b)~~ "Harassment" means any threatening, insulting, or

85 | dehumanizing gesture, use of data or computer software, or  
 86 | written, verbal, or physical conduct directed against a student  
 87 | or school employee that:

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

90 |       2. Has the effect of substantially interfering with a  
 91 | student's educational performance, opportunities, or benefits;  
 92 | or

93 |       3. Has the effect of substantially disrupting the orderly  
 94 | operation of a school.

95 |       (d) "Within the scope of a public K-12 educational  
 96 | institution" means, regardless of ownership, any computer,  
 97 | computer system, or computer network that is physically located  
 98 | on school property or at a school-related or school-sponsored  
 99 | program or activity.

100 |       (e)~~(e)~~ Definitions in s. 815.03 and the definition in s.  
 101 | 784.048(1)(d) relating to stalking are applicable to this  
 102 | section.

103 |       (f)~~(d)~~ The definitions of "bullying" and "harassment"  
 104 | include:

105 |       1. Retaliation against a student or school employee by  
 106 | another student or school employee for asserting or alleging an  
 107 | act of bullying or harassment. Reporting an act of bullying or  
 108 | harassment that is not made in good faith is considered  
 109 | retaliation.

110 |       2. Perpetuation of conduct listed in paragraph (a), ~~or~~  
 111 | paragraph (b), or paragraph (c) by an individual or group with  
 112 | intent to demean, dehumanize, embarrass, or cause physical harm

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113 to a student or school employee by:

114 a. Incitement or coercion;

115 b. Accessing or knowingly causing or providing access to  
116 data or computer software through a computer, computer system,  
117 or computer network within the scope of the district school  
118 system; or

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

121 (4) By December 1, 2008, each school district shall adopt  
122 a policy prohibiting bullying and harassment of any student or  
123 employee of a public K-12 educational institution. Each school  
124 district's policy shall be in substantial conformity with the  
125 Department of Education's model policy mandated in subsection  
126 (5). The school district bullying and harassment policy shall  
127 afford all students the same protection regardless of their  
128 status under the law. The school district may establish separate  
129 discrimination policies that include categories of students. The  
130 school district shall involve students, parents, teachers,  
131 administrators, school staff, school volunteers, community  
132 representatives, and local law enforcement agencies in the  
133 process of adopting the policy. The school district policy must  
134 be implemented in a manner that is ongoing throughout the school  
135 year and integrated with a school's curriculum, a school's  
136 discipline policies, and other violence prevention efforts. The  
137 school district policy must contain, at a minimum, the following  
138 components:

139 (1) A procedure for providing instruction to students,  
140 parents, teachers, school administrators, counseling staff, and

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141 school volunteers on identifying, preventing, and responding to  
142 bullying or harassment, including instruction on recognizing  
143 behaviors that lead to bullying and harassment and taking  
144 appropriate preventive action based on each of those  
145 observations.

146 (7)

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

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