

By the Committees on Justice Appropriations; Criminal Justice;
and Senators Campbell and Bullard

604-2307-05

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; creating a rule of
18 construction; amending s. 1006.63, F.S.;
19 revising a definition; providing for felony and
20 misdemeanor offenses of hazing at postsecondary
21 educational institutions; specifying the
22 elements of each offense; providing for
23 criminal penalties; requiring the court to
24 impose a hazing-education course as a condition
25 of sentence in certain circumstances;
26 authorizing the court to impose a condition of
27 drug or alcohol probation in certain
28 circumstances; specifying circumstances that do
29 not constitute a valid defense to a prosecution
30 for the offense of hazing; creating a rule of
31 construction; amending s. 1001.64, F.S., to

1 conform a cross-reference; providing
2 construction with respect to civil causes of
3 action; providing applicability; providing an
4 effective date.
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6 Be It Enacted by the Legislature of the State of Florida:
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8 Section 1. This act may be cited as the "Chad Meredith
9 Act."

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

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

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

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

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

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

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

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

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

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

4 Section 3. Section 1006.63, Florida Statutes, is
5 amended to read:

6 1006.63 Hazing prohibited.--

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

29 (2) A person commits hazing, a third-degree felony,
30 punishable as provided in s. 775.082 or s. 775.083, when he or
31 she intentionally or recklessly commits any act of hazing as

1 defined in subsection (1) upon another person who is a member
2 of or an applicant to any type of student organization and the
3 hazing results in serious bodily injury or death of such other
4 person.

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

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

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

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

19 (b) The conduct or activity that resulted in the death
20 or injury of a person was not part of an official
21 organizational event or was not otherwise sanctioned or
22 approved by the organization; or

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

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

29 (7)(2) Public and nonpublic postsecondary educational
30 institutions whose students receive state student financial
31 assistance must adopt a written antihazing policy and under

1 such policy must adopt rules prohibiting students or other
2 persons associated with any student organization from engaging
3 in hazing.

4 ~~(8)(3)~~ Public and nonpublic postsecondary educational
5 institutions must provide a program for the enforcement of
6 such rules and must adopt appropriate penalties for violations
7 of such rules, to be administered by the person at the
8 institution responsible for the sanctioning of such
9 organizations.

10 (a) Such penalties at community colleges and state
11 universities may include the imposition of fines; the
12 withholding of diplomas or transcripts pending compliance with
13 the rules or pending payment of fines; and the imposition of
14 probation, suspension, or dismissal.

15 (b) In the case of an organization at a community
16 college or state university ~~that which~~ which authorizes hazing in
17 blatant disregard of such rules, penalties may also include
18 rescission of permission for that organization to operate on
19 campus property or to otherwise operate under the sanction of
20 the institution.

21 (c) All penalties imposed under the authority of this
22 subsection shall be in addition to any penalty imposed for
23 violation of any of the criminal laws of this state or for
24 violation of any other rule of the institution to which the
25 violator may be subject.

26 ~~(9)(4)~~ Rules adopted pursuant hereto shall apply to
27 acts conducted on or off campus whenever such acts are deemed
28 to constitute hazing.

29 ~~(10)(5)~~ Upon approval of the antihazing policy of a
30 community college or state university and of the rules and
31 penalties adopted pursuant thereto, the institution shall

1 provide a copy of such policy, rules, and penalties to each
2 student enrolled in that institution and shall require the
3 inclusion of such policy, rules, and penalties in the bylaws
4 of every organization operating under the sanction of the
5 institution.

6 Section 4. Paragraph (e) of subsection (8) of section
7 1001.64, Florida Statutes, is amended to read:

8 1001.64 Community college boards of trustees; powers
9 and duties.--

10 (8) Each board of trustees has authority for policies
11 related to students, enrollment of students, student records,
12 student activities, financial assistance, and other student
13 services.

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

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

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

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24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25 COMMITTEE SUBSTITUTE FOR
26 CS for Senate Bill 782

27 Redefines "hazing", at high schools with grades 9 - 12, to
28 mean any action or situation that recklessly or intentionally
29 endangers the physical health or safety of a student.
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