

HB 609

2013

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

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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)~~ 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)~~ 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, 2013.