

By Senator Campbell

32-1669A-04

See HB 1261

1 A bill to be entitled
 2 An act relating to hazing; amending s. 1006.63,
 3 F.S.; revising the definition of the term
 4 "hazing"; providing for a third-degree felony
 5 offense of hazing; providing for a first-degree
 6 misdemeanor offense of hazing; specifying the
 7 elements of each offense; providing for
 8 criminal penalties; requiring the court to
 9 impose a hazing education course as a condition
 10 of sentence in certain circumstances;
 11 authorizing the court to impose a condition of
 12 drug or alcohol probation in certain
 13 circumstances; specifying circumstances that do
 14 not constitute a valid defense to a prosecution
 15 for the offense of hazing; amending s. 1001.64,
 16 F.S.; revising a cross-reference, to conform;
 17 providing applicability; providing an effective
 18 date.

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

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

24 1006.63 Hazing prohibited.--

25 (1) As used in this section, "hazing" means any action
 26 or situation that recklessly or intentionally endangers the
 27 mental or physical health or safety of a student for ~~the~~
 28 purposes including, but not limited to,~~purpose of~~ initiation
 29 or admission into or affiliation with any organization
 30 operating under the sanction of a postsecondary institution.
 31 Such term includes, but is not limited to, pressuring or

1 coercing a person into violating state or federal law, any
2 brutality of a physical nature, such as whipping, beating,
3 branding, forced calisthenics, exposure to the elements,
4 forced consumption of any food, liquor, drug, or other
5 substance, or other forced physical activity which could
6 adversely affect the physical health or safety of the student,
7 and also includes any activity which would subject the student
8 to extreme mental stress, such as sleep deprivation, forced
9 exclusion from social contact, forced conduct which could
10 result in extreme embarrassment, or other forced activity
11 which could adversely affect the mental health or dignity of
12 the student. Hazing does not include customary athletic events
13 or other similar contests or competitions. Hazing does not
14 include any activity or conduct that furthers a legal and
15 legitimate objective.

16 (2) A person is guilty of hazing, a third-degree
17 felony, punishable as provided in s. 775.082 or s. 775.083,
18 when he or she intentionally or recklessly orders, directs,
19 pressures, or coerces another person who is a member of or an
20 applicant to any type of student organization to engage in
21 conduct that results in the serious bodily injury or death of
22 such other person or that creates a substantial risk of
23 physical injury to such other person and thereby causes such
24 injury or death.

25 (3) A person is guilty of hazing, a first-degree
26 misdemeanor, punishable as provided in s. 775.082 or s.
27 775.083, when, in the course of another person's initiation
28 into or affiliation with any organization, he or she
29 intentionally or recklessly engages in conduct which creates a
30 substantial risk of physical injury to such other person or a
31 third person.

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

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

8 (b) It is not a defense to the offense of hazing that
9 the conduct or activity that resulted in the death or injury
10 of a person was not part of an official organizational event
11 or was not otherwise sanctioned or approved by the
12 organization.

13 (c) It is not a defense to the offense of hazing that
14 the conduct or activity that resulted in death or injury of
15 the person was not done as a condition of membership to an
16 organization.

17 ~~(6)(2)~~ Public and nonpublic postsecondary educational
18 institutions whose students receive state student financial
19 assistance must adopt a written antihazing policy and under
20 such policy must adopt rules prohibiting students or other
21 persons associated with any student organization from engaging
22 in hazing.

23 ~~(7)(3)~~ Public and nonpublic postsecondary educational
24 institutions must provide a program for the enforcement of
25 such rules and must adopt appropriate penalties for violations
26 of such rules, to be administered by the person at the
27 institution responsible for the sanctioning of such
28 organizations.

29 (a) Such penalties at community colleges and state
30 universities may include the imposition of fines; the
31 withholding of diplomas or transcripts pending compliance with

1 the rules or pending payment of fines; and the imposition of
2 probation, suspension, or dismissal.

3 (b) In the case of an organization at a community
4 college or state university which authorizes hazing in blatant
5 disregard of such rules, penalties may also include rescission
6 of permission for that organization to operate on campus
7 property or to otherwise operate under the sanction of the
8 institution.

9 (c) All penalties imposed under the authority of this
10 subsection shall be in addition to any penalty imposed for
11 violation of any of the criminal laws of this state or for
12 violation of any other rule of the institution to which the
13 violator may be subject.

14 (8)~~(4)~~ Rules adopted pursuant hereto shall apply to
15 acts conducted on or off campus whenever such acts are deemed
16 to constitute hazing.

17 (9)~~(5)~~ Upon approval of the antihazing policy of a
18 community college or state university and of the rules and
19 penalties adopted pursuant thereto, the institution shall
20 provide a copy of such policy, rules, and penalties to each
21 student enrolled in that institution and shall require the
22 inclusion of such policy, rules, and penalties in the bylaws
23 of every organization operating under the sanction of the
24 institution.

25 Section 2. Paragraph (e) of subsection (8) of section
26 1001.64, Florida Statutes, is amended to read:

27 1001.64 Community college boards of trustees; powers
28 and duties.--

29 (8) Each board of trustees has authority for policies
30 related to students, enrollment of students, student records,
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1 student activities, financial assistance, and other student
2 services.

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

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

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

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