

By Senator Book

32-01496-19

20191080__

1 A bill to be entitled
2 An act relating to hazing; amending s. 1006.63, F.S.;
3 redefining the term "hazing"; expanding the crime of
4 hazing, a third degree felony, to include when a
5 person solicits others to commit or is actively
6 involved in the planning of hazing; expanding the
7 crime of hazing, a first degree misdemeanor, to
8 include when a person solicits others to commit or is
9 actively involved in the planning of hazing; providing
10 for a person's immunity from prosecution if certain
11 conditions are met; reenacting s. 1001.64(8)(e), F.S.,
12 relating to Florida College System institution boards
13 of trustees and related powers and duties, to
14 incorporate the amendment made to s. 1006.63, F.S., in
15 a reference thereto; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 1006.63, Florida Statutes, is amended to
20 read:

21 1006.63 Hazing prohibited.—

22 (1) As used in this section, "hazing" means any action or
23 situation that recklessly or intentionally endangers the mental
24 or physical health or safety of a student for purposes
25 including, but not limited to, initiation or admission into or
26 affiliation with any organization operating under the sanction
27 of a postsecondary institution, or to perpetuate or further a
28 tradition or ritual of any organization operating under the
29 sanction of a postsecondary institution. "Hazing" includes, but

32-01496-19

20191080__

30 is not limited to, pressuring or coercing the student into
31 violating state or federal law, any brutality of a physical
32 nature, such as whipping, beating, branding, exposure to the
33 elements, forced consumption of any food, liquor, drug, or other
34 substance, or other forced physical activity that could
35 adversely affect the physical health or safety of the student,
36 and also includes any activity that would subject the student to
37 extreme mental stress, such as sleep deprivation, forced
38 exclusion from social contact, forced conduct that could result
39 in extreme embarrassment, or other forced activity that could
40 adversely affect the mental health or dignity of the student.
41 Hazing does not include customary athletic events or other
42 similar contests or competitions or any activity or conduct that
43 furthers a legal and legitimate objective.

44 (2) A person commits hazing, a third degree felony,
45 punishable as provided in s. 775.082 or s. 775.083, when he or
46 she intentionally or recklessly commits, solicits others to
47 commit, or is actively involved in the planning of any act of
48 hazing as defined in subsection (1) upon another person who is a
49 member of, affiliated with, or an applicant to any type of
50 student organization and the hazing results in a permanent
51 injury, serious bodily injury, or death of such other person.

52 (3) A person commits hazing, a first degree misdemeanor,
53 punishable as provided in s. 775.082 or s. 775.083, when he or
54 she intentionally or recklessly commits, solicits others to
55 commit, or is actively involved in the planning of any act of
56 hazing as defined in subsection (1) upon another person who is a
57 member of, affiliated with, or an applicant to any type of
58 student organization and the hazing creates a substantial risk

32-01496-19

20191080__

59 of physical injury or death to such other person.

60 (4) As a condition of any sentence imposed pursuant to
61 subsection (2) or subsection (3), the court shall order the
62 defendant to attend and complete a 4-hour hazing education
63 course and may also impose a condition of drug or alcohol
64 probation.

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

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

67 (b) The conduct or activity that resulted in the death or
68 injury of a person was not part of an official organizational
69 event or was not otherwise sanctioned or approved by the
70 organization; or

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

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

77 (7) Public and nonpublic postsecondary educational
78 institutions whose students receive state student financial
79 assistance must adopt a written antihazing policy and under such
80 policy must adopt rules prohibiting students or other persons
81 associated with any student organization from engaging in
82 hazing.

83 (8) Public and nonpublic postsecondary educational
84 institutions must provide a program for the enforcement of such
85 rules and must adopt appropriate penalties for violations of
86 such rules, to be administered by the person at the institution
87 responsible for the sanctioning of such organizations.

32-01496-19

20191080__

88 (a) Such penalties at Florida College System institutions
89 and state universities may include the imposition of fines; the
90 withholding of diplomas or transcripts pending compliance with
91 the rules or pending payment of fines; and the imposition of
92 probation, suspension, or dismissal.

93 (b) In the case of an organization at a Florida College
94 System institution or state university that authorizes hazing in
95 blatant disregard of such rules, penalties may also include
96 rescission of permission for that organization to operate on
97 campus property or to otherwise operate under the sanction of
98 the institution.

99 (c) All penalties imposed under the authority of this
100 subsection shall be in addition to any penalty imposed for
101 violation of any of the criminal laws of this state or for
102 violation of any other rule of the institution to which the
103 violator may be subject.

104 (9) Rules adopted pursuant hereto shall apply to acts
105 conducted on or off campus whenever such acts are deemed to
106 constitute hazing.

107 (10) Upon approval of the antihazing policy of a Florida
108 College System institution or state university and of the rules
109 and penalties adopted pursuant thereto, the institution shall
110 provide a copy of such policy, rules, and penalties to each
111 student enrolled in that institution and shall require the
112 inclusion of such policy, rules, and penalties in the bylaws of
113 every organization operating under the sanction of the
114 institution.

115 (11) A person shall be immune from prosecution under this
116 section if the person establishes all of the following:

32-01496-19

20191080__

117 (a) The person was present at an event where, as a result
118 of hazing as defined in subsection (1), another person appeared
119 to be in need of immediate medical assistance.

120 (b) The person was the first to call 911 or campus security
121 to report the need for immediate medical assistance.

122 (c) The person provided his or her name, the address where
123 the medical assistance was needed, and a description of the
124 medical issue to the 911 operator or campus security during the
125 call.

126 (d) The person who called 911 or campus security remained
127 at the scene with the other person in need of immediate medical
128 assistance until a provider of medical assistance or law
129 enforcement personnel arrived at the scene.

130 (e) The person cooperated with the provider of medical
131 assistance and law enforcement personnel at the scene.

132 Section 2. For the purpose of incorporating the amendment
133 made by this act to section 1006.63, Florida Statutes, in a
134 reference thereto, paragraph (e) of subsection (8) of section
135 1001.64, Florida Statutes, is reenacted to read:

136 1001.64 Florida College System institution boards of
137 trustees; powers and duties.—

138 (8) Each board of trustees has authority for policies
139 related to students, enrollment of students, student records,
140 student activities, financial assistance, and other student
141 services.

142 (e) Each board of trustees must adopt a written antihazing
143 policy, provide a program for the enforcement of such rules, and
144 adopt appropriate penalties for violations of such rules
145 pursuant to the provisions of s. 1006.63.

32-01496-19

20191080__

146

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