

CHAMBER ACTION

1 The Committee on Public Safety & Crime Prevention recommends the  
2 following:

3  
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to hazing; specifying conduct that  
8 constitutes hazing at certain high schools; creating new  
9 offenses of hazing at a high school with grades 9-12;  
10 providing a definition of the term "hazing"; providing for  
11 a third degree felony offense of hazing at a high school;  
12 providing for a first degree misdemeanor offense of hazing  
13 at a high school; specifying the elements of each offense;  
14 providing for criminal penalties; requiring the court to  
15 impose a hazing education course as a condition of  
16 sentence in certain circumstances; authorizing the court  
17 to impose a condition of drug or alcohol probation in  
18 certain circumstances; specifying circumstances that do  
19 not constitute a valid defense to a prosecution of hazing  
20 at a high school; amending s. 1006.63, F.S.; revising the  
21 definition of the term "hazing"; providing a popular name;  
22 providing for a third degree felony offense of hazing;  
23 providing for a first degree misdemeanor offense of

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24 | hazing; specifying the elements of each offense; providing  
 25 | for criminal penalties; requiring the court to impose a  
 26 | hazing education course as a condition of sentence in  
 27 | certain circumstances; authorizing the court to impose a  
 28 | condition of drug or alcohol probation in certain  
 29 | circumstances; specifying circumstances that do not  
 30 | constitute a valid defense to a prosecution for the  
 31 | offense of hazing; amending s. 1001.64, F.S.; revising a  
 32 | cross reference, to conform; providing a limiting  
 33 | construction of the act; providing an effective date.  
 34 |

35 | Be It Enacted by the Legislature of the State of Florida:  
 36 |

37 | Section 1. Hazing at high schools with grades 9 through 12  
 38 | institutions prohibited.--

39 | (1) As used in this section, "hazing" means any action or  
 40 | situation that recklessly or intentionally endangers the mental  
 41 | or physical health or safety of a student for purposes  
 42 | including, but not limited to, initiation or admission into or  
 43 | affiliation with any organization operating under the sanction  
 44 | of a high school with grades 9 through 12. Such term includes,  
 45 | but is not limited to, pressuring or coercing a person into  
 46 | violating state or federal law, any brutality of a physical  
 47 | nature, such as whipping, beating, branding, exposure to the  
 48 | elements, forced consumption of any food, liquor, drug, or other  
 49 | substance, or other forced physical activity which could  
 50 | adversely affect the physical health or safety of the student,  
 51 | and also includes any activity which would subject the student

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52 | to extreme mental stress, such as sleep deprivation, forced  
53 | exclusion from social contact, forced conduct which could result  
54 | in extreme embarrassment, or other forced activity which could  
55 | adversely affect the mental health or dignity of the student.  
56 | Hazing does not include customary athletic events or other  
57 | similar contests or competitions. Hazing does not include any  
58 | activity or conduct that furthers a legal and legitimate  
59 | objective.

60 |       (2) A person is guilty of hazing, a third degree felony,  
61 | punishable as provided in s. 775.082 or s. 775.083, Florida  
62 | Statutes, when he or she intentionally or recklessly orders,  
63 | directs, pressures, or coerces another person who is a member of  
64 | or an applicant to any type of student organization to engage in  
65 | conduct that results in the serious bodily injury or death of  
66 | such other person or that creates a substantial risk of physical  
67 | injury to such other person and thereby causes such injury or  
68 | death.

69 |       (3) A person is guilty of hazing, a first degree  
70 | misdemeanor, punishable as provided in s. 775.082 or s. 775.083,  
71 | Florida Statutes, when, in the course of another person's  
72 | initiation into or affiliation with any organization, he or she  
73 | intentionally or recklessly engages in conduct which creates a  
74 | substantial risk of physical injury to such other person or a  
75 | third person.

76 |       (4) As a condition of any sentence imposed pursuant to  
77 | subsection (2) or subsection (3), the court shall order the  
78 | defendant to attend and complete a 4-hour hazing education

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79 | course and may also impose a condition of drug or alcohol  
80 | probation.

81 | (5)(a) Consent of the victim to the hazing is not a valid  
82 | defense to a prosecution for the offense of hazing.

83 | (b) It is not a defense to the offense of hazing that the  
84 | conduct or activity that resulted in the death or injury of a  
85 | person was not part of an official organizational event or was  
86 | not otherwise sanctioned or approved by the organization.

87 | (c) It is not a defense to the offense of hazing that the  
88 | conduct or activity that resulted in death or injury of the  
89 | person was not done as a condition of membership to an  
90 | organization.

91 | Section 2. Section 1006.63, Florida Statutes, is amended  
92 | to read:

93 | 1006.63 Hazing prohibited.--

94 | (1) As used in this section, "hazing" means any action or  
95 | situation that recklessly or intentionally endangers the mental  
96 | or physical health or safety of a student for ~~the~~ purposes  
97 | including, but not limited to, ~~purpose of~~ initiation or  
98 | admission into or affiliation with any organization operating  
99 | under the sanction of a postsecondary institution. Such term  
100 | includes, but is not limited to, pressuring or coercing a person  
101 | into violating state or federal law, any brutality of a physical  
102 | nature, such as whipping, beating, branding, ~~forced~~  
103 | ealithenies, exposure to the elements, forced consumption of  
104 | any food, liquor, drug, or other substance, or other forced  
105 | physical activity which could adversely affect the physical  
106 | health or safety of the student, and also includes any activity

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107 | which would subject the student to extreme mental stress, such  
108 | as sleep deprivation, forced exclusion from social contact,  
109 | forced conduct which could result in extreme embarrassment, or  
110 | other forced activity which could adversely affect the mental  
111 | health or dignity of the student. Hazing does not include  
112 | customary athletic events or other similar contests or  
113 | competitions. Hazing does not include any activity or conduct  
114 | that furthers a legal and legitimate objective.

115 |       (2) This act may be known by the popular name the "Chad  
116 | Meredith Act." A person is guilty of hazing, a third degree  
117 | felony, punishable as provided in s. 775.082 or s. 775.083, when  
118 | he or she intentionally or recklessly orders, directs,  
119 | pressures, or coerces another person who is a member of or an  
120 | applicant to any type of student organization to engage in  
121 | conduct that results in the serious bodily injury or death of  
122 | such other person or that creates a substantial risk of physical  
123 | injury to such other person and thereby causes such injury or  
124 | death.

125 |       (3) A person is guilty of hazing, a first degree  
126 | misdemeanor, punishable as provided in s. 775.082 or s. 775.083,  
127 | when, in the course of another person's initiation into or  
128 | affiliation with any organization, he or she intentionally or  
129 | recklessly engages in conduct which creates a substantial risk  
130 | of physical injury to such other person or a third person.

131 |       (4) As a condition of any sentence imposed pursuant to  
132 | subsection (2) or subsection (3), the court shall order the  
133 | defendant to attend and complete a 4-hour hazing education

134 course and may also impose a condition of drug or alcohol  
 135 probation.

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

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

142 (c) It is not a defense to the offense of hazing that the  
 143 conduct or activity that resulted in death or injury of the  
 144 person was not done as a condition of membership to an  
 145 organization.

146 (6)(2) Public and nonpublic postsecondary educational  
 147 institutions whose students receive state student financial  
 148 assistance must adopt a written antihazing policy and under such  
 149 policy must adopt rules prohibiting students or other persons  
 150 associated with any student organization from engaging in  
 151 hazing.

152 (7)(3) Public and nonpublic postsecondary educational  
 153 institutions must provide a program for the enforcement of such  
 154 rules and must adopt appropriate penalties for violations of  
 155 such rules, to be administered by the person at the institution  
 156 responsible for the sanctioning of such organizations.

157 (a) Such penalties at community colleges and state  
 158 universities may include the imposition of fines; the  
 159 withholding of diplomas or transcripts pending compliance with  
 160 the rules or pending payment of fines; and the imposition of  
 161 probation, suspension, or dismissal.

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

167 (c) All penalties imposed under the authority of this  
 168 subsection shall be in addition to any penalty imposed for  
 169 violation of any of the criminal laws of this state or for  
 170 violation of any other rule of the institution to which the  
 171 violator may be subject.

172 ~~(8)(4)~~ Rules adopted pursuant hereto shall apply to acts  
 173 conducted on or off campus whenever such acts are deemed to  
 174 constitute hazing.

175 ~~(9)(5)~~ Upon approval of the antihazing policy of a  
 176 community college or state university and of the rules and  
 177 penalties adopted pursuant thereto, the institution shall  
 178 provide a copy of such policy, rules, and penalties to each  
 179 student enrolled in that institution and shall require the  
 180 inclusion of such policy, rules, and penalties in the bylaws of  
 181 every organization operating under the sanction of the  
 182 institution.

183 Section 3. Paragraph (e) of subsection (8) of section  
 184 1001.64, Florida Statutes, is amended to read:

185 1001.64 Community college boards of trustees; powers and  
 186 duties.--

187 (8) Each board of trustees has authority for policies  
 188 related to students, enrollment of students, student records,

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189 student activities, financial assistance, and other student  
190 services.

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

195 Section 4. Nothing in this act shall be construed to  
196 constitute grounds for any civil cause of action that is not  
197 otherwise provided in law.

198 Section 5. This act shall take effect October 1, 2004, and  
199 shall apply to offenses committed on or after that date.