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LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1006.63, Florida Statutes, is amended to
read:

1006.63 Hazing prohibited.—

(1) As used in this section, the term "hazing" means any
action or situation that recklessly or intentionally endangers
the mental or physical health or safety of a student for



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11 purposes including, but not limited to, initiation or admission
12 into or affiliation with, or the perpetuation or furtherance of
13 a tradition or ritual of, any organization operating under the
14 sanction of a postsecondary institution. The term "Hazing"
15 includes, but is not limited to, pressuring or coercing the
16 student into violating state or federal law; ~~any brutality of a~~
17 ~~physical nature, such as whipping, beating, branding, exposure~~
18 ~~to the elements, forced consumption of any food, liquor, drug,~~
19 ~~or other substance, or other forced physical activity that could~~
20 ~~adversely affect the physical health or safety of the student;~~
21 ~~or, and also includes~~ any activity that would subject the
22 student to extreme mental stress, such as sleep deprivation,
23 forced exclusion from social contact, forced conduct that could
24 result in extreme embarrassment, or other forced activity that
25 could adversely affect the mental health or dignity of the
26 student. The term Hazing does not include customary athletic
27 events or other similar contests or competitions or any activity
28 or conduct that furthers a legal and legitimate objective.

29 (2) A person commits hazing, a third degree felony,
30 punishable as provided in s. 775.082 or s. 775.083, when he or
31 she intentionally or recklessly commits, solicits a person to
32 commit, or is actively involved in the planning of any act of
33 hazing as defined in subsection (1) upon another person who is a
34 member or former member of or an applicant to any type of
35 student organization and the hazing results in a permanent
36 injury, serious bodily injury, or death of such other person.

37 (3) A person commits hazing, a first degree misdemeanor,
38 punishable as provided in s. 775.082 or s. 775.083, when he or
39 she intentionally or recklessly commits, solicits a person to



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40 commit, or is actively involved in the planning of any act of
41 hazing as defined in subsection (1) upon another person who is a
42 member or former member of or an applicant to any type of
43 student organization and the hazing creates a substantial risk
44 of physical injury or death to such other person.

45 (4) As a condition of any sentence imposed pursuant to
46 subsection (2) or subsection (3), the court shall order the
47 defendant to attend and complete a 4-hour hazing education
48 course and may also impose a condition of drug or alcohol
49 probation.

50 (5) It is not a defense to a charge of hazing that:

51 (a) The consent of the victim had been obtained;

52 (b) The conduct or activity that resulted in the death or
53 injury of a person was not part of an official organizational
54 event or was not otherwise sanctioned or approved by the
55 organization; or

56 (c) The conduct or activity that resulted in death or
57 injury of the person was not done as a condition of membership
58 to an organization.

59 (6) This section shall not be construed to preclude
60 prosecution for a more general offense resulting from the same
61 criminal transaction or episode.

62 (7) Public and nonpublic postsecondary educational
63 institutions whose students receive state student financial
64 assistance must adopt a written antihazing policy and under such
65 policy must adopt rules prohibiting students or other persons
66 associated with any student organization from engaging in
67 hazing.

68 (8) Public and nonpublic postsecondary educational



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69 institutions must provide a program for the enforcement of such
70 rules and must adopt appropriate penalties for violations of
71 such rules, to be administered by the person at the institution
72 responsible for the sanctioning of such organizations.

73 (a) Such penalties at Florida College System institutions
74 and state universities may include the imposition of fines; the
75 withholding of diplomas or transcripts pending compliance with
76 the rules or pending payment of fines; and the imposition of
77 probation, suspension, or dismissal.

78 (b) In the case of an organization at a Florida College
79 System institution or state university that authorizes hazing in
80 blatant disregard of such rules, penalties may also include
81 rescission of permission for that organization to operate on
82 campus property or to otherwise operate under the sanction of
83 the institution.

84 (c) All penalties imposed under the authority of this
85 subsection shall be in addition to any penalty imposed for
86 violation of any of the criminal laws of this state or for
87 violation of any other rule of the institution to which the
88 violator may be subject.

89 (9) Rules adopted pursuant hereto shall apply to acts
90 conducted on or off campus whenever such acts are deemed to
91 constitute hazing.

92 (10) Upon approval of the antihazing policy of a Florida
93 College System institution or state university and of the rules
94 and penalties adopted pursuant thereto, the institution shall
95 provide a copy of such policy, rules, and penalties to each
96 student enrolled in that institution and shall require the
97 inclusion of such policy, rules, and penalties in the bylaws of



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98 every organization operating under the sanction of the
99 institution.

100 (11) A person may not be prosecuted under this section if
101 he or she establishes all of the following:

102 (a) That he or she was present at an event where, as a
103 result of hazing, a person appeared to be in need of immediate
104 medical assistance.

105 (b) That he or she was the first person to call 911 or
106 campus security to report the need for immediate medical
107 assistance.

108 (c) That he or she provided his or her own name, the
109 address where immediate medical assistance was needed, and a
110 description of the medical issue to the 911 operator or campus
111 security at the time of the call.

112 (d) That he or she remained at the scene with the person in
113 need of immediate medical assistance until such medical
114 assistance, law enforcement, or campus security arrived and that
115 he or she cooperated with such personnel on the scene.

116 Section 2. For the purpose of incorporating the amendment
117 made by this act to section 1006.63, Florida Statutes, in a
118 reference thereto, paragraph (e) of subsection (8) of section
119 1001.64, Florida Statutes, is reenacted to read:

120 1001.64 Florida College System institution boards of
121 trustees; powers and duties.—

122 (8) Each board of trustees has authority for policies
123 related to students, enrollment of students, student records,
124 student activities, financial assistance, and other student
125 services.

126 (e) Each board of trustees must adopt a written antihazing



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127 policy, provide a program for the enforcement of such rules, and
128 adopt appropriate penalties for violations of such rules
129 pursuant to the provisions of s. 1006.63.

130 Section 3. This act shall take effect July 1, 2019.

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132 ===== T I T L E A M E N D M E N T =====

133 And the title is amended as follows:

134 Delete everything before the enacting clause
135 and insert:

136 A bill to be entitled
137 An act relating to hazing; amending s. 1006.63, F.S.;
138 redefining the term "hazing"; expanding the crime of
139 hazing, a third degree felony, to include when a
140 person solicits others to commit or is actively
141 involved in the planning of hazing; expanding the
142 crime of hazing, a first degree misdemeanor, to
143 include when a person solicits others to commit or is
144 actively involved in the planning of hazing; providing
145 that a person may not be prosecuted if certain
146 conditions are met; reenacting s. 1001.64(8)(e), F.S.,
147 relating to Florida College System institution boards
148 of trustees and related powers and duties, to
149 incorporate the amendment made to s. 1006.63, F.S., in
150 a reference thereto; providing an effective date.