

20191080e1

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          a short title; providing that a person may not be  
11          prosecuted if certain conditions are met; providing  
12          immunity from prosecution to persons who meet  
13          specified requirements; defining the term "aid";  
14          reenacting s. 1001.64(8)(e), F.S., relating to Florida  
15          College System institution boards of trustees and  
16          related powers and duties, to incorporate the  
17          amendment made to s. 1006.63, F.S., in a reference  
18          thereto; providing 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~~

20191080e1

30 (a) Initiation into any organization operating under the  
31 sanction of a postsecondary institution;

32 (b) Admission into any organization operating under the  
33 sanction of a postsecondary institution;

34 (c) Affiliation with any organization operating under the  
35 sanction of a postsecondary institution; or

36 (d) The perpetuation or furtherance of a tradition or  
37 ritual of any organization operating under the sanction of a  
38 postsecondary institution.

39  
40 The term "Hazing" includes, but is not limited to, pressuring or  
41 coercing the student into violating state or federal law; ~~7~~ any  
42 brutality of a physical nature, such as whipping, beating,  
43 branding, exposure to the elements, forced consumption of any  
44 food, liquor, drug, or other substance, or other forced physical  
45 activity that could adversely affect the physical health or  
46 safety of the student; or, ~~and also includes~~ any activity that  
47 would subject the student to extreme mental stress, such as  
48 sleep deprivation, forced exclusion from social contact, forced  
49 conduct that could result in extreme embarrassment, or other  
50 forced activity that could adversely affect the mental health or  
51 dignity of the student. The term Hazing does not include  
52 customary athletic events or other similar contests or  
53 competitions or any activity or conduct that furthers a legal  
54 and legitimate objective.

55 (2) A person commits hazing, a third degree felony,  
56 punishable as provided in s. 775.082 or s. 775.083, when he or  
57 she intentionally or recklessly commits, solicits a person to  
58 commit, or is actively involved in the planning of any act of

20191080e1

59 hazing as defined in subsection (1) upon another person who is a  
60 member or former member of or an applicant to any type of  
61 student organization and the hazing results in a permanent  
62 injury, serious bodily injury, or death of such other person.

63 (3) A person commits hazing, a first degree misdemeanor,  
64 punishable as provided in s. 775.082 or s. 775.083, when he or  
65 she intentionally or recklessly commits, solicits a person to  
66 commit, or is actively involved in the planning of any act of  
67 hazing as defined in subsection (1) upon another person who is a  
68 member or former member of or an applicant to any type of  
69 student organization and the hazing creates a substantial risk  
70 of physical injury or death to such other person.

71 (4) As a condition of any sentence imposed pursuant to  
72 subsection (2) or subsection (3), the court shall order the  
73 defendant to attend and complete a 4-hour hazing education  
74 course and may also impose a condition of drug or alcohol  
75 probation.

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

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

78 (b) The conduct or activity that resulted in the death or  
79 injury of a person was not part of an official organizational  
80 event or was not otherwise sanctioned or approved by the  
81 organization; or

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

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

20191080e1

88           (7) Public and nonpublic postsecondary educational  
89 institutions whose students receive state student financial  
90 assistance must adopt a written antihazing policy and under such  
91 policy must adopt rules prohibiting students or other persons  
92 associated with any student organization from engaging in  
93 hazing.

94           (8) Public and nonpublic postsecondary educational  
95 institutions must provide a program for the enforcement of such  
96 rules and must adopt appropriate penalties for violations of  
97 such rules, to be administered by the person at the institution  
98 responsible for the sanctioning of such organizations.

99           (a) Such penalties at Florida College System institutions  
100 and state universities may include the imposition of fines; the  
101 withholding of diplomas or transcripts pending compliance with  
102 the rules or pending payment of fines; and the imposition of  
103 probation, suspension, or dismissal.

104           (b) In the case of an organization at a Florida College  
105 System institution or state university that authorizes hazing in  
106 blatant disregard of such rules, penalties may also include  
107 rescission of permission for that organization to operate on  
108 campus property or to otherwise operate under the sanction of  
109 the institution.

110           (c) All penalties imposed under the authority of this  
111 subsection shall be in addition to any penalty imposed for  
112 violation of any of the criminal laws of this state or for  
113 violation of any other rule of the institution to which the  
114 violator may be subject.

115           (9) Rules adopted pursuant hereto shall apply to acts  
116 conducted on or off campus whenever such acts are deemed to

20191080e1

117 constitute hazing.

118 (10) Upon approval of the antihazing policy of a Florida  
119 College System institution or state university and of the rules  
120 and penalties adopted pursuant thereto, the institution shall  
121 provide a copy of such policy, rules, and penalties to each  
122 student enrolled in that institution and shall require the  
123 inclusion of such policy, rules, and penalties in the bylaws of  
124 every organization operating under the sanction of the  
125 institution.

126 (11) (a) This subsection and subsection (12) may be cited as  
127 "Andrew's Law."

128 (b) A person may not be prosecuted under this section if he  
129 or she establishes all of the following:

130 1. That he or she was present at an event where, as a  
131 result of hazing, a person appeared to be in need of immediate  
132 medical assistance.

133 2. That he or she was the first person to call 911 or  
134 campus security to report the need for immediate medical  
135 assistance.

136 3. That he or she provided his or her own name, the address  
137 where immediate medical assistance was needed, and a description  
138 of the medical issue to the 911 operator or campus security at  
139 the time of the call.

140 4. That he or she remained at the scene with the person in  
141 need of immediate medical assistance until such medical  
142 assistance, law enforcement, or campus security arrived and that  
143 he or she cooperated with such personnel on the scene.

144 (12) Notwithstanding subsection (11), a person is immune  
145 from prosecution under this section if the person establishes

20191080e1

146 that, before medical assistance, law enforcement, or campus  
147 security arrived on the scene of a hazing event, the person  
148 rendered aid to the hazing victim. For purposes of this  
149 subsection, "aid" includes, but is not be limited to, rendering  
150 cardiopulmonary resuscitation to the victim, clearing an airway  
151 for the victim to breathe, using a defibrillator to assist the  
152 victim, or rendering any other assistance to the victim which  
153 the person intended in good faith to stabilize or improve the  
154 victim's condition while waiting for medical assistance, law  
155 enforcement, or campus security to arrive.

156 Section 2. For the purpose of incorporating the amendment  
157 made by this act to section 1006.63, Florida Statutes, in a  
158 reference thereto, paragraph (e) of subsection (8) of section  
159 1001.64, Florida Statutes, is reenacted to read:

160 1001.64 Florida College System institution boards of  
161 trustees; powers and duties.—

162 (8) Each board of trustees has authority for policies  
163 related to students, enrollment of students, student records,  
164 student activities, financial assistance, and other student  
165 services.

166 (e) Each board of trustees must adopt a written antihazing  
167 policy, provide a program for the enforcement of such rules, and  
168 adopt appropriate penalties for violations of such rules  
169 pursuant to the provisions of s. 1006.63.

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