

By Senator Jones

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1 A bill to be entitled
2 An act relating to the use or threatened use of force;
3 providing a short title; amending ss. 776.012 and
4 776.031, F.S.; deleting provisions stating that
5 persons who use or threaten to use force, other than
6 deadly force, do not have a duty to retreat before
7 using or threatening to use such force in defense of
8 persons or property; prohibiting the use of deadly
9 force by a person who knows that he or she can avoid
10 the necessity of using deadly force with complete
11 safety by retreating; deleting provisions stating that
12 a person using or threatening to use deadly force does
13 not have a duty to retreat and has the right to stand
14 his or her ground under certain circumstances;
15 repealing s. 776.032, F.S., relating to immunity from
16 criminal prosecution and civil action for justifiable
17 use or threatened use of force; reenacting s.
18 790.25(5), F.S., relating to lawful ownership,
19 possession, and use of firearms and other weapons, to
20 incorporate the amendment made to s. 776.012, F.S., in
21 a reference thereto; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. This act may be cited as the "Self-Defense
26 Restoration Act."

27 Section 2. Section 776.012, Florida Statutes, is amended to
28 read:

29 776.012 Use or threatened use of force in defense of

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30 person.—

31 (1) A person is justified in using or threatening to use
32 force, except deadly force, against another when and to the
33 extent that the person reasonably believes that such conduct is
34 necessary to defend himself or herself or another against the
35 other's imminent use of unlawful force. ~~A person who uses or~~
36 ~~threatens to use force in accordance with this subsection does~~
37 ~~not have a duty to retreat before using or threatening to use~~
38 ~~such force.~~

39 (2) A person is justified in using or threatening to use
40 deadly force if he or she reasonably believes that using or
41 threatening to use such force is necessary to prevent imminent
42 death or great bodily harm to himself or herself or another or
43 to prevent the imminent commission of a forcible felony. A
44 person may not ~~who uses or threatens to~~ use deadly force in
45 accordance with this subsection if the person knows that he or
46 she can avoid the necessity of using deadly force with complete
47 safety by retreating ~~does not have a duty to retreat and has the~~
48 ~~right to stand his or her ground if the person using or~~
49 ~~threatening to use the deadly force is not engaged in a criminal~~
50 ~~activity and is in a place where he or she has a right to be.~~

51 Section 3. Section 776.031, Florida Statutes, is amended to
52 read:

53 776.031 Use or threatened use of force in defense of
54 property.—

55 (1) A person is justified in using or threatening to use
56 force, except deadly force, against another when and to the
57 extent that the person reasonably believes that such conduct is
58 necessary to prevent or terminate the other's trespass on, or

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59 other tortious or criminal interference with, either real
60 property other than a dwelling or personal property, lawfully in
61 his or her possession or in the possession of another who is a
62 member of his or her immediate family or household or of a
63 person whose property he or she has a legal duty to protect. ~~A
64 person who uses or threatens to use force in accordance with
65 this subsection does not have a duty to retreat before using or
66 threatening to use such force.~~

67 (2) A person is justified in using or threatening to use
68 deadly force only if he or she reasonably believes that such
69 conduct is necessary to prevent the imminent commission of a
70 forcible felony. A person may not ~~who uses or threatens to use~~
71 deadly force in accordance with this subsection if the person
72 knows that he or she can avoid the necessity of using deadly
73 force with complete safety by retreating ~~does not have a duty to~~
74 ~~retreat and has the right to stand his or her ground if the~~
75 ~~person using or threatening to use the deadly force is not~~
76 ~~engaged in a criminal activity and is in a place where he or she~~
77 ~~has a right to be.~~

78 Section 4. Section 776.032, Florida Statutes, is repealed.

79 Section 5. For the purpose of incorporating the amendment
80 made by this act to section 776.012, Florida Statutes, in a
81 reference thereto, subsection (5) of section 790.25, Florida
82 Statutes, is reenacted to read:

83 790.25 Lawful ownership, possession, and use of firearms
84 and other weapons.—

85 (5) POSSESSION IN PRIVATE CONVEYANCE.—Notwithstanding
86 subsection (2), it is lawful and is not a violation of s. 790.01
87 for a person 18 years of age or older to possess a concealed

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88 firearm or other weapon for self-defense or other lawful purpose
89 within the interior of a private conveyance, without a license,
90 if the firearm or other weapon is securely encased or is
91 otherwise not readily accessible for immediate use. Nothing
92 herein contained prohibits the carrying of a legal firearm other
93 than a handgun anywhere in a private conveyance when such
94 firearm is being carried for a lawful use. Nothing herein
95 contained shall be construed to authorize the carrying of a
96 concealed firearm or other weapon on the person. This subsection
97 shall be liberally construed in favor of the lawful use,
98 ownership, and possession of firearms and other weapons,
99 including lawful self-defense as provided in s. 776.012.

100 Section 6. This act shall take effect upon becoming a law.