

By Senator Campbell

32-873-05

See HB 193

1 A bill to be entitled

2 An act relating to hazing; providing a popular

3 name; specifying conduct that constitutes

4 hazing at high schools with grades 9-12;

5 creating new offenses of hazing at such a high

6 school; providing a definition; providing for

7 felony and misdemeanor offenses of hazing at

8 such a high school; specifying the elements of

9 each offense; providing criminal penalties;

10 requiring the court to impose a

11 hazing-education course as a condition of

12 sentence in certain circumstances; authorizing

13 the court to impose a condition of drug or

14 alcohol probation in certain circumstances;

15 specifying circumstances that do not constitute

16 a valid defense to a prosecution of hazing at

17 such a high school; amending s. 1006.63, F.S.;

18 revising a definition; providing for felony and

19 misdemeanor offenses of hazing at postsecondary

20 educational institutions; specifying the

21 elements of each offense; providing for

22 criminal penalties; requiring the court to

23 impose a hazing-education course as a condition

24 of sentence in certain circumstances;

25 authorizing the court to impose a condition of

26 drug or alcohol probation in certain

27 circumstances; specifying circumstances that do

28 not constitute a valid defense to a prosecution

29 for the offense of hazing; amending s. 1001.64,

30 F.S., to conform a cross-reference; providing

31 construction with respect to civil causes of

1 action; providing applicability; providing an
2 effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

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

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

10 (1) As used in this section, "hazing" means any action
11 or situation that recklessly or intentionally endangers the
12 mental or physical health or safety of a student at a high
13 school with grades 9 through 12 for purposes, including, but
14 not limited to, initiation or admission into or affiliation
15 with any organization operating under the sanction of a high
16 school with grades 9 through 12. "Hazing" includes, but is not
17 limited to, pressuring or coercing the student into violating
18 state or federal law, any brutality of a physical nature, such
19 as whipping, beating, branding, exposure to the elements,
20 forced consumption of any food, liquor, drug, or other
21 substance, or other forced physical activity that could
22 adversely affect the physical health or safety of the student,
23 and also includes any activity that would subject the student
24 to extreme mental stress, such as sleep deprivation, forced
25 exclusion from social contact, forced conduct that could
26 result in extreme embarrassment, or other forced activity that
27 could adversely affect the mental health or dignity of the
28 student. Hazing does not include customary athletic events or
29 other similar contests or competitions or any activity or
30 conduct that furthers a legal and legitimate objective.

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1 (2) A person commits hazing, a third-degree felony,
2 punishable as provided in section 775.082 or section 775.083,
3 Florida Statutes, when he or she intentionally or recklessly
4 commits any act of hazing as defined in subsection (1) upon
5 another person who is a member of or an applicant to any type
6 of student organization and the hazing results in serious
7 bodily injury or death of such other person.

8 (3) A person commits hazing, a first-degree
9 misdemeanor, punishable as provided in section 775.082 or
10 section 775.083, Florida Statutes, when he or she
11 intentionally or recklessly commits any act of hazing as
12 defined in subsection (1) upon another person who is a member
13 of or an applicant to any type of student organization and the
14 hazing creates a substantial risk of physical injury or death
15 to such other person.

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

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

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

23 (b) The conduct or activity that resulted in the death
24 or injury of a person was not part of an official
25 organizational event or was not otherwise sanctioned or
26 approved by the organization; or

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

30 Section 3. Section 1006.63, Florida Statutes, is
31 amended to read:

1 1006.63 Hazing prohibited.--

2 (1) As used in this section, "hazing" means any action
3 or situation that recklessly or intentionally endangers the
4 mental or physical health or safety of a student for purposes,
5 including, but not limited to, the purpose of initiation or
6 admission into or affiliation with any organization operating
7 under the sanction of a postsecondary institution. "Hazing"
8 ~~Such term~~ includes, but is not limited to, pressuring or
9 coercing the student into violating state or federal law, any
10 brutality of a physical nature, such as whipping, beating,
11 branding, ~~forced calisthenics,~~ exposure to the elements,
12 forced consumption of any food, liquor, drug, or other
13 substance, or other forced physical activity that which could
14 adversely affect the physical health or safety of the student,
15 and also includes any activity that which would subject the
16 student to extreme mental stress, such as sleep deprivation,
17 forced exclusion from social contact, forced conduct that
18 ~~which~~ could result in extreme embarrassment, or other forced
19 activity that which could adversely affect the mental health
20 or dignity of the student. Hazing does not include customary
21 athletic events or other similar contests or competitions or
22 any activity or conduct that furthers a legal and legitimate
23 objective.

24 (2) A person commits hazing, a third-degree felony,
25 punishable as provided in s. 775.082 or s. 775.083, when he or
26 she intentionally or recklessly commits any act of hazing as
27 defined in subsection (1) upon another person who is a member
28 of or an applicant to any type of student organization and the
29 hazing results in serious bodily injury or death of such other
30 person.

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

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

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

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

15 (b) The conduct or activity that resulted in the death
16 or injury of a person was not part of an official
17 organizational event or was not otherwise sanctioned or
18 approved by the organization; or

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

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

28 ~~(7)(3)~~ Public and nonpublic postsecondary educational
29 institutions must provide a program for the enforcement of
30 such rules and must adopt appropriate penalties for violations
31 of such rules, to be administered by the person at the

1 | institution responsible for the sanctioning of such
2 | organizations.

3 | (a) Such penalties at community colleges and state
4 | universities may include the imposition of fines; the
5 | withholding of diplomas or transcripts pending compliance with
6 | the rules or pending payment of fines; and the imposition of
7 | probation, suspension, or dismissal.

8 | (b) In the case of an organization at a community
9 | college or state university that ~~which~~ authorizes hazing in
10 | blatant disregard of such rules, penalties may also include
11 | rescission of permission for that organization to operate on
12 | campus property or to otherwise operate under the sanction of
13 | the institution.

14 | (c) All penalties imposed under the authority of this
15 | subsection shall be in addition to any penalty imposed for
16 | violation of any of the criminal laws of this state or for
17 | violation of any other rule of the institution to which the
18 | violator may be subject.

19 | ~~(8)(4)~~ Rules adopted pursuant hereto shall apply to
20 | acts conducted on or off campus whenever such acts are deemed
21 | to constitute hazing.

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

30 | Section 4. Paragraph (e) of subsection (8) of section
31 | 1001.64, Florida Statutes, is amended to read:

1 1001.64 Community college boards of trustees; powers
2 and duties.--

3 (8) Each board of trustees has authority for policies
4 related to students, enrollment of students, student records,
5 student activities, financial assistance, and other student
6 services.

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

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

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

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