

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 October 1, 2019.