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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/05/2014	.	
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The Committee on Judiciary (Thrasher) recommended the following:

1           **Senate Substitute for Amendment (266424) (with title**  
2 **amendment)**

3  
4           Delete lines 53 - 131

5 and insert:

6           person.-

7           (1) A person is justified in using force, except deadly  
8 force, or threatening to use force against another when and to  
9 the extent that the person reasonably believes that such conduct  
10 is necessary to defend himself or herself or another against the  
11 other's imminent use of unlawful force. However, a person is



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12 justified in using or threatening to use ~~the use of~~ deadly force  
13 and does not have a duty to retreat if:

14 ~~(a)(1)~~ He or she reasonably believes that using or  
15 threatening to use such force is necessary to prevent imminent  
16 death or great bodily harm to himself or herself or another or  
17 to prevent the imminent commission of a forcible felony; or

18 ~~(b)(2)~~ Under those circumstances permitted pursuant to s.  
19 776.013.

20 (2) When a person may lawfully use force in self-defense,  
21 the discharge of a firearm as a warning and without the intent  
22 to cause harm and without causing harm to another is a threat to  
23 use force, not the use of deadly force.

24 Section 3. Subsections (1), (2), and (3) of section  
25 776.013, Florida Statutes, are amended to read:

26 776.013 Home protection; use or threatened use of deadly  
27 force; presumption of fear of death or great bodily harm.—

28 (1) A person is presumed to have held a reasonable fear of  
29 imminent peril of death or great bodily harm to himself or  
30 herself or another when using or threatening to use defensive  
31 force that is intended or likely to cause death or great bodily  
32 harm to another if:

33 (a) The person against whom the defensive force was used or  
34 threatened was in the process of unlawfully and forcefully  
35 entering, or had unlawfully and forcibly entered, a dwelling,  
36 residence, or occupied vehicle, or if that person had removed or  
37 was attempting to remove another against that person's will from  
38 the dwelling, residence, or occupied vehicle; and

39 (b) The person who uses or threatens to use defensive force  
40 knew or had reason to believe that an unlawful and forcible



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41 entry or unlawful and forcible act was occurring or had  
42 occurred.

43 (2) The presumption set forth in subsection (1) does not  
44 apply if:

45 (a) The person against whom the defensive force is used or  
46 threatened has the right to be in or is a lawful resident of the  
47 dwelling, residence, or vehicle, such as an owner, lessee, or  
48 titleholder, and there is not an injunction for protection from  
49 domestic violence or a written pretrial supervision order of no  
50 contact against that person; or

51 (b) The person or persons sought to be removed is a child  
52 or grandchild, or is otherwise in the lawful custody or under  
53 the lawful guardianship of, the person against whom the  
54 defensive force is used or threatened; or

55 (c) The person who uses or threatens to use defensive force  
56 is engaged in an unlawful activity or is using the dwelling,  
57 residence, or occupied vehicle to further an unlawful activity;  
58 or

59 (d) The person against whom the defensive force is used or  
60 threatened is a law enforcement officer, as defined in s.  
61 943.10(14), who enters or attempts to enter a dwelling,  
62 residence, or vehicle in the performance of his or her official  
63 duties and the officer identified himself or herself in  
64 accordance with any applicable law or the person using or  
65 threatening to use force knew or reasonably should have known  
66 that the person entering or attempting to enter was a law  
67 enforcement officer.

68 (3) A person who is not engaged in an unlawful activity and  
69 who is attacked in any other place where he or she has a right



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70 to be has no duty to retreat and has the right to stand his or  
71 her ground and use or threaten to use ~~meet force with~~ force,  
72 including deadly force if he or she reasonably believes it is  
73 necessary to do so to prevent death or great bodily harm to  
74 himself or herself or another or to prevent the commission of a  
75 forcible felony.

76 Section 4. Section 776.031, Florida Statutes, is amended to  
77 read:

78 776.031 Use or threatened use of force in defense of  
79 property ~~others~~.—A person is justified in using ~~the use of~~  
80 force, except deadly force, or threatening to use force against  
81 another when and to the extent that the person reasonably  
82 believes that such conduct is necessary to prevent or terminate  
83 the other's trespass on, or other tortious or criminal  
84 interference with, either real property other than a dwelling or  
85 personal property, lawfully in his or her possession or in the  
86 possession of another who is a member of his or her immediate  
87 family or household or of a person whose property he or she has  
88 a legal duty to protect. However, a ~~the~~ person is justified in  
89 using ~~the use of~~ deadly force only if he or she

90  
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 line 6

95 and insert:

96 of force; providing that the discharge of a firearm in  
97 certain circumstances is not the use of deadly force;  
98 amending s. 776.013, F.S.; applying