



947358

LEGISLATIVE ACTION

Senate

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House

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Floor: 3/F/2R

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Senator Rodriguez moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
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, and is in a place  
19 where he or she has a right to be.

20 Section 2. For the purpose of incorporating the amendment  
21 made by this act to section 776.012, Florida Statutes, in a  
22 reference thereto, subsection (3) of section 776.013, Florida  
23 Statutes, is reenacted to read:

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

26 (3) A person who is attacked in his or her dwelling,  
27 residence, or vehicle has no duty to retreat and has the right  
28 to stand his or her ground and use or threaten to use force,  
29 including deadly force, if he or she uses or threatens to use  
30 force in accordance with s. 776.012(1) or (2) or s. 776.031(1)  
31 or (2).

32 Section 3. For the purpose of incorporating the amendment  
33 made by this act to section 776.012, Florida Statutes, in a  
34 reference thereto, subsection (1) of section 776.032, Florida  
35 Statutes, is reenacted to read:

36 776.032 Immunity from criminal prosecution and civil action  
37 for justifiable use or threatened use of force.—

38 (1) A person who uses or threatens to use force as  
39 permitted in s. 776.012, s. 776.013, or s. 776.031 is justified  
40 in such conduct and is immune from criminal prosecution and



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

53 Section 4. This act shall take effect July 1, 2017.

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

56 And the title is amended as follows:

57 Delete everything before the enacting clause  
58 and insert:

59 A bill to be entitled  
60 An act relating to justifiable use of force; amending  
61 s. 776.012, F.S.; providing that a person who uses or  
62 threatens to use deadly force does not have a duty to  
63 retreat and has the right to stand his or her ground  
64 if he or she is not otherwise excluded under s.  
65 776.041, F.S., from claiming that the use or  
66 threatened use of deadly force was justified;  
67 reenacting ss. 776.013(3) and 776.032(1), F.S.,  
68 relating to use or threatened use of deadly force and  
69 immunity from criminal prosecution and civil action



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70 for justifiable use or threatened use of force,  
71 respectively, to incorporate the amendment made to s.  
72 776.012, F.S., in references thereto; providing an  
73 effective date.