



539570

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/07/2015	.	
	.	
	.	
	.	

---

The Committee on Rules (Simmons) recommended the following:

1           **Senate Amendment to Amendment (956336) (with title**  
2 **amendment)**

3  
4           Delete lines 5 - 121

5 and insert:

6           Section 1. Subsection (3) of section 776.013 is amended to  
7 read:

8           776.013 Home protection; use or threatened use of deadly  
9 force; presumption of fear of death or great bodily harm.—

10           (1) A person is presumed to have held a reasonable fear of  
11 imminent peril of death or great bodily harm to himself or



539570

12 herself or another when using or threatening to use defensive  
13 force that is intended or likely to cause death or great bodily  
14 harm to another if:

15 (a) The person against whom the defensive force was used or  
16 threatened was in the process of unlawfully and forcefully  
17 entering, or had unlawfully and forcibly entered, a dwelling,  
18 residence, or occupied vehicle, or if that person had removed or  
19 was attempting to remove another against that person's will from  
20 the dwelling, residence, or occupied vehicle; and

21 (b) The person who uses or threatens to use defensive force  
22 knew or had reason to believe that an unlawful and forcible  
23 entry or unlawful and forcible act was occurring or had  
24 occurred.

25 (2) The presumption set forth in subsection (1) does not  
26 apply if:

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

33 (b) The person or persons sought to be removed is a child  
34 or grandchild, or is otherwise in the lawful custody or under  
35 the lawful guardianship of, the person against whom the  
36 defensive force is used or threatened; or

37 (c) The person who uses or threatens to use defensive force  
38 is engaged in a criminal activity or is using the dwelling,  
39 residence, or occupied vehicle to further a criminal activity;  
40 or



539570

41 (d) The person against whom the defensive force is used or  
42 threatened is a law enforcement officer, as defined in s.  
43 943.10(14), who enters or attempts to enter a dwelling,  
44 residence, or vehicle in the performance of his or her official  
45 duties and the officer identified himself or herself in  
46 accordance with any applicable law or the person using or  
47 threatening to use force knew or reasonably should have known  
48 that the person entering or attempting to enter was a law  
49 enforcement officer.

50 (3) A person who is ~~attacked~~ in his or her dwelling,  
51 residence, or vehicle has no duty to retreat and has the right  
52 to stand his or her ground and use or threaten to use force,  
53 including deadly force, if he or she reasonably believes that  
54 using or threatening to use such force is necessary to prevent  
55 imminent death or great bodily harm to himself or herself or  
56 another, or to prevent the commission of a forcible felony ~~uses~~  
57 ~~or threatens to use force in accordance with s. 776.012(1) or~~  
58 ~~(2) or s. 776.031(1) or (2).~~

59 (4) A person who unlawfully and by force enters or attempts  
60 to enter a person's dwelling, residence, or occupied vehicle is  
61 presumed to be doing so with the intent to commit an unlawful  
62 act involving force or violence.

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

64 (a) "Dwelling" means a building or conveyance of any kind,  
65 including any attached porch, whether the building or conveyance  
66 is temporary or permanent, mobile or immobile, which has a roof  
67 over it, including a tent, and is designed to be occupied by  
68 people lodging therein at night.

69 (b) "Residence" means a dwelling in which a person resides



539570

70 either temporarily or permanently or is visiting as an invited  
71 guest.

72 (c) "Vehicle" means a conveyance of any kind, whether or  
73 not motorized, which is designed to transport people or  
74 property.

75

76

77 ===== T I T L E A M E N D M E N T =====

78 And the title is amended as follows:

79 Delete lines 166 - 182

80 and insert:

81 of defensive force; amending s. 776.013, F.S;  
82 providing that a person in his or her dwelling,  
83 residence, or vehicle has no duty to retreat and may  
84 use necessary force, upon reasonable belief that such  
85 force is necessary to prevent imminent death, great  
86 bodily harm, or the imminent commission of a forcible  
87 felony; amending s. 776.032,