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1 A bill to be entitled 2 An act relating to bullying; creating s. 784.049, 3 F.S.; defining terms; providing that a person who 4 willfully, maliciously, and repeatedly harasses or 5 cyberbullies another person commits the offense of 6 bullying; providing that a person who willfully, 7 maliciously, and repeatedly harasses or cyberbullies 8 another person and makes a credible threat to that 9 person commits the offense of aggravated bullying; 10 providing criminal penalties; providing an effective 11 date. 12 13 Be It Enacted by the Legislature of the State of Florida: 14 15 Section 1. Section 784.049, Florida Statutes, is created 16 to read: 784.049 Bullying; aggravated bullying.-17 (1) As used in this section, the term: 18 19 "Course of conduct" means a pattern of conduct 20 involving a series of acts over any period of time which 21 evidences a continuity of purpose. The term does not include 22 constitutionally protected activity such as picketing or other 23 organized protests. 24 "Credible threat" means a verbal or nonverbal threat, (b)

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or both, including a threat delivered electronically or implied

by a pattern of conduct, which places the target of the threat

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in reasonable fear for his or her safety, the safety of his or her family, or the safety of a closely associated individual and which is made with the apparent ability to carry out the threat. For purposes of prosecution under this section, it is not necessary to prove that the person making the threat had the intent to actually carry out the threat.

- (c) "Cyberbullying" means the communication of, or the attempt to communicate, words, images, symbols, or spoken language by or through the use of electronic communication which is directed to a specific person, causes substantial emotional distress to that person, and does not serve a legitimate purpose.
- (d) "Harass" means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and which does not serve a legitimate purpose.
- (2) A person who willfully, maliciously, and repeatedly harasses or cyberbullies another person commits the offense of bullying, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
- (3) A person who willfully, maliciously, and repeatedly harasses or cyberbullies another person and makes a credible threat to that person commits the offense of aggravated bullying, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 - Section 2. This act shall take effect October 1, 2014.

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