

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 the use of computers without web-filtering
14 software or computers with web-filtering software that
15 is disabled when investigating complaints of
16 cyberbullying; requiring that each school district
17 include in its districtwide policy instruction on
18 recognizing behaviors that lead to bullying and
19 harassment and taking appropriate preventive action;
20 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 paragraphs (h) and
25 (1) of subsection (4) of section 1006.147, Florida Statutes, are
26 amended to read:

27 1006.147 Bullying and harassment prohibited.—

28 (2) Bullying or harassment of any student or employee of a

29 public K-12 educational institution is prohibited:

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

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

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

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

50 (3) For purposes of this section:

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

- 54 1. Teasing;
- 55 2. Social exclusion;
- 56 3. Threat;

- 57 4. Intimidation;
- 58 5. Stalking;
- 59 6. Physical violence;
- 60 7. Theft;
- 61 8. Sexual, religious, or racial harassment;
- 62 9. Public or private humiliation; or
- 63 10. Destruction of property.

64 (b) "Cyberbullying" means bullying through the use of
 65 technology or any electronic communication, which includes, but
 66 is not limited to, any transfer of signs, signals, writing,
 67 images, sounds, data, or intelligence of any nature transmitted
 68 in whole or in part by a wire, radio, electromagnetic system,
 69 photoelectronic system, or photooptical system, including, but
 70 not limited to, electronic mail, Internet communications,
 71 instant messages, or facsimile communications. Cyberbullying
 72 includes the creation of a webpage or weblog in which the
 73 creator assumes the identity of another person, or the knowing
 74 impersonation of another person as the author of posted content
 75 or messages, if the creation or impersonation creates any of the
 76 conditions enumerated in the definition of bullying.

77 Cyberbullying also includes the distribution by electronic means
 78 of a communication to more than one person or the posting of
 79 material on an electronic medium that may be accessed by one or
 80 more persons, if the distribution or posting creates any of the
 81 conditions enumerated in the definition of bullying.

82 (c) ~~(b)~~ "Harassment" means any threatening, insulting, or
 83 dehumanizing gesture, use of data or computer software, or
 84 written, verbal, or physical conduct directed against a student

85 | or school employee that:

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

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

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

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

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

101 | ~~(f)~~ The definitions of "bullying" and "harassment"
102 | include:

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

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

112 | a. Incitement or coercion;

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

117 | c. Acting in a manner that has an effect substantially
118 | similar to the effect of bullying or harassment.

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

137 | (h) A process to investigate whether a reported act of
138 | bullying or harassment is within the scope of the district
139 | school system and, if not, a process for referral of such an act
140 | to the appropriate jurisdiction. Computers without web-filtering

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141 software or computers with web-filtering software that is
142 disabled shall be used when complaints of cyberbullying are
143 investigated.

144 (1) A procedure for providing instruction to students,
145 parents, teachers, school administrators, counseling staff, and
146 school volunteers on identifying, preventing, and responding to
147 bullying or harassment, including instruction on recognizing
148 behaviors that lead to bullying and harassment and taking
149 appropriate preventive action based on those observations.

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