

By the Committees on Education; and Criminal Justice; and
Senator Book

581-03505-19

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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; providing immunity from
12 prosecution to persons who meet specified
13 requirements; defining the term "aid"; reenacting s.
14 1001.64(8)(e), F.S., relating to Florida College
15 System institution boards of trustees and related
16 powers and duties, to incorporate the amendment made
17 to s. 1006.63, F.S., in a reference thereto; providing
18 an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 1006.63, Florida Statutes, is amended to
23 read:

24 1006.63 Hazing prohibited.—

25 (1) As used in this section, the term "hazing" means any
26 action or situation that recklessly or intentionally endangers
27 the mental or physical health or safety of a student for
28 purposes including, but not limited to, initiation or admission
29 into or affiliation with, or the perpetuation or furtherance of

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

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

54 (3) A person commits hazing, a first degree misdemeanor,
55 punishable as provided in s. 775.082 or s. 775.083, when he or
56 she intentionally or recklessly commits, solicits a person to
57 commit, or is actively involved in the planning of any act of
58 hazing as defined in subsection (1) upon another person who is a

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59 member or former member of or an applicant to any type of
60 student organization and the hazing creates a substantial risk
61 of physical injury or death to such other person.

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

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

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

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

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

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

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

85 (8) Public and nonpublic postsecondary educational
86 institutions must provide a program for the enforcement of such
87 rules and must adopt appropriate penalties for violations of

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88 such rules, to be administered by the person at the institution
89 responsible for the sanctioning of such organizations.

90 (a) Such penalties at Florida College System institutions
91 and state universities may include the imposition of fines; the
92 withholding of diplomas or transcripts pending compliance with
93 the rules or pending payment of fines; and the imposition of
94 probation, suspension, or dismissal.

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

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

106 (9) Rules adopted pursuant hereto shall apply to acts
107 conducted on or off campus whenever such acts are deemed to
108 constitute hazing.

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

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

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

122 (b) That he or she was the first person to call 911 or
123 campus security to report the need for immediate medical
124 assistance.

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

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

133 (12) Notwithstanding subsection (11), a person is immune
134 from prosecution under this section if the person establishes
135 that, before medical assistance, law enforcement, or campus
136 security arrived on the scene of a hazing event, the person
137 rendered aid to the hazing victim. For purposes of this
138 subsection, "aid" includes, but is not be limited to, rendering
139 cardiopulmonary resuscitation to the victim, clearing an airway
140 for the victim to breathe, using a defibrillator to assist the
141 victim, or rendering any other assistance to the victim which
142 the person intended in good faith to stabilize or improve the
143 victim's condition while waiting for medical assistance, law
144 enforcement, or campus security to arrive.

145 Section 2. For the purpose of incorporating the amendment

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146 made by this act to section 1006.63, Florida Statutes, in a
147 reference thereto, paragraph (e) of subsection (8) of section
148 1001.64, Florida Statutes, is reenacted to read:

149 1001.64 Florida College System institution boards of
150 trustees; powers and duties.—

151 (8) Each board of trustees has authority for policies
152 related to students, enrollment of students, student records,
153 student activities, financial assistance, and other student
154 services.

155 (e) Each board of trustees must adopt a written antihazing
156 policy, provide a program for the enforcement of such rules, and
157 adopt appropriate penalties for violations of such rules
158 pursuant to the provisions of s. 1006.63.

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