

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Byrd offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsections (1) through (3) of section 776.013, Florida Statutes, are amended to read:

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

(1) A person who is in a dwelling or residence in which the person has a right to be has no duty to retreat and has the right to stand his or her ground and use or threaten to use:

(a) Nondeadly force against another when and to the extent that the person reasonably believes that such conduct is

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14 necessary to defend himself or herself or another against the  
15 other's imminent use of unlawful force; or

16 (b) Deadly force if he or she reasonably believes that  
17 using or threatening to use such force is necessary to prevent  
18 imminent death or great bodily harm to himself or herself or  
19 another or to prevent the imminent commission of a forcible  
20 felony.

21 (2)-(1) A person is presumed to have held a reasonable fear  
22 of imminent peril of death or great bodily harm to himself or  
23 herself or another when using or threatening to use defensive  
24 force that is intended or likely to cause death or great bodily  
25 harm to another if:

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

32 (b) The person who uses or threatens to use defensive  
33 force knew or had reason to believe that an unlawful and  
34 forcible entry or unlawful and forcible act was occurring or had  
35 occurred.

36 (3)-(2) The presumption set forth in subsection (2)-(1) does  
37 not apply if:

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

44 (b) The person or persons sought to be removed is a child  
45 or grandchild, or is otherwise in the lawful custody or under  
46 the lawful guardianship of, the person against whom the  
47 defensive force is used or threatened; or

48 (c) The person who uses or threatens to use defensive  
49 force is engaged in a criminal activity or is using the  
50 dwelling, residence, or occupied vehicle to further a criminal  
51 activity; or

52 (d) The person against whom the defensive force is used or  
53 threatened is a law enforcement officer, as defined in s.  
54 943.10(14), who enters or attempts to enter a dwelling,  
55 residence, or vehicle in the performance of his or her official  
56 duties and the officer identified himself or herself in  
57 accordance with any applicable law or the person using or  
58 threatening to use force knew or reasonably should have known  
59 that the person entering or attempting to enter was a law  
60 enforcement officer.

61 ~~(3) A person who is attacked in his or her dwelling,~~  
62 ~~residence, or vehicle has no duty to retreat and has the right~~

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63 ~~to stand his or her ground and use or threaten to use force,~~  
64 ~~including deadly force, if he or she uses or threatens to use~~  
65 ~~force in accordance with s. 776.012(1) or (2) or s. 776.031(1)~~  
66 ~~or (2).~~

67 Section 2. This act shall take effect July 1, 2017.

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70 **T I T L E A M E N D M E N T**

71 Remove everything before the enacting clause and insert:

72 A bill to be entitled

73 An act relating to justifiable use of force; amending  
74 s. 776.013, F.S.; revising the right to use or  
75 threaten force, including deadly force, when a person  
76 is in a dwelling, residence, or vehicle; authorizing a  
77 person to use or threaten to use nondeadly or deadly  
78 force in a dwelling or residence under certain  
79 circumstances; providing an effective date.

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