

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 creating a rule of construction; amending s. 1006.63,
15 F.S.; revising a definition; providing for felony and
16 misdemeanor offenses of hazing at postsecondary
17 educational institutions; specifying the elements of each
18 offense; providing for criminal penalties; requiring the
19 court to impose a hazing education course as a condition
20 of sentence in certain circumstances; authorizing the
21 court to impose a condition of drug or alcohol probation
22 in certain circumstances; specifying circumstances that do
23 not constitute a valid defense to a prosecution for the
24 offense of hazing; creating a rule of construction;
25 amending s. 1001.64, F.S., to conform a cross reference;
26 providing construction with respect to civil causes of
27 action; providing applicability; providing an effective
28 date.

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

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

Section 2. Hazing at high schools with grades 9-12 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 at a high school with grades 9 through 12 for purposes, including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a high school with grades 9 through 12. "Hazing" includes, but is not limited to, pressuring or coercing the student into violating state or federal law, any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student, and also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

57 (2) A person commits hazing, a third degree felony,
58 punishable as provided in s. 775.082 or s. 775.083, Florida
59 Statutes, when he or she intentionally or recklessly commits any
60 act of hazing as defined in subsection (1) upon another person
61 who is a member of or an applicant to any type of student
62 organization and the hazing results in serious bodily injury or
63 death of such other person.

64 (3) A person commits hazing, a first degree misdemeanor,
65 punishable as provided in s. 775.082 or s. 775.083, Florida
66 Statutes, when he or she intentionally or recklessly commits any
67 act of hazing as defined in subsection (1) upon another person
68 who is a member of or an applicant to any type of student
69 organization and the hazing creates a substantial risk of
70 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) 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.

88 Section 3. Section 1006.63, Florida Statutes, is amended
89 to read:

90 1006.63 Hazing prohibited.--

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

112 (2) A person commits hazing, a third degree felony,
113 punishable as provided in s. 775.082 or s. 775.083, when he or
114 she intentionally or recklessly commits any act of hazing as
115 defined in subsection (1) upon another person who is a member of
116 or an applicant to any type of student organization and the
117 hazing results in serious bodily injury or death of such other
118 person.

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

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

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

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

133 (b) The conduct or activity that resulted in the death or
134 injury of a person was not part of an official organizational
135 event or was not otherwise sanctioned or approved by the
136 organization; or

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

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

143 ~~(7)(2)~~ Public and nonpublic postsecondary educational
144 institutions whose students receive state student financial
145 assistance must adopt a written antihazing policy and under such
146 policy must adopt rules prohibiting students or other persons
147 associated with any student organization from engaging in
148 hazing.

149 ~~(8)(3)~~ Public and nonpublic postsecondary educational
150 institutions must provide a program for the enforcement of such
151 rules and must adopt appropriate penalties for violations of
152 such rules, to be administered by the person at the institution
153 responsible for the sanctioning of such organizations.

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

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

165 (c) All penalties imposed under the authority of this
166 subsection shall be in addition to any penalty imposed for
167 violation of any of the criminal laws of this state or for

168 violation of any other rule of the institution to which the
169 violator may be subject.

170 ~~(9)(4)~~ Rules adopted pursuant hereto shall apply to acts
171 conducted on or off campus whenever such acts are deemed to
172 constitute hazing.

173 ~~(10)(5)~~ Upon approval of the antihazing policy of a
174 community college or state university and of the rules and
175 penalties adopted pursuant thereto, the institution shall
176 provide a copy of such policy, rules, and penalties to each
177 student enrolled in that institution and shall require the
178 inclusion of such policy, rules, and penalties in the bylaws of
179 every organization operating under the sanction of the
180 institution.

181 Section 4. Paragraph (e) of subsection (8) of section
182 1001.64, Florida Statutes, is amended to read:

183 1001.64 Community college boards of trustees; powers and
184 duties.--

185 (8) Each board of trustees has authority for policies
186 related to students, enrollment of students, student records,
187 student activities, financial assistance, and other student
188 services.

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

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

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