

CHAPTER 2019-133

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 1080

An act relating to hazing; amending s. 1006.63, F.S.; redefining the term “hazing”; expanding the crime of hazing, a third degree felony, to include when a person solicits others to commit or is actively involved in the planning of hazing; expanding the crime of hazing, a first degree misdemeanor, to include when a person solicits others to commit or is actively involved in the planning of hazing; providing a short title; providing that a person may not be prosecuted if certain conditions are met; providing immunity from prosecution to persons who meet specified requirements; defining the term “aid”; reenacting s. 1001.64(8)(e), F.S., relating to Florida College System institution boards of trustees and related powers and duties, to incorporate the amendment made to s. 1006.63, F.S., in a reference thereto; providing an effective date.

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

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 purposes including, but not limited to; ~~initiation or admission into or affiliation with~~

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

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

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

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

The term “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; ~~or, 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. The term 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, solicits a person to commit, or is actively involved in the planning of any act of hazing as defined in subsection (1) upon another person who is a member or former member of or an applicant to any type of student organization and the hazing results in a permanent injury, 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, solicits a person to commit, or is actively involved in the planning of any act of hazing as defined in subsection (1) upon another person who is a member or former 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) 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) 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 Florida College System institutions 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 Florida College System institution or state university that 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) Rules adopted pursuant hereto shall apply to acts conducted on or off campus whenever such acts are deemed to constitute hazing.

(10) Upon approval of the antihazing policy of a Florida College System institution 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.

(11)(a) This subsection and subsection (12) may be cited as “Andrew’s Law.”

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

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

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

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

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

(12) Notwithstanding subsection (11), a person is immune from prosecution under this section if the person establishes that, before medical assistance, law enforcement, or campus security arrived on the scene of a hazing event, the person rendered aid to the hazing victim. For purposes of

this subsection, “aid” includes, but is not be limited to, rendering cardiopulmonary resuscitation to the victim, clearing an airway for the victim to breathe, using a defibrillator to assist the victim, or rendering any other assistance to the victim which the person intended in good faith to stabilize or improve the victim’s condition while waiting for medical assistance, law enforcement, or campus security to arrive.

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

1001.64 Florida College System institution 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.

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

Approved by the Governor June 25, 2019.

Filed in Office Secretary of State June 25, 2019.