

1                                   A bill to be entitled  
 2           An act relating to the use of deadly force; amending  
 3           s. 776.013, F.S.; limiting the application of the  
 4           stand your ground law to instances in which the  
 5           attacker commits an overt act that leads the person  
 6           who is attacked to believe that it is necessary to  
 7           meet force with force; amending s. 776.032, F.S.;  
 8           providing that immunity from civil and criminal  
 9           liability for certain uses of deadly force does not  
 10          apply if the person injures a child or bystander who  
 11          is not affiliated with the overt act; providing an  
 12          effective date.

13  
 14 Be It Enacted by the Legislature of the State of Florida:

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 16           Section 1. Subsection (3) of section 776.013, Florida  
 17           Statutes, is amended, present paragraph (c) of subsection (5) of  
 18           that section is redesignated as paragraph (d), and a new  
 19           paragraph (c) is added to that subsection, to read:

20           776.013 Home protection; use of deadly force; presumption  
 21           of fear of death or great bodily harm.—

22           (3) A person who is not engaged in an unlawful activity  
 23           and who is attacked in any other place where he or she has a  
 24           right to be has no duty to retreat and has the right to stand  
 25           his or her ground and meet force with force, including deadly  
 26           force, if, due to an overt act, he or she reasonably believes

27 that it is necessary to do so to prevent death or great bodily  
 28 harm to himself or herself or another or to prevent the  
 29 commission of a forcible felony.

30 (5) As used in this section, the term:

31 (c) "Unlawful activity" means activity undertaken by a  
 32 person which is prohibited by the laws of this state.

33 Section 2. Subsection (1) of section 776.032, Florida  
 34 Statutes, is amended to read:

35 776.032 Immunity from criminal prosecution and civil  
 36 action for justifiable use of force.—

37 (1) A person who uses force as permitted in s. 776.012, s.  
 38 776.013, or s. 776.031 is justified in using such force and is  
 39 immune from criminal prosecution and civil action for the use of  
 40 such force. However, this immunity does not apply if:

41 (a) A child or a bystander who is not affiliated with the  
 42 overt act is injured; or

43 (b) The, ~~unless the~~ person against whom force was used is  
 44 a law enforcement officer, as defined in s. 943.10(14), who was  
 45 acting in the performance of his or her official duties and the  
 46 officer identified himself or herself in accordance with any  
 47 applicable law or the person using force knew or reasonably  
 48 should have known that the person was a law enforcement officer.

49  
 50 As used in this subsection, the term "criminal prosecution"  
 51 includes arresting, detaining in custody, and charging or  
 52 prosecuting the defendant.

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Section 3. This act shall take effect July 1, 2014.