



469012

LEGISLATIVE ACTION

Senate

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House

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Senator Rodriguez moved the following:

**Senate Amendment (with title amendment)**

Delete lines 10 - 22

and insert:

Section 1. Subsection (2) of section 776.012, Florida Statutes, is amended to read:

776.012 Use or threatened use of force in defense of person.—

(2) A person is justified in using or threatening to use deadly force if he or she reasonably believes that using or threatening to use such force is necessary to prevent imminent



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12 death or great bodily harm to himself or herself or another or  
13 to prevent the imminent commission of a forcible felony. A  
14 person who uses or threatens to use deadly force in accordance  
15 with this subsection does not have a duty to retreat and has the  
16 right to stand his or her ground if the person using or  
17 threatening to use the deadly force is not engaged in a criminal  
18 activity, is not excluded under s. 776.041 from claiming that  
19 the use or threatened use of deadly force was justified, and is  
20 in a place where he or she has a right to be.

21 Section 2. Subsection (3) of section 776.013, Florida  
22 Statutes, is 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 (3) A person who is ~~attacked~~ in his or her dwelling,  
26 residence, or vehicle has no duty to retreat and has the right  
27 to stand his or her ground and use or threaten to use force,  
28 including deadly force, if he or she uses or threatens to use  
29 force in accordance with s. 776.012(1) or (2) or s. 776.031(1)  
30 or (2), except that the condition imposed in those subsections,  
31 which requires that the person using or threatening to use  
32 deadly force not be engaged in a criminal activity, does not  
33 apply to nonviolent misdemeanors.

34 Section 3. For the purpose of incorporating the amendments  
35 made by this act to sections 776.012 and 776.013, Florida  
36 Statutes, in references thereto, subsection (1) of section  
37 776.032, Florida Statutes, is reenacted to read:

38 776.032 Immunity from criminal prosecution and civil action  
39 for justifiable use or threatened use of force.—

40 (1) A person who uses or threatens to use force as



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41 permitted in s. 776.012, s. 776.013, or s. 776.031 is justified  
42 in such conduct and is immune from criminal prosecution and  
43 civil action for the use or threatened use of such force by the  
44 person, personal representative, or heirs of the person against  
45 whom the force was used or threatened, unless the person against  
46 whom force was used or threatened is a law enforcement officer,  
47 as defined in s. 943.10(14), who was acting in the performance  
48 of his or her official duties and the officer identified himself  
49 or herself in accordance with any applicable law or the person  
50 using or threatening to use force knew or reasonably should have  
51 known that the person was a law enforcement officer. As used in  
52 this subsection, the term "criminal prosecution" includes  
53 arresting, detaining in custody, and charging or prosecuting the  
54 defendant.

55  
56 ===== T I T L E   A M E N D M E N T =====

57 And the title is amended as follows:

58       Delete lines 3 - 6

59 and insert:

60       s. 776.012, F.S.; providing that a person who uses or  
61       threatens to use deadly force does not have a duty to  
62       retreat and has the right to stand his or her ground  
63       if he or she is not otherwise excluded under s.  
64       776.041, F.S., from claiming that the use or  
65       threatened use of deadly force was justified; amending  
66       s. 776.013, F.S.; deleting a requirement that a person  
67       first be attacked in his or her dwelling, residence,  
68       or vehicle before using or threatening to use force;  
69       providing applicability; reenacting s. 776.032(1),



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70 F.S., relating to immunity from criminal prosecution  
71 and civil action for justifiable use or threatened use  
72 of force, to incorporate the amendments made to ss.  
73 776.012 and 776.013, F.S., in references thereto;  
74 providing an effective date.