

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 that a person is immune from
 7 prosecution under certain circumstances; providing an
 8 effective date.

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

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 12 Section 1. Subsections (1), (2), and (3) of section
 13 1006.63, Florida Statutes, are amended, and subsections (11) and
 14 (12) are added to that section, to read:

15 1006.63 Hazing prohibited.—

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

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

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

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

51 student organization and the hazing creates a substantial risk
52 of physical injury or death to such other person.

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

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

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

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

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

69 (12) Notwithstanding subsection (11), a person is immune
70 from prosecution under this section if he or she establishes
71 that, before medical assistance, law enforcement, or campus
72 security arrived at the scene of the hazing event, he or she
73 rendered aid to the hazing victim. For purposes of this
74 subsection, the term "aid" includes, but is not limited to,
75 rendering cardiopulmonary resuscitation to the victim, clearing

76 | an airway for the victim to breathe, using a defibrillator to
77 | assist the victim, or rendering any other assistance to the
78 | victim which the person intended in good faith to stabilize or
79 | improve the victim's condition while waiting for medical
80 | assistance, law enforcement, or campus security to arrive.

81 | Section 2. This act shall take effect October 1, 2019.