

1 A bill to be entitled
 2 An act relating to justifiable use of force; amending
 3 s. 776.013, F.S.; revising the right to use or
 4 threaten force, including deadly force, when a person
 5 is in a dwelling, residence, or vehicle; authorizing a
 6 person to use or threaten to use nondeadly or deadly
 7 force in a dwelling or residence under certain
 8 circumstances; providing an effective date.

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 10 Be It Enacted by the Legislature of the State of Florida:

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

14 776.013 Home protection; use or threatened use of deadly
 15 force; presumption of fear of death or great bodily harm.—

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

19 (a) Nondeadly force against another when and to the extent
 20 that the person reasonably believes that such conduct is
 21 necessary to defend himself or herself or another against the
 22 other's imminent use of unlawful force; or

23 (b) Deadly force if he or she reasonably believes that
 24 using or threatening to use such force is necessary to prevent
 25 imminent death or great bodily harm to himself or herself or

26 | another or to prevent the imminent commission of a forcible
27 | felony.

28 | ~~(2)~~(1) A person is presumed to have held a reasonable fear
29 | of imminent peril of death or great bodily harm to himself or
30 | herself or another when using or threatening to use defensive
31 | force that is intended or likely to cause death or great bodily
32 | harm to another if:

33 | (a) The person against whom the defensive force was used
34 | or threatened was in the process of unlawfully and forcefully
35 | entering, or had unlawfully and forcibly entered, a dwelling,
36 | residence, or occupied vehicle, or if that person had removed or
37 | was attempting to remove another against that person's will from
38 | the dwelling, residence, or occupied vehicle; and

39 | (b) The person who uses or threatens to use defensive
40 | force knew or had reason to believe that an unlawful and
41 | forcible entry or unlawful and forcible act was occurring or had
42 | occurred.

43 | ~~(3)~~(2) The presumption set forth in subsection ~~(2)~~(1) does
44 | not apply if:

45 | (a) The person against whom the defensive force is used or
46 | threatened has the right to be in or is a lawful resident of the
47 | dwelling, residence, or vehicle, such as an owner, lessee, or
48 | titleholder, and there is not an injunction for protection from
49 | domestic violence or a written pretrial supervision order of no
50 | contact against that person; or

51 (b) The person or persons sought to be removed is a child
52 or grandchild, or is otherwise in the lawful custody or under
53 the lawful guardianship of, the person against whom the
54 defensive force is used or threatened; or

55 (c) The person who uses or threatens to use defensive
56 force is engaged in a criminal activity or is using the
57 dwelling, residence, or occupied vehicle to further a criminal
58 activity; or

59 (d) The person against whom the defensive force is used or
60 threatened is a law enforcement officer, as defined in s.
61 943.10(14), who enters or attempts to enter a dwelling,
62 residence, or vehicle in the performance of his or her official
63 duties and the officer identified himself or herself in
64 accordance with any applicable law or the person using or
65 threatening to use force knew or reasonably should have known
66 that the person entering or attempting to enter was a law
67 enforcement officer.

68 ~~(3) A person who is attacked in his or her dwelling,~~
69 ~~residence, or vehicle has no duty to retreat and has the right~~
70 ~~to stand his or her ground and use or threaten to use force,~~
71 ~~including deadly force, if he or she uses or threatens to use~~
72 ~~force in accordance with s. 776.012(1) or (2) or s. 776.031(1)~~
73 ~~or (2).~~

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