

By Senator Book

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1 A bill to be entitled
2 An act relating to bullying in public K-12 educational
3 institutions; amending s. 1006.147, F.S.; revising the
4 definition of the term "bullying"; requiring school
5 districts to adopt and review every 3 years a zero-
6 tolerance policy prohibiting bullying and harassment
7 of a student or employee of a public K-12 educational
8 institution; requiring a district's policy to
9 substantially conform to the Department of Education's
10 model zero-tolerance policy; requiring a district's
11 policy to contain specified consequences for a student
12 who commits an act of bullying or harassment;
13 requiring the Department of Education to fine a
14 district school board if the department finds the
15 district school board has failed to enforce the school
16 district's zero-tolerance policy; specifying the
17 amounts for the fine; authorizing a district school
18 board to require a teacher to pay half of the fine if
19 the failure was due to an act or omission of the
20 teacher; requiring a district school board to deny
21 employment to or terminate a principal or teacher
22 responsible for three enforcement failures; requiring
23 the department to transfer any sums collected to the
24 Chief Financial Officer to be deposited in the General
25 Revenue Fund; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Paragraph (a) of subsection (3) and subsection

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30 (4) of section 1006.147, Florida Statutes, are amended to read:

31 1006.147 Bullying and harassment prohibited.—

32 (3) For purposes of this section:

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

36 1. Teasing, including unkind words;

37 2. Social exclusion;

38 3. Threat;

39 4. Intimidation;

40 5. Stalking;

41 6. Intentionally touching another person against the
42 person's will or without his or her consent;

43 7. Physical violence;

44 ~~8.7. Theft~~;

45 ~~9.8. Sexual, religious, or racial harassment~~;

46 ~~10.9. Public or private humiliation~~; or

47 ~~11.10. Destruction of property~~.

48 (4) Each school district shall adopt and review at least
49 every 3 years a zero-tolerance policy prohibiting bullying and
50 harassment of a student or employee of a public K-12 educational
51 institution. Each school district's zero-tolerance policy shall
52 be in substantial conformity with the Department of Education's
53 model zero-tolerance policy. The school district bullying and
54 harassment zero-tolerance policy shall afford all students the
55 same protection regardless of their status under the law. The
56 school district may establish separate discrimination policies
57 that include categories of students. The school district shall
58 involve students, parents, teachers, administrators, school

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59 staff, school volunteers, community representatives, and local
60 law enforcement agencies in the process of adopting and
61 reviewing the zero-tolerance policy. The school district zero-
62 tolerance policy must be implemented by each school principal in
63 a manner that is ongoing throughout the school year and
64 integrated with the school's curriculum, bullying prevention and
65 intervention program, discipline policies, and other violence
66 prevention efforts.

67 (a) The school district zero-tolerance policy must contain,
68 at a minimum, the following components:

69 1.(a) A statement prohibiting bullying and harassment.

70 2.(b) A definition of bullying and a definition of
71 harassment that include the definitions listed in this section.

72 3.(c) A description of the type of behavior expected from
73 each student and employee of a public K-12 educational
74 institution.

75 4.(d) The consequences for a student or employee of a
76 public K-12 educational institution who commits an act of
77 bullying or harassment. The school district's zero-tolerance
78 policy concerning the consequences for a student who commits an
79 act of bullying or harassment must provide for all of the
80 following:

81 a. For a first act of bullying or harassment, the student
82 and his or her parent shall sign a written report prepared by
83 the school which documents the incident. A school guidance
84 counselor and the school principal shall also sign the report.

85 b. For a second act of bullying or harassment, an in-person
86 meeting must occur between the student, his or her parent, a
87 school guidance counselor, and the school principal. The school

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88 shall also prepare a written report in accordance with this
89 subparagraph.

90 c. For a third act of bullying or harassment, the school's
91 principal shall recommend the expulsion of the student to the
92 district school superintendent pursuant to s. 1006.09.

93 5. ~~(e)~~ The consequences for a student or employee of a
94 public K-12 educational institution who is found to have
95 wrongfully and intentionally accused another of an act of
96 bullying or harassment.

97 6. ~~(f)~~ A procedure for receiving reports of an alleged act
98 of bullying or harassment, including provisions that permit a
99 person to anonymously report such an act. However, this
100 subparagraph ~~paragraph~~ does not permit formal disciplinary
101 action to be based solely on an anonymous report.

102 7. ~~(g)~~ A procedure for the prompt investigation of a report
103 of bullying or harassment and the persons responsible for the
104 investigation. The investigation of a reported act of bullying
105 or harassment is deemed to be a school-related activity and
106 begins with a report of such an act. Incidents that require a
107 reasonable investigation when reported to appropriate school
108 authorities shall include alleged incidents of bullying or
109 harassment allegedly committed against a child while the child
110 is en route to school aboard a school bus or at a school bus
111 stop.

112 8. ~~(h)~~ A process to investigate whether a reported act of
113 bullying or harassment is within the scope of the district
114 school system and, if not, a process for referral of such an act
115 to the appropriate jurisdiction. Computers without web-filtering
116 software or computers with web-filtering software that is

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117 disabled shall be used when complaints of cyberbullying are
118 investigated.

119 9.~~(i)~~ A procedure for providing immediate notification to
120 the parents of a victim of bullying or harassment and the
121 parents of the perpetrator of an act of bullying or harassment,
122 as well as notification to all local agencies where criminal
123 charges may be pursued against the perpetrator.

124 10.~~(j)~~ A procedure to refer victims and perpetrators of
125 bullying or harassment for counseling.

126 11.~~(k)~~ A procedure for including incidents of bullying or
127 harassment in the school's report of data concerning school
128 safety and discipline required under s. 1006.09(6). The report
129 must include each incident of bullying or harassment and the
130 resulting consequences, including discipline and referrals. The
131 report must include in a separate section each alleged incident
132 of bullying or harassment that does not meet the criteria of a
133 prohibited act under this section with recommendations regarding
134 such incidents. The department ~~of Education~~ shall aggregate
135 information contained in the reports.

136 12.~~(l)~~ A list of programs authorized by the school district
137 that provide instruction to students, parents, teachers, school
138 administrators, counseling staff, and school volunteers on
139 identifying, preventing, and responding to bullying or
140 harassment, including instruction on recognizing behaviors that
141 lead to bullying and harassment and taking appropriate
142 preventive action based on those observations.

143 13.~~(m)~~ A procedure for regularly reporting to a victim's
144 parents the actions taken to protect the victim.

145 14.~~(n)~~ A procedure for publicizing the policy, which must

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146 include its publication in the code of student conduct required
147 under s. 1006.07(2) and in all employee handbooks.

148 (b)1. The department shall fine a district school board if
149 the department finds that the district school board has failed
150 to enforce the school district's zero-tolerance policy
151 prohibiting bullying and harassment of a student or employee of
152 a public K-12 educational institution overseen by the district
153 school board. The department shall fine a district school board
154 \$5,000 for a first offence, \$10,000 for a second offence, and
155 \$25,000 for a third or subsequent offense.

156 2. If the district school board's failure was due to an act
157 or omission by a teacher employed by the district school board,
158 then the district school board may require the teacher to pay
159 half of the fine to the district school board.

160 3. The district school board shall deny employment to or
161 terminate a school principal or teacher responsible for three
162 failures to enforce the district school board's policy.

163 4. The department shall transfer any sums collected under
164 this paragraph to the Chief Financial Officer to be deposited in
165 the General Revenue Fund.

166 Section 2. This act shall take effect July 1, 2021.