

By the Committee on Judiciary; and Senators Simmons and Smith

590-00460-14

2014130c1

1 A bill to be entitled
2 An act relating to the use of deadly force; amending
3 ss. 30.60 and 166.0485, F.S.; directing the Department
4 of Law Enforcement to develop a uniform training
5 curriculum for county sheriffs and municipal police
6 departments to use in training participants in
7 neighborhood crime watch programs; amending s.
8 776.032, F.S.; providing that a person who is
9 justified in using force is immune from criminal
10 prosecution and civil action initiated by the person
11 against whom the force was used; revising the
12 definition of the term "criminal prosecution";
13 clarifying that a law enforcement agency retains the
14 authority and duty to fully investigate the use of
15 force upon which an immunity may be claimed; amending
16 s. 776.041, F.S.; providing that any reason, including
17 immunity, used by an aggressor to justify the use of
18 force is not available to the aggressor under
19 specified circumstances; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 30.60, Florida Statutes, is amended to
24 read:

25 30.60 Establishment of neighborhood crime watch programs.—

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

590-00460-14

2014130c1

30 the county or municipality and owners of businesses located
31 within the county or municipality.

32 (2) The Department of Law Enforcement shall develop a
33 uniform training curriculum for training participants in
34 neighborhood crime watch programs. County sheriffs and municipal
35 police departments shall use the curriculum in training
36 participants of such programs. The training shall address, but
37 need not be limited to, how to recognize and report suspicious
38 or unlawful activity, crime prevention techniques, when a
39 participant in a crime watch program is authorized or expected
40 to assist another person, the unlawful use of force, and conduct
41 that may unreasonably create or escalate a confrontation between
42 a neighborhood watch participant and a person suspected of
43 unlawful activity.

44 Section 2. Section 166.0485, Florida Statutes, is amended
45 to read:

46 166.0485 Establishment of neighborhood crime watch
47 programs.—

48 (1) A county sheriff or municipal police department may
49 establish neighborhood crime watch programs within the county or
50 municipality. The participants of a neighborhood crime watch
51 program shall include, but need not be limited to, residents of
52 the county or municipality and owners of businesses located
53 within the county or municipality.

54 (2) The Department of Law Enforcement shall develop a
55 uniform training curriculum for training participants in
56 neighborhood crime watch programs. County sheriffs and municipal
57 police departments shall use the curriculum in training
58 participants of such programs. The training shall address, but

590-00460-14

2014130c1

59 need not be limited to, how to recognize and report suspicious
60 or unlawful activity, crime prevention techniques, when a
61 participant in a crime watch program is authorized or expected
62 to assist another person, the unlawful use of force, and conduct
63 that may unreasonably create or escalate a confrontation between
64 a neighborhood watch participant and a person suspected of
65 unlawful activity.

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

68 776.032 Immunity from criminal prosecution and civil action
69 for justifiable use of force.—

70 (1) A person who uses force as permitted in s. 776.012, s.
71 776.013, or s. 776.031 is justified in using such force and is
72 immune from criminal prosecution and civil action by the person,
73 personal representative, or heirs of the person, against whom
74 force was used for the use of such force, unless the person
75 against whom force was used is a law enforcement officer, as
76 defined in s. 943.10(14), who was acting in the performance of
77 his or her official duties and the officer identified himself or
78 herself in accordance with any applicable law or the person
79 using force knew or reasonably should have known that the person
80 was a law enforcement officer. As used in this subsection, the
81 term "criminal prosecution" includes, with probable cause,
82 arresting, taking into custody, or ~~arresting, detaining in~~
83 eustody, and charging or prosecuting the defendant. This
84 subsection does not restrict a law enforcement agency's
85 authority and duty to fully and completely investigate the use
86 of force upon which an immunity may be claimed or any event
87 surrounding such use of force.

590-00460-14

2014130c1

88 Section 4. Section 776.041, Florida Statutes, is amended to
89 read:

90 776.041 Use of force by aggressor.—The justification
91 described in the preceding sections of this chapter, including,
92 but not limited to, the immunity provided for in s. 776.032, is
93 not available to a person who:

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

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

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

103 (b) In good faith, the person withdraws from physical
104 contact with the assailant and indicates clearly to the
105 assailant that he or she desires to withdraw and terminate the
106 use of force, but the assailant continues or resumes the use of
107 force.

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