

By Senator Powell

30-00650B-20

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1 A bill to be entitled
 2 An act relating to the use of deadly force in defense
 3 of a person; repealing s. 776.013, F.S., relating to
 4 home protection and the use or threatened use of
 5 deadly force, which creates a presumption of fear of
 6 death or great bodily harm in certain circumstances
 7 and provides that a person has no duty to retreat and
 8 has the right to stand his or her ground and meet
 9 force with force in certain circumstances; making
 10 conforming changes; amending ss. 776.012, 776.032, and
 11 790.15, F.S.; conforming provisions to changes made by
 12 the act; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 776.013, Florida Statutes, is repealed.

17 Section 2. Section 776.012, Florida Statutes, is amended to
 18 read:

19 776.012 Use or threatened use of force in defense of
 20 person.—

21 (1) A person is justified in using or threatening to use
 22 force, except deadly force, against another when and to the
 23 extent that the person reasonably believes that such conduct is
 24 necessary to defend himself or herself or another against the
 25 other's imminent use of unlawful force. ~~A person who uses or~~
 26 ~~threatens to use force in accordance with this subsection does~~
 27 ~~not have a duty to retreat before using or threatening to use~~
 28 ~~such force.~~

29 (2) A person is justified in using or threatening to use

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30 deadly force if he or she reasonably believes that using or
31 threatening to use such force is necessary to prevent imminent
32 death or great bodily harm to himself or herself or another or
33 to prevent the imminent commission of a forcible felony. ~~A~~
34 ~~person who uses or threatens to use deadly force in accordance~~
35 ~~with this subsection does not have a duty to retreat and has the~~
36 ~~right to stand his or her ground if the person using or~~
37 ~~threatening to use the deadly force is not engaged in a criminal~~
38 ~~activity and is in a place where he or she has a right to be.~~

39 Section 3. Subsection (1) of section 776.032, Florida
40 Statutes, is amended to read:

41 776.032 Immunity from criminal prosecution and civil action
42 for justifiable use or threatened use of force.—

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

58 Section 4. Subsection (1) of section 790.15, Florida

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59 Statutes, is amended, and subsection (5) is added to that
60 section, to read:

61 790.15 Discharging firearm in public or on residential
62 property.—

63 (1) Except as provided in subsection (2) or subsection (3),
64 any person who knowingly discharges a firearm in any public
65 place or on the right-of-way of any paved public road, highway,
66 or street, who knowingly discharges any firearm over the right-
67 of-way of any paved public road, highway, or street or over any
68 occupied premises, or who recklessly or negligently discharges a
69 firearm outdoors on any property used primarily as the site of a
70 dwelling ~~as defined in s. 776.013~~ or zoned exclusively for
71 residential use commits a misdemeanor of the first degree,
72 punishable as provided in s. 775.082 or s. 775.083. This section
73 does not apply to a person lawfully defending life or property
74 or performing official duties requiring the discharge of a
75 firearm or to a person discharging a firearm on public roads or
76 properties expressly approved for hunting by the Fish and
77 Wildlife Conservation Commission or Florida Forest Service.

78 (5) As used in this section, the term "dwelling" means a
79 building or conveyance of any kind, including any attached
80 porch, whether the building or conveyance is temporary or
81 permanent, mobile or immobile, which has a roof over it,
82 including a tent, and is designed to be occupied by people
83 lodging therein at night.

84 Section 5. This act shall take effect upon becoming a law.