

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 or
7 harassment through the use of data or computer
8 software that is accessed at a nonschool-related
9 location or activity if certain conditions are met;
10 providing that bullying includes cyberbullying;
11 defining the terms "cyberbullying" and "within the
12 scope of a public K-12 educational institution";
13 requiring that each school district include in its
14 districtwide policy instruction on recognizing
15 behaviors that lead to bullying and harassment and
16 taking appropriate preventive action; requiring that
17 any complaint of a computer-related incident be
18 investigated by a school district official using a
19 computer on which web-filtering software is not
20 installed; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsections (2) and (3) and paragraph (1) of
25 subsection (4) of section 1006.147, Florida Statutes, are
26 amended, and paragraph (c) is added to subsection (7) of that
27 section, to read:

28 1006.147 Bullying and harassment prohibited.—

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

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

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

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

40 (d) Through the use of data or computer software that is
41 accessed at a nonschool-related location, activity, function, or
42 program or through the use of technology or an electronic device
43 that is not owned, leased, or used by a school district or
44 school, if the bullying substantially interferes with or limits
45 the victim's ability to participate in or benefit from the
46 services, activities, or opportunities offered by a school or
47 substantially disrupts the education process or orderly
48 operation of a school. This paragraph does not require a school
49 to staff or monitor any nonschool-related activity, function, or
50 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. Destruction of property.

65 | (b) "Cyberbullying" means bullying through the use of
 66 | technology or any electronic communication, which includes, but
 67 | is not limited to, any transfer of signs, signals, writing,
 68 | images, sounds, data, or intelligence of any nature transmitted
 69 | in whole or in part by a wire, radio, electromagnetic system,
 70 | photoelectronic system, or photooptical system, including, but
 71 | not limited to, electronic mail, Internet communications,
 72 | instant messages, or facsimile communications. Cyberbullying
 73 | includes the creation of a webpage or weblog in which the
 74 | creator assumes the identity of another person, or the knowing
 75 | impersonation of another person as the author of posted content
 76 | or messages, if the creation or impersonation creates any of the
 77 | conditions enumerated in the definition of bullying.
 78 | Cyberbullying also includes the distribution by electronic means
 79 | of a communication to more than one person or the posting of
 80 | material on an electronic medium that may be accessed by one or
 81 | more persons, if the distribution or posting creates any of the
 82 | conditions enumerated in the definition of bullying.

83 | (c) ~~(b)~~ "Harassment" means any threatening, insulting, or
 84 | dehumanizing gesture, use of data or computer software, or

85 written, verbal, or physical conduct directed against a student
 86 or school employee that:

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

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

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

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

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

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

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

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

- 113 a. Incitement or coercion;
- 114 b. Accessing or knowingly causing or providing access to
115 data or computer software through a computer, computer system,
116 or computer network within the scope of the district school
117 system; or
- 118 c. Acting in a manner that has an effect substantially
119 similar to the effect of bullying or harassment.
- 120 (4) By December 1, 2008, each school district shall adopt
121 a policy prohibiting bullying and harassment of any student or
122 employee of a public K-12 educational institution. Each school
123 district's policy shall be in substantial conformity with the
124 Department of Education's model policy mandated in subsection
125 (5). The school district bullying and harassment policy shall
126 afford all students the same protection regardless of their
127 status under the law. The school district may establish separate
128 discrimination policies that include categories of students. The
129 school district shall involve students, parents, teachers,
130 administrators, school staff, school volunteers, community
131 representatives, and local law enforcement agencies in the
132 process of adopting the policy. The school district policy must
133 be implemented in a manner that is ongoing throughout the school
134 year and integrated with a school's curriculum, a school's
135 discipline policies, and other violence prevention efforts. The
136 school district policy must contain, at a minimum, the following
137 components:
- 138 (1) A procedure for providing instruction to students,
139 parents, teachers, school administrators, counseling staff, and
140 school volunteers on identifying, preventing, and responding to

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141 | bullying or harassment, including instruction on recognizing
142 | behaviors that lead to bullying and harassment and taking
143 | appropriate preventive action based on each of those
144 | observations.

145 | (7)

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

149 | Section 2. This act shall take effect July 1, 2013.