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LEGISLATIVE ACTION

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

Senate Amendment

Delete lines 50 - 135
and insert:

Section 2. Section 776.012, Florida Statutes, is amended to
read:

776.012 Use or threatened use of force in defense of
person.—A person is justified in using force, except deadly
force, or threatening to use force against another when and to
the extent that the person reasonably believes that such conduct
is necessary to defend himself or herself or another against the



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12 other's imminent use of unlawful force. However, a person is
13 justified in using or threatening to use ~~the use of~~ deadly force
14 and does not have a duty to retreat if:

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

19 (2) Under those circumstances permitted pursuant to s.
20 776.013.

21 Section 3. Subsections (1), (2), and (3) of section
22 776.013, Florida Statutes, are amended to read:

23 776.013 Home protection; use or threatened use of deadly
24 force; presumption of fear of death or great bodily harm.-

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

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

36 (b) The person who uses or threatens to use defensive force
37 knew or had reason to believe that an unlawful and forcible
38 entry or unlawful and forcible act was occurring or had
39 occurred.

40 (2) The presumption set forth in subsection (1) does not



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41 apply if:

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

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

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

56 (d) The person against whom the defensive force is used or
57 threatened is a law enforcement officer, as defined in s.
58 943.10(14), who enters or attempts to enter a dwelling,
59 residence, or vehicle in the performance of his or her official
60 duties and the officer identified himself or herself in
61 accordance with any applicable law or the person using or
62 threatening to use force knew or reasonably should have known
63 that the person entering or attempting to enter was a law
64 enforcement officer.

65 (3) A person who is not engaged in an unlawful activity and
66 who is attacked in any other place where he or she has a right
67 to be has no duty to retreat and has the right to stand his or
68 her ground and use or threaten to use ~~meet force with~~ force,
69 including deadly force if he or she reasonably believes it is



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70 necessary to do so to prevent death or great bodily harm to
71 himself or herself or another or to prevent the commission of a
72 forcible felony.

73 Section 4. Section 776.031, Florida Statutes, is amended to
74 read:

75 776.031 Use or threatened use of force in defense of
76 property ~~others~~.—A person is justified in using ~~the use of~~
77 force, except deadly force, or threatening to use force against
78 another when and to the extent that the person reasonably
79 believes that such conduct is necessary to prevent or terminate
80 the other's trespass on, or other tortious or criminal
81 interference with, either real property other than a dwelling or
82 personal property, lawfully in his or her possession or in the
83 possession of another who is a member of his or her immediate
84 family or household or of a person whose property he or she has
85 a legal duty to protect. However, a ~~the~~ person is justified in
86 using ~~the use of~~ deadly force only if he or she reasonably
87 believes that such conduct ~~force~~ is necessary to prevent the
88 imminent commission of a forcible felony. A person does not have
89 a duty to retreat if the person is in a place where he or she
90 has a right to be.