

1                   A bill to be entitled  
 2           An act relating to hazing; amending s. 1006.63, F.S.;  
 3           revising the definition of the term "hazing;" revising  
 4           conduct that constitutes hazing; providing an  
 5           exemption from prosecution if a person meets specified  
 6           criteria; providing an effective date.

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

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 10           Section 1. Subsections (1), (2), and (3) of section  
 11   1006.63, Florida Statutes, are amended, and subsection (11) is  
 12   added to that section, to read:

13           1006.63 Hazing prohibited.—

14           (1) As used in this section, the term "hazing" means any  
 15   action or situation that recklessly or intentionally endangers  
 16   the mental or physical health or safety of a student for  
 17   purposes including, but not limited to, initiation or admission  
 18   into or affiliation with, or the perpetuation or furtherance of  
 19   a tradition or ritual of, any organization operating under the  
 20   sanction of a postsecondary institution. The term "Hazing"  
 21   includes, but is not limited to, pressuring or coercing the  
 22   student into violating state or federal law; ~~any~~ brutality of a  
 23   physical nature, such as whipping, beating, branding, exposure  
 24   to the elements, forced consumption of any food, liquor, drug,  
 25   or other substance, or other forced physical activity that could

26 | adversely affect the physical health or safety of the student;  
27 | ~~or, and also includes~~ any activity that would subject the  
28 | student to extreme mental stress, such as sleep deprivation,  
29 | forced exclusion from social contact, forced conduct that could  
30 | result in extreme embarrassment, or other forced activity that  
31 | could adversely affect the mental health or dignity of the  
32 | student. The term Hazing does not include customary athletic  
33 | events or other similar contests or competitions or any activity  
34 | or conduct that furthers a legal and legitimate objective.

35 | (2) A person commits hazing, a third degree felony,  
36 | punishable as provided in s. 775.082 or s. 775.083, when he or  
37 | she intentionally or recklessly commits, solicits a person to  
38 | commit, or is actively involved in the planning of any act of  
39 | hazing as defined in subsection (1) upon another person who is a  
40 | member or former member of or an applicant to any type of  
41 | student organization and the hazing results in a permanent  
42 | injury, serious bodily injury, or death of such other person.

43 | (3) A person commits hazing, a first degree misdemeanor,  
44 | punishable as provided in s. 775.082 or s. 775.083, when he or  
45 | she intentionally or recklessly commits, solicits a person to  
46 | commit, or is actively involved in the planning of any act of  
47 | hazing as defined in subsection (1) upon another person who is a  
48 | member or former member of or an applicant to any type of  
49 | student organization and the hazing creates a substantial risk  
50 | of physical injury or death to such other person.

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

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

56 (b) That he or she was the first person to call 911 or  
57 campus security to report the need for immediate medical  
58 assistance.

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

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

67 Section 2. This act shall take effect July 1, 2019.