

HB 1261

2004

A bill to be entitled

An act relating to hazing; amending s. 1006.63, F.S.;  
 revising the definition of the term "hazing"; providing  
 for a third degree felony offense of hazing; providing for  
 a first degree misdemeanor offense of hazing; specifying  
 the elements of each offense; providing for criminal  
 penalties; requiring the court to impose a hazing  
 education course as a condition of sentence in certain  
 circumstances; authorizing the court to impose a condition  
 of drug or alcohol probation in certain circumstances;  
 specifying circumstances that do not constitute a valid  
 defense to a prosecution for the offense of hazing;  
 amending s. 1001.64, F.S.; revising a cross reference, to  
 conform; providing applicability; providing an effective  
 date.

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

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

1006.63 Hazing prohibited.--

(1) As used in this section, "hazing" means any action or  
 situation that recklessly or intentionally endangers the mental  
 or physical health or safety of a student for ~~the~~ purposes  
~~including, but not limited to, purpose of~~ initiation or  
 admission into or affiliation with any organization operating  
 under the sanction of a postsecondary institution. Such term  
 includes, but is not limited to, pressuring or coercing a person  
into violating state or federal law, any brutality of a physical

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

43 (2) A person is guilty of 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 orders, directs, pressures, or  
 46 coerces another person who is a member of or an applicant to any  
 47 type of student organization to engage in conduct that results  
 48 in the serious bodily injury or death of such other person or  
 49 that creates a substantial risk of physical injury to such other  
 50 person and thereby causes such injury or death.

51 (3) A person is guilty of hazing, a first degree  
 52 misdemeanor, punishable as provided in s. 775.082 or s. 775.083,  
 53 when, in the course of another person's initiation into or  
 54 affiliation with any organization, he or she intentionally or  
 55 recklessly engages in conduct which creates a substantial risk  
 56 of physical injury to such other person or a third person.

57 (4) As a condition of any sentence imposed pursuant to  
 58 subsection (2) or subsection (3), the court shall order the

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59 defendant to attend and complete a 4-hour hazing education  
60 course and may also impose a condition of drug or alcohol  
61 probation.

62 (5)(a) Consent of the victim to the hazing is not a valid  
63 defense to a prosecution for the offense of hazing.

64 (b) It is not a defense to the offense of hazing that the  
65 conduct or activity that resulted in the death or injury of a  
66 person was not part of an official organizational event or was  
67 not otherwise sanctioned or approved by the organization.

68 (c) It is not a defense to the offense of hazing that the  
69 conduct or activity that resulted in death or injury of the  
70 person was not done as a condition of membership to an  
71 organization.

72 (6)(2) Public and nonpublic postsecondary educational  
73 institutions whose students receive state student financial  
74 assistance must adopt a written antihazing policy and under such  
75 policy must adopt rules prohibiting students or other persons  
76 associated with any student organization from engaging in  
77 hazing.

78 (7)(3) Public and nonpublic postsecondary educational  
79 institutions must provide a program for the enforcement of such  
80 rules and must adopt appropriate penalties for violations of  
81 such rules, to be administered by the person at the institution  
82 responsible for the sanctioning of such organizations.

83 (a) Such penalties at community colleges and state  
84 universities may include the imposition of fines; the  
85 withholding of diplomas or transcripts pending compliance with  
86 the rules or pending payment of fines; and the imposition of  
87 probation, suspension, or dismissal.

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88 (b) In the case of an organization at a community college  
 89 or state university which authorizes hazing in blatant disregard  
 90 of such rules, penalties may also include rescission of  
 91 permission for that organization to operate on campus property  
 92 or to otherwise operate under the sanction of the institution.

93 (c) All penalties imposed under the authority of this  
 94 subsection shall be in addition to any penalty imposed for  
 95 violation of any of the criminal laws of this state or for  
 96 violation of any other rule of the institution to which the  
 97 violator may be subject.

98 (8)~~(4)~~ Rules adopted pursuant hereto shall apply to acts  
 99 conducted on or off campus whenever such acts are deemed to  
 100 constitute hazing.

101 (9)~~(5)~~ Upon approval of the antihazing policy of a  
 102 community college or state university and of the rules and  
 103 penalties adopted pursuant thereto, the institution shall  
 104 provide a copy of such policy, rules, and penalties to each  
 105 student enrolled in that institution and shall require the  
 106 inclusion of such policy, rules, and penalties in the bylaws of  
 107 every organization operating under the sanction of the  
 108 institution.

109 Section 2. Paragraph (e) of subsection (8) of section  
 110 1001.64, Florida Statutes, is amended to read:

111 1001.64 Community college boards of trustees; powers and  
 112 duties.--

113 (8) Each board of trustees has authority for policies  
 114 related to students, enrollment of students, student records,  
 115 student activities, financial assistance, and other student  
 116 services.

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117 (e) Each board of trustees must adopt a written antihazing  
118 policy, provide a program for the enforcement of such rules, and  
119 adopt appropriate penalties for violations of such rules  
120 pursuant to the provisions of s. 1006.63~~(1)-(3)~~.

121 Section 3. Nothing in this act shall be construed to  
122 constitute grounds for any civil cause of action that is not  
123 otherwise provided in law.

124 Section 4. This act shall take effect October 1, 2004, and  
125 shall apply to offenses committed on or after that date.