

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

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Section 776.013, Florida Statutes, is repealed.

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

18 776.012 Use or threatened use of force in defense of
 19 person.—

20 (1) A person is justified in using or threatening to use
 21 force, except deadly force, against another when and to the
 22 extent that the person reasonably believes that such conduct is
 23 necessary to defend himself or herself or another against the
 24 other's imminent use of unlawful force. ~~A person who uses or~~
 25 ~~threatens to use force in accordance with this subsection does~~

26 | ~~not have a duty to retreat before using or threatening to use~~
 27 | ~~such force.~~

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

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

40 | 776.032 Immunity from criminal prosecution and civil
 41 | action for justifiable use or threatened use of force.—

42 | (1) A person who uses or threatens to use force as
 43 | permitted in s. 776.012, ~~s. 776.013,~~ or s. 776.031 is justified
 44 | in such conduct and is immune from criminal prosecution and
 45 | civil action for the use or threatened use of such force by the
 46 | person, personal representative, or heirs of the person against
 47 | whom the force was used or threatened, unless the person against
 48 | whom force was used or threatened is a law enforcement officer,
 49 | as defined in s. 943.10(14), who was acting in the performance
 50 | of his or her official duties and the officer identified himself

HB6115

2022

51 or herself in accordance with any applicable law or the person
52 using or threatening to use force knew or reasonably should have
53 known that the person was a law enforcement officer. As used in
54 this subsection, the term "criminal prosecution" includes
55 arresting, detaining in custody, and charging or prosecuting the
56 defendant.

57 Section 4. Subsection (1) of section 790.15, Florida
58 Statutes, is amended to read:

59 790.15 Discharging firearm in public or on residential
60 property.—

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

HB6115

2022

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