

By the Committee on Criminal Justice; and Senator Book

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1 A bill to be entitled
2 An act relating to hazing; amending s. 1006.63, F.S.;
3 redefining the term "hazing"; expanding the crime of
4 hazing, a third degree felony, to include when a
5 person solicits others to commit or is actively
6 involved in the planning of hazing; expanding the
7 crime of hazing, a first degree misdemeanor, to
8 include when a person solicits others to commit or is
9 actively involved in the planning of hazing; providing
10 that a person may not be prosecuted if certain
11 conditions are met; reenacting s. 1001.64(8)(e), F.S.,
12 relating to Florida College System institution boards
13 of trustees and related powers and duties, to
14 incorporate the amendment made to s. 1006.63, F.S., in
15 a reference thereto; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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

21 1006.63 Hazing prohibited.—

22 (1) As used in this section, the term "hazing" means any
23 action or situation that recklessly or intentionally endangers
24 the mental or physical health or safety of a student for
25 purposes including, but not limited to, initiation or admission
26 into or affiliation with, or the perpetuation or furtherance of
27 a tradition or ritual of, any organization operating under the
28 sanction of a postsecondary institution. The term "Hazing"
29 includes, but is not limited to, pressuring or coercing the

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30 student into violating state or federal law;~~7~~ any brutality of a
31 physical nature, such as whipping, beating, branding, exposure
32 to the elements, forced consumption of any food, liquor, drug,
33 or other substance, or other forced physical activity that could
34 adversely affect the physical health or safety of the student;
35 or,~~and also includes~~ any activity that would subject the
36 student to extreme mental stress, such as sleep deprivation,
37 forced exclusion from social contact, forced conduct that could
38 result in extreme embarrassment, or other forced activity that
39 could adversely affect the mental health or dignity of the
40 student. The term Hazing does not include customary athletic
41 events or other similar contests or competitions or any activity
42 or conduct that furthers a legal and legitimate objective.

43 (2) A person commits hazing, a third degree felony,
44 punishable as provided in s. 775.082 or s. 775.083, when he or
45 she intentionally or recklessly commits, solicits a person to
46 commit, or is actively involved in the planning of any act of
47 hazing as defined in subsection (1) upon another person who is a
48 member or former member of or an applicant to any type of
49 student organization and the hazing results in a permanent
50 injury, serious bodily injury, or death of such other person.

51 (3) A person commits hazing, a first degree misdemeanor,
52 punishable as provided in s. 775.082 or s. 775.083, when he or
53 she intentionally or recklessly commits, solicits a person to
54 commit, or is actively involved in the planning of any act of
55 hazing as defined in subsection (1) upon another person who is a
56 member or former member of or an applicant to any type of
57 student organization and the hazing creates a substantial risk
58 of physical injury or death to such other person.

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59 (4) As a condition of any sentence imposed pursuant to
60 subsection (2) or subsection (3), the court shall order the
61 defendant to attend and complete a 4-hour hazing education
62 course and may also impose a condition of drug or alcohol
63 probation.

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

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

66 (b) The conduct or activity that resulted in the death or
67 injury of a person was not part of an official organizational
68 event or was not otherwise sanctioned or approved by the
69 organization; or

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

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

76 (7) Public and nonpublic postsecondary educational
77 institutions whose students receive state student financial
78 assistance must adopt a written antihazing policy and under such
79 policy must adopt rules prohibiting students or other persons
80 associated with any student organization from engaging in
81 hazing.

82 (8) Public and nonpublic postsecondary educational
83 institutions must provide a program for the enforcement of such
84 rules and must adopt appropriate penalties for violations of
85 such rules, to be administered by the person at the institution
86 responsible for the sanctioning of such organizations.

87 (a) Such penalties at Florida College System institutions

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88 and state universities may include the imposition of fines; the
89 withholding of diplomas or transcripts pending compliance with
90 the rules or pending payment of fines; and the imposition of
91 probation, suspension, or dismissal.

92 (b) In the case of an organization at a Florida College
93 System institution or state university that authorizes hazing in
94 blatant disregard of such rules, penalties may also include
95 rescission of permission for that organization to operate on
96 campus property or to otherwise operate under the sanction of
97 the institution.

98 (c) All penalties imposed under the authority of this
99 subsection shall be in addition to any penalty imposed for
100 violation of any of the criminal laws of this state or for
101 violation of any other rule of the institution to which the
102 violator may be subject.

103 (9) Rules adopted pursuant hereto shall apply to acts
104 conducted on or off campus whenever such acts are deemed to
105 constitute hazing.

106 (10) Upon approval of the antihazing policy of a Florida
107 College System institution or state university and of the rules
108 and penalties adopted pursuant thereto, the institution shall
109 provide a copy of such policy, rules, and penalties to each
110 student enrolled in that institution and shall require the
111 inclusion of such policy, rules, and penalties in the bylaws of
112 every organization operating under the sanction of the
113 institution.

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

116 (a) That he or she was present at an event where, as a

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117 result of hazing, a person appeared to be in need of immediate
118 medical assistance.

119 (b) That he or she was the first person to call 911 or
120 campus security to report the need for immediate medical
121 assistance.

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

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

130 Section 2. For the purpose of incorporating the amendment
131 made by this act to section 1006.63, Florida Statutes, in a
132 reference thereto, paragraph (e) of subsection (8) of section
133 1001.64, Florida Statutes, is reenacted to read:

134 1001.64 Florida College System institution boards of
135 trustees; powers and duties.—

136 (8) Each board of trustees has authority for policies
137 related to students, enrollment of students, student records,
138 student activities, financial assistance, and other student
139 services.

140 (e) Each board of trustees must adopt a written antihazing
141 policy, provide a program for the enforcement of such rules, and
142 adopt appropriate penalties for violations of such rules
143 pursuant to the provisions of s. 1006.63.

144 Section 3. This act shall take effect October 1, 2019.