

By Senator Simmons

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1 A bill to be entitled
2 An act relating to justifiable use of force; amending
3 s. 776.013, F.S.; specifying that a person who is
4 attacked or threatened with the use of force in a
5 dwelling, residence, or vehicle in which the person
6 has the right to be has no duty to retreat and has the
7 right to stand his or her ground by using or
8 threatening to use force upon a reasonable belief of
9 necessity to prevent imminent death, great bodily
10 harm, or a forcible felony; conforming a cross-
11 reference; deleting provisions relating to using or
12 threatening to use force under certain circumstances;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Present subsections (1) and (2) of section
18 776.013, Florida Statutes, are redesignated as subsections (2)
19 and (3), respectively, a new subsection (1) is added to that
20 section, and present subsections (2) and (3) of that section are
21 amended, to read:

22 776.013 Home protection; use or threatened use of deadly
23 force; presumption of fear of death or great bodily harm.—

24 (1) Notwithstanding any other provision of this chapter, a
25 person who is attacked or threatened with the use of force in a
26 dwelling, residence, or vehicle in which the person has a right
27 to be has no duty to retreat and has the right to stand his or
28 her ground by using or threatening to use force, including
29 deadly force, if he or she reasonably believes that such conduct

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30 is necessary to prevent imminent death or great bodily harm to
31 himself, herself, or another or to prevent the imminent
32 commission of a forcible felony.

33 (3)~~(2)~~ The presumption set forth in subsection (2) ~~(1)~~ does
34 not apply if:

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

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

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

49 (d) The person against whom the defensive force is used or
50 threatened is a law enforcement officer, as defined in s.
51 943.10(14), who enters or attempts to enter a dwelling,
52 residence, or vehicle in the performance of his or her official
53 duties and the officer identified himself or herself in
54 accordance with any applicable law or the person using or
55 threatening to use force knew or reasonably should have known
56 that the person entering or attempting to enter was a law
57 enforcement officer.

58 ~~(3) A person who is attacked in his or her dwelling,~~

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59 ~~residence, or vehicle has no duty to retreat and has the right~~
60 ~~to stand his or her ground and use or threaten to use force,~~
61 ~~including deadly force, if he or she uses or threatens to use~~
62 ~~force in accordance with s. 776.012(1) or (2) or s. 776.031(1)~~
63 ~~or (2).~~

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