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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
10/08/2013	.	
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The Committee on Judiciary (Lee) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 30.60, Florida Statutes, is amended to  
read:

30.60 Establishment of neighborhood crime watch programs.-

(1) A county sheriff or municipal police department may  
establish neighborhood crime watch programs within the county or  
municipality. The participants of a neighborhood crime watch  
program shall include, but need not be limited to, residents of



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12 the county or municipality and owners of businesses located  
13 within the county or municipality.

14 (2) The Department of Law Enforcement shall develop a  
15 uniform training curriculum for training participants in  
16 neighborhood crime watch programs. County sheriffs and municipal  
17 police departments shall use the curriculum in training  
18 participants of such programs. The training shall address, but  
19 need not be limited to, how to recognize and report suspicious  
20 or unlawful activity, crime prevention techniques, when a  
21 participant in a crime watch program is authorized or expected  
22 to assist another person, the unlawful use of force, and conduct  
23 that may unreasonably create or escalate a confrontation between  
24 a neighborhood watch participant and a person suspected of  
25 unlawful activity.

26 Section 2. Section 166.0485, Florida Statutes, is amended  
27 to read:

28 166.0485 Establishment of neighborhood crime watch  
29 programs.—

30 (1) A county sheriff or municipal police department may  
31 establish neighborhood crime watch programs within the county or  
32 municipality. The participants of a neighborhood crime watch  
33 program shall include, but need not be limited to, residents of  
34 the county or municipality and owners of businesses located  
35 within the county or municipality.

36 (2) The Department of Law Enforcement shall develop a  
37 uniform training curriculum for training participants in  
38 neighborhood crime watch programs. County sheriffs and municipal  
39 police departments shall use the curriculum in training  
40 participants of such programs. The training shall address, but



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41 need not be limited to, how to recognize and report suspicious  
42 or unlawful activity, crime prevention techniques, when a  
43 participant in a crime watch program is authorized or expected  
44 to assist another person, the unlawful use of force, and conduct  
45 that may unreasonably create or escalate a confrontation between  
46 a neighborhood watch participant and a person suspected of  
47 unlawful activity.

48 Section 3. Subsection (1) of section 776.032, Florida  
49 Statutes, is amended to read:

50 776.032 Immunity from criminal prosecution and civil action  
51 for justifiable use of force.—

52 (1) A person who uses force as permitted in s. 776.012, s.  
53 776.013, or s. 776.031 is justified in using such force and is  
54 immune from criminal prosecution and civil action by the person,  
55 personal representative, or heirs of the person, against whom  
56 force was used for the use of such force, unless the person  
57 against whom force was used is a law enforcement officer, as  
58 defined in s. 943.10(14), who was acting in the performance of  
59 his or her official duties and the officer identified himself or  
60 herself in accordance with any applicable law or the person  
61 using force knew or reasonably should have known that the person  
62 was a law enforcement officer. As used in this subsection, the  
63 term "criminal prosecution" includes, with probable cause,  
64 arresting, taking into custody, or arresting, ~~detaining in~~  
65 ~~eustody,~~ and charging or prosecuting the defendant. This  
66 subsection does not restrict a law enforcement agency's  
67 authority and duty to fully and completely investigate the use  
68 of force upon which an immunity may be claimed or any event  
69 surrounding such use of force.



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70 Section 4. Section 776.041, Florida Statutes, is amended to  
71 read:

72 776.041 Use of force by aggressor.—The justification  
73 described in the preceding sections of this chapter, including,  
74 but not limited to, the immunity provided for in s. 776.032, is  
75 not available to a person who:

76 (1) Is attempting to commit, committing, or escaping after  
77 the commission of, a forcible felony; or

78 (2) Initially provokes the use of force against himself or  
79 herself, unless:

80 (a) Such force is so great that the person reasonably  
81 believes that he or she is in imminent danger of death or great  
82 bodily harm and that he or she has exhausted every reasonable  
83 means to escape such danger other than the use of force which is  
84 likely to cause death or great bodily harm to the assailant; or

85 (b) In good faith, the person withdraws from physical  
86 contact with the assailant and indicates clearly to the  
87 assailant that he or she desires to withdraw and terminate the  
88 use of force, but the assailant continues or resumes the use of  
89 force.

90 Section 5. This act shall take effect October 1, 2014.

91  
92 ===== T I T L E A M E N D M E N T =====

93 And the title is amended as follows:

94 Delete everything before the enacting clause  
95 and insert:

96 A bill to be entitled  
97 An act relating to the use of deadly force; amending  
98 ss. 30.60 and 166.0485, F.S.; directing the Department



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99 of Law Enforcement to develop a uniform training  
100 curriculum for county sheriffs and municipal police  
101 departments to use in training participants in  
102 neighborhood crime watch programs; amending s.  
103 776.032, F.S.; providing that a person who is  
104 justified in using force is immune from criminal  
105 prosecution and civil action initiated by the person  
106 against whom the force was used; revising the  
107 definition of the term "criminal prosecution";  
108 clarifying that a law enforcement agency retains the  
109 authority and duty to fully investigate the use of  
110 force upon which an immunity may be claimed; amending  
111 s. 776.041, F.S.; providing that any reason, including  
112 immunity, used by an aggressor to justify the use of  
113 force is not available to the aggressor under  
114 specified circumstances; providing an effective date.