



361142

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2019	.	
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The Committee on Criminal Justice (Book) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

1006.63 Hazing prohibited.—

(1) As used in this section, the term "hazing" means any  
action or situation that recklessly or intentionally endangers  
the mental or physical health or safety of a student for



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11 purposes including, but not limited to, initiation or admission  
12 into or affiliation with, or the perpetuation or furtherance of  
13 a tradition or ritual of, any organization operating under the  
14 sanction of a postsecondary institution. The term "Hazing"  
15 includes, but is not limited to, pressuring or coercing the  
16 student into violating state or federal law; ~~any brutality of a~~  
17 physical nature, such as whipping, beating, branding, exposure  
18 to the elements, forced consumption of any food, liquor, drug,  
19 or other substance, or other forced physical activity that could  
20 adversely affect the physical health or safety of the student;  
21 ~~or, and also includes~~ any activity that would subject the  
22 student to extreme mental stress, such as sleep deprivation,  
23 forced exclusion from social contact, forced conduct that could  
24 result in extreme embarrassment, or other forced activity that  
25 could adversely affect the mental health or dignity of the  
26 student. The term Hazing does not include customary athletic  
27 events or other similar contests or competitions or any activity  
28 or conduct that furthers a legal and legitimate 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, solicits a person to  
32 commit, or is actively involved in the planning of any act of  
33 hazing as defined in subsection (1) upon another person who is a  
34 member or former member of or an applicant to any type of  
35 student organization and the hazing results in a permanent  
36 injury, serious bodily injury, or death of such other person.

37 (3) A person commits hazing, a first degree misdemeanor,  
38 punishable as provided in s. 775.082 or s. 775.083, when he or  
39 she intentionally or recklessly commits, solicits a person to



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40 commit, or is actively involved in the planning of any act of  
41 hazing as defined in subsection (1) upon another person who is a  
42 member or former member of or an applicant to any type of  
43 student organization and the hazing creates a substantial risk  
44 of physical injury or death to such other person.

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

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

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

52 (b) The conduct or activity that resulted in the death or  
53 injury of a person was not part of an official organizational  
54 event or was not otherwise sanctioned or approved by the  
55 organization; or

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

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

62 (7) Public and nonpublic postsecondary educational  
63 institutions whose students receive state student financial  
64 assistance must adopt a written antihazing policy and under such  
65 policy must adopt rules prohibiting students or other persons  
66 associated with any student organization from engaging in  
67 hazing.

68 (8) Public and nonpublic postsecondary educational



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69 institutions must provide a program for the enforcement of such  
70 rules and must adopt appropriate penalties for violations of  
71 such rules, to be administered by the person at the institution  
72 responsible for the sanctioning of such organizations.

73 (a) Such penalties at Florida College System institutions  
74 and state universities may include the imposition of fines; the  
75 withholding of diplomas or transcripts pending compliance with  
76 the rules or pending payment of fines; and the imposition of  
77 probation, suspension, or dismissal.

78 (b) In the case of an organization at a Florida College  
79 System institution or state university that authorizes hazing in  
80 blatant disregard of such rules, penalties may also include  
81 rescission of permission for that organization to operate on  
82 campus property or to otherwise operate under the sanction of  
83 the institution.

84 (c) All penalties imposed under the authority of this  
85 subsection shall be in addition to any penalty imposed for  
86 violation of any of the criminal laws of this state or for  
87 violation of any other rule of the institution to which the  
88 violator may be subject.

89 (9) Rules adopted pursuant hereto shall apply to acts  
90 conducted on or off campus whenever such acts are deemed to  
91 constitute hazing.

92 (10) Upon approval of the antihazing policy of a Florida  
93 College System institution or state university and of the rules  
94 and penalties adopted pursuant thereto, the institution shall  
95 provide a copy of such policy, rules, and penalties to each  
96 student enrolled in that institution and shall require the  
97 inclusion of such policy, rules, and penalties in the bylaws of



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98 every organization operating under the sanction of the  
99 institution.

100 (11) A person may not be prosecuted under this section if  
101 he or she establishes all of the following:

102 (a) That he or she was present at an event where, as a  
103 result of hazing, a person appeared to be in need of immediate  
104 medical assistance.

105 (b) That he or she was the first person to call 911 or  
106 campus security to report the need for immediate medical  
107 assistance.

108 (c) That he or she provided his or her own name, the  
109 address where immediate medical assistance was needed, and a  
110 description of the medical issue to the 911 operator or campus  
111 security at the time of the call.

112 (d) That he or she remained at the scene with the person in  
113 need of immediate medical assistance until such medical  
114 assistance, law enforcement, or campus security arrived and that  
115 he or she cooperated with such personnel on the scene.

116 Section 2. For the purpose of incorporating the amendment  
117 made by this act to section 1006.63, Florida Statutes, in a  
118 reference thereto, paragraph (e) of subsection (8) of section  
119 1001.64, Florida Statutes, is reenacted to read:

120 1001.64 Florida College System institution boards of  
121 trustees; powers and duties.—

122 (8) Each board of trustees has authority for policies  
123 related to students, enrollment of students, student records,  
124 student activities, financial assistance, and other student  
125 services.

126 (e) Each board of trustees must adopt a written antihazing



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127 policy, provide a program for the enforcement of such rules, and  
128 adopt appropriate penalties for violations of such rules  
129 pursuant to the provisions of s. 1006.63.

130 Section 3. This act shall take effect July 1, 2019.

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132 ===== T I T L E A M E N D M E N T =====

133 And the title is amended as follows:

134 Delete everything before the enacting clause

135 and insert:

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A bill to be entitled

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An act relating to hazing; amending s. 1006.63, F.S.;

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redefining the term "hazing"; expanding the crime of

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hazing, a third degree felony, to include when a

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person solicits others to commit or is actively

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involved in the planning of hazing; expanding the

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crime of hazing, a first degree misdemeanor, to

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include when a person solicits others to commit or is

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actively involved in the planning of hazing; providing

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that a person may not be prosecuted if certain

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conditions are met; reenacting s. 1001.64(8)(e), F.S.,

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relating to Florida College System institution boards

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of trustees and related powers and duties, to

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incorporate the amendment made to s. 1006.63, F.S., in

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a reference thereto; providing an effective date.