

1 A bill to be entitled
2 An act relating to hazing; providing a popular name;
3 specifying conduct that constitutes hazing at high schools
4 with grades 9-12; creating new offenses of hazing at such
5 a high school; providing a definition; providing for
6 felony and misdemeanor offenses of hazing at such a high
7 school; specifying the elements of each offense; providing
8 criminal penalties; requiring the court to impose a hazing
9 education course as a condition of sentence in certain
10 circumstances; authorizing the court to impose a condition
11 of drug or alcohol probation in certain circumstances;
12 specifying circumstances that do not constitute a valid
13 defense to a prosecution of hazing at such a high school;
14 amending s. 1006.63, F.S.; revising a definition;
15 providing for felony and misdemeanor offenses of hazing at
16 postsecondary educational institutions; specifying the
17 elements of each offense; providing for criminal
18 penalties; requiring the court to impose a hazing
19 education course as a condition of sentence in certain
20 circumstances; authorizing the court to impose a condition
21 of drug or alcohol probation in certain circumstances;
22 specifying circumstances that do not constitute a valid
23 defense to a prosecution for the offense of hazing;
24 amending s. 1001.64, F.S., to conform a cross reference;
25 providing construction with respect to civil causes of
26 action; providing applicability; providing an effective
27 date.
28

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

30

31 Section 1. This act may be cited as the "Chad Meredith
 32 Act."

33 Section 2. Hazing at high schools with grades 9-12
 34 prohibited.--

35 (1) As used in this section, "hazing" means any action or
 36 situation that recklessly or intentionally endangers the mental
 37 or physical health or safety of a student at a high school with
 38 grades 9 through 12 for purposes, including, but not limited to,
 39 initiation or admission into or affiliation with any
 40 organization operating under the sanction of a high school with
 41 grades 9 through 12. "Hazing" includes, but is not limited to,
 42 pressuring or coercing the student into violating state or
 43 federal law, any brutality of a physical nature, such as
 44 whipping, beating, branding, exposure to the elements, forced
 45 consumption of any food, liquor, drug, or other substance, or
 46 other forced physical activity that could adversely affect the
 47 physical health or safety of the student, and also includes any
 48 activity that would subject the student to extreme mental
 49 stress, such as sleep deprivation, forced exclusion from social
 50 contact, forced conduct that could result in extreme
 51 embarrassment, or other forced activity that could adversely
 52 affect the mental health or dignity of the student. Hazing does
 53 not include customary athletic events or other similar contests
 54 or competitions or any activity or conduct that furthers a legal
 55 and legitimate objective.

56 (2) A person commits hazing, a third degree felony,

57 punishable as provided in s. 775.082 or s. 775.083, Florida
 58 Statutes, when he or she intentionally or recklessly commits any
 59 act of hazing as defined in subsection (1) upon another person
 60 who is a member of or an applicant to any type of student
 61 organization and the hazing results in serious bodily injury or
 62 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, Florida
 65 Statutes, when he or she intentionally or recklessly commits any
 66 act of hazing as defined in subsection (1) upon another person
 67 who is a member of or an applicant to any type of student
 68 organization and the hazing creates a substantial risk of
 69 physical injury or death to such other person.

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

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

76 (a) Consent of the victim had been obtained;

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

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

84 Section 3. Section 1006.63, Florida Statutes, is amended

85 to read:

86 1006.63 Hazing prohibited.--

87 (1) As used in this section, "hazing" means any action or
 88 situation that recklessly or intentionally endangers the mental
 89 or physical health or safety of a student for purposes,
 90 including, but not limited to, the purpose of initiation or
 91 admission into or affiliation with any organization operating
 92 under the sanction of a postsecondary institution. "Hazing" ~~Such~~
 93 ~~term~~ includes, but is not limited to, pressuring or coercing the
 94 student into violating state or federal law, any brutality of a
 95 physical nature, such as whipping, beating, branding, ~~forced~~
 96 ~~calisthenics,~~ exposure to the elements, forced consumption of
 97 any food, liquor, drug, or other substance, or other forced
 98 physical activity that ~~which~~ could adversely affect the physical
 99 health or safety of the student, and also includes any activity
 100 that ~~which~~ would subject the student to extreme mental stress,
 101 such as sleep deprivation, forced exclusion from social contact,
 102 forced conduct that ~~which~~ could result in extreme embarrassment,
 103 or other forced activity that ~~which~~ could adversely affect the
 104 mental health or dignity of the student. Hazing does not include
 105 customary athletic events or other similar contests or
 106 competitions or any activity or conduct that furthers a legal
 107 and legitimate objective.

108 (2) A person commits hazing, a third degree felony,
 109 punishable as provided in s. 775.082 or s. 775.083, when he or
 110 she intentionally or recklessly commits any act of hazing as
 111 defined in subsection (1) upon another person who is a member of
 112 or an applicant to any type of student organization and the

113 hazing results in serious bodily injury or death of such other
 114 person.

115 (3) A person commits hazing, a first degree misdemeanor,
 116 punishable as provided in s. 775.082 or s. 775.083, when he or
 117 she intentionally or recklessly commits any act of hazing as
 118 defined in subsection (1) upon another person who is a member of
 119 or an applicant to any type of student organization and the
 120 hazing creates a substantial risk of physical injury or death to
 121 such other person.

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

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

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

129 (b) The conduct or activity that resulted in the death or
 130 injury of a person was not part of an official organizational
 131 event or was not otherwise sanctioned or approved by the
 132 organization; or

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

136 (6)(2) Public and nonpublic postsecondary educational
 137 institutions whose students receive state student financial
 138 assistance must adopt a written antihazing policy and under such
 139 policy must adopt rules prohibiting students or other persons
 140 associated with any student organization from engaging in

141 hazing.

142 (7)~~(3)~~ Public and nonpublic postsecondary educational
 143 institutions must provide a program for the enforcement of such
 144 rules and must adopt appropriate penalties for violations of
 145 such rules, to be administered by the person at the institution
 146 responsible for the sanctioning of such organizations.

147 (a) Such penalties at community colleges and state
 148 universities may include the imposition of fines; the
 149 withholding of diplomas or transcripts pending compliance with
 150 the rules or pending payment of fines; and the imposition of
 151 probation, suspension, or dismissal.

152 (b) In the case of an organization at a community college
 153 or state university that ~~which~~ authorizes hazing in blatant
 154 disregard of such rules, penalties may also include rescission
 155 of permission for that organization to operate on campus
 156 property or to otherwise operate under the sanction of the
 157 institution.

158 (c) All penalties imposed under the authority of this
 159 subsection shall be in addition to any penalty imposed for
 160 violation of any of the criminal laws of this state or for
 161 violation of any other rule of the institution to which the
 162 violator may be subject.

163 (8)~~(4)~~ Rules adopted pursuant hereto shall apply to acts
 164 conducted on or off campus whenever such acts are deemed to
 165 constitute hazing.

166 (9)~~(5)~~ Upon approval of the antihazing policy of a
 167 community college or state university and of the rules and
 168 penalties adopted pursuant thereto, the institution shall

169 provide a copy of such policy, rules, and penalties to each
 170 student enrolled in that institution and shall require the
 171 inclusion of such policy, rules, and penalties in the bylaws of
 172 every organization operating under the sanction of the
 173 institution.

174 Section 4. Paragraph (e) of subsection (8) of section
 175 1001.64, Florida Statutes, is amended to read:

176 1001.64 Community college boards of trustees; powers and
 177 duties.--

178 (8) Each board of trustees has authority for policies
 179 related to students, enrollment of students, student records,
 180 student activities, financial assistance, and other student
 181 services.

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

186 Section 5. Nothing in this act shall be construed to
 187 constitute grounds for any civil cause of action that is not
 188 otherwise provided in law.

189 Section 6. This act shall take effect July 1, 2005, and
 190 shall apply to offenses committed on or after that date.