

House Bill No. 193

An act relating to hazing; providing a popular name; specifying conduct that constitutes hazing at high schools with grades 9-12; creating new offenses of hazing at such a high school; providing a definition; providing for felony and misdemeanor offenses of hazing at such a high school; specifying the elements of each offense; providing criminal penalties; requiring the court to impose a hazing education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution of hazing at such a high school; creating a rule of construction; amending s. 1006.63, F.S.; revising a definition; providing for felony and misdemeanor offenses of hazing at postsecondary educational institutions; specifying the elements of each offense; providing for criminal penalties; requiring the court to impose a hazing education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution for the offense of hazing; creating a rule of construction; amending s. 1001.64, F.S., to conform a cross reference; providing construction with respect to civil causes of action; providing applicability; providing an effective date.

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

Section 1. This act may be cited as the “Chad Meredith Act.”

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

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

(2) A person commits hazing, a third degree felony, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes, when he or she intention-

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

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

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

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

(a) Consent of the victim had been obtained;

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

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

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

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

1006.63 Hazing prohibited.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(10)~~(5) Upon approval of the antihazing policy of a community college or state university and of the rules and penalties adopted pursuant thereto, the institution shall provide a copy of such policy, rules, and penalties to each student enrolled in that institution and shall require the inclusion of such policy, rules, and penalties in the bylaws of every organization operating under the sanction of the institution.

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

1001.64 Community college boards of trustees; powers and duties.—

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

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

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

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

Approved by the Governor June 7, 2005.

Filed in Office Secretary of State June 7, 2005.