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1
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 a short title; providing that a person may not be
11 prosecuted if certain conditions are met; providing
12 immunity from prosecution to persons who meet
13 specified requirements; defining the term "aid";
14 reenacting s. 1001.64(8)(e), F.S., relating to Florida
15 College System institution boards of trustees and
16 related powers and duties, to incorporate the
17 amendment made to s. 1006.63, F.S., in a reference
18 thereto; providing an effective date.
19

20 Be It Enacted by the Legislature of the State of Florida:
21

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

24 1006.63 Hazing prohibited.—

25 (1) As used in this section, the term "hazing" means any
26 action or situation that recklessly or intentionally endangers
27 the mental or physical health or safety of a student for
28 purposes including, but not limited to: ~~initiation or admission~~
29 ~~into or affiliation with~~

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30 (a) Initiation into any organization operating under the
31 sanction of a postsecondary institution;

32 (b) Admission into any organization operating under the
33 sanction of a postsecondary institution;

34 (c) Affiliation with any organization operating under the
35 sanction of a postsecondary institution; or

36 (d) The perpetuation or furtherance of a tradition or
37 ritual of any organization operating under the sanction of a
38 postsecondary institution.

39
40 The term "Hazing" includes, but is not limited to, pressuring or
41 coercing the student into violating state or federal law; ~~7~~ any
42 brutality of a physical nature, such as whipping, beating,
43 branding, exposure to the elements, forced consumption of any
44 food, liquor, drug, or other substance, or other forced physical
45 activity that could adversely affect the physical health or
46 safety of the student; ~~or, and also includes~~ any activity that
47 would subject the student to extreme mental stress, such as
48 sleep deprivation, forced exclusion from social contact, forced
49 conduct that could result in extreme embarrassment, or other
50 forced activity that could adversely affect the mental health or
51 dignity of the student. The term Hazing does not include
52 customary athletic events or other similar contests or
53 competitions or any activity or conduct that furthers a legal
54 and legitimate objective.

55 (2) A person commits hazing, a third degree felony,
56 punishable as provided in s. 775.082 or s. 775.083, when he or
57 she intentionally or recklessly commits, solicits a person to
58 commit, or is actively involved in the planning of any act of

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59 hazing as defined in subsection (1) upon another person who is a
60 member or former member of or an applicant to any type of
61 student organization and the hazing results in a permanent
62 injury, serious bodily injury, or death of such other person.

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

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88 (7) Public and nonpublic postsecondary educational
89 institutions whose students receive state student financial
90 assistance must adopt a written antihazing policy and under such
91 policy must adopt rules prohibiting students or other persons
92 associated with any student organization from engaging in
93 hazing.

94 (8) Public and nonpublic postsecondary educational
95 institutions must provide a program for the enforcement of such
96 rules and must adopt appropriate penalties for violations of
97 such rules, to be administered by the person at the institution
98 responsible for the sanctioning of such organizations.

99 (a) Such penalties at Florida College System institutions
100 and state universities may include the imposition of fines; the
101 withholding of diplomas or transcripts pending compliance with
102 the rules or pending payment of fines; and the imposition of
103 probation, suspension, or dismissal.

104 (b) In the case of an organization at a Florida College
105 System institution or state university that authorizes hazing in
106 blatant disregard of such rules, penalties may also include
107 rescission of permission for that organization to operate on
108 campus property or to otherwise operate under the sanction of
109 the institution.

110 (c) All penalties imposed under the authority of this
111 subsection shall be in addition to any penalty imposed for
112 violation of any of the criminal laws of this state or for
113 violation of any other rule of the institution to which the
114 violator may be subject.

115 (9) Rules adopted pursuant hereto shall apply to acts
116 conducted on or off campus whenever such acts are deemed to

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117 constitute hazing.

118 (10) Upon approval of the antihazing policy of a Florida
119 College System institution or state university and of the rules
120 and penalties adopted pursuant thereto, the institution shall
121 provide a copy of such policy, rules, and penalties to each
122 student enrolled in that institution and shall require the
123 inclusion of such policy, rules, and penalties in the bylaws of
124 every organization operating under the sanction of the
125 institution.

126 (11) (a) This subsection and subsection (12) may be cited as
127 "Andrew's Law."

128 (b) A person may not be prosecuted under this section if he
129 or she establishes all of the following:

130 1. That he or she was present at an event where, as a
131 result of hazing, a person appeared to be in need of immediate
132 medical assistance.

133 2. That he or she was the first person to call 911 or
134 campus security to report the need for immediate medical
135 assistance.

136 3. That he or she provided his or her own name, the address
137 where immediate medical assistance was needed, and a description
138 of the medical issue to the 911 operator or campus security at
139 the time of the call.

140 4. That he or she remained at the scene with the person in
141 need of immediate medical assistance until such medical
142 assistance, law enforcement, or campus security arrived and that
143 he or she cooperated with such personnel on the scene.

144 (12) Notwithstanding subsection (11), a person is immune
145 from prosecution under this section if the person establishes

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146 that, before medical assistance, law enforcement, or campus
147 security arrived on the scene of a hazing event, the person
148 rendered aid to the hazing victim. For purposes of this
149 subsection, "aid" includes, but is not be limited to, rendering
150 cardiopulmonary resuscitation to the victim, clearing an airway
151 for the victim to breathe, using a defibrillator to assist the
152 victim, or rendering any other assistance to the victim which
153 the person intended in good faith to stabilize or improve the
154 victim's condition while waiting for medical assistance, law
155 enforcement, or campus security to arrive.

156 Section 2. For the purpose of incorporating the amendment
157 made by this act to section 1006.63, Florida Statutes, in a
158 reference thereto, paragraph (e) of subsection (8) of section
159 1001.64, Florida Statutes, is reenacted to read:

160 1001.64 Florida College System institution boards of
161 trustees; powers and duties.—

162 (8) Each board of trustees has authority for policies
163 related to students, enrollment of students, student records,
164 student activities, financial assistance, and other student
165 services.

166 (e) Each board of trustees must adopt a written antihazing
167 policy, provide a program for the enforcement of such rules, and
168 adopt appropriate penalties for violations of such rules
169 pursuant to the provisions of s. 1006.63.

170 Section 3. This act shall take effect October 1, 2019.