

By Senator Simmons

10-00810-14

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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:

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15 Section 1. Section 784.049, Florida Statutes, is created to
16 read:

17 784.049 Bullying; aggravated bullying.-

18 (1) As used in this section, the term:

19 (a) "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 (b) "Credible threat" means a verbal or nonverbal threat,
25 or both, including a threat delivered electronically or implied
26 by a pattern of conduct, which places the target of the threat
27 in reasonable fear for his or her safety, the safety of his or
28 her family, or the safety of a closely associated individual and
29 which is made with the apparent ability to carry out the threat.

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30 For purposes of prosecution under this section, it is not
31 necessary to prove that the person making the threat had the
32 intent to actually carry out the threat.

33 (c) "Cyberbullying" means the communication of, or the
34 attempt to communicate, words, images, symbols, or spoken
35 language by or through the use of electronic communication which
36 is directed to a specific person, causes substantial emotional
37 distress to that person, and does not serve a legitimate
38 purpose.

39 (d) "Harass" means to engage in a course of conduct
40 directed at a specific person which causes substantial emotional
41 distress to that person and which does not serve a legitimate
42 purpose.

43 (2) A person who willfully, maliciously, and repeatedly
44 harasses or cyberbullies another person commits the offense of
45 bullying, a misdemeanor of the first degree, punishable as
46 provided in s. 775.082 or s. 775.083.

47 (3) A person who willfully, maliciously, and repeatedly
48 harasses or cyberbullies another person and makes a credible
49 threat to that person commits the offense of aggravated
50 bullying, a felony of the third degree, punishable as provided
51 in s. 775.082, s. 775.083, or s. 775.084.

52 Section 2. This act shall take effect October 1, 2014.