

By Senator DiCeglie

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1 A bill to be entitled
2 An act relating to victims of violence; providing a
3 short title; amending s. 776.012, F.S.; defining
4 terms; creating a rebuttable presumption that persons
5 who use force in accordance with specified provisions
6 against a known abuser act with a reasonable fear of
7 imminent peril of death or great bodily harm;
8 specifying when the rebuttable presumption applies;
9 requiring a court to instruct a jury regarding the
10 existence of the rebuttable presumption and the shift
11 in the burden of proof if the rebuttable presumption
12 applies; authorizing the court to determine whether
13 the defendant has met the rebuttable presumption;
14 specifying the admissibility of specified evidence at
15 trial; creating s. 943.1721, F.S.; requiring the
16 Department of Law Enforcement, in consultation with
17 specified persons, to develop, implement, and mandate
18 an evidence-based, trauma-informed training program
19 for specified persons; providing training program
20 requirements; requiring the department to adopt rules
21 and submit annual reports beginning on a specified
22 date; creating s. 947.271, F.S.; requiring the Florida
23 Commission on Offender Review to establish the
24 Survivor Self-Defense Case Review Panel; requiring the
25 panel to perform specified tasks; requiring the
26 commission to adopt rules and submit annual reports
27 beginning on a specified date; providing an effective
28 date.
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Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Survivor Safety Act."

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

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

(1) As used in this section, the term:

(a) "Child" has the same meaning as in s. 39.01.

(b) "Documented history" means the existence of one or more of any of the following records regarding a person and a known abuser:

1. A valid and unexpired injunction issued for protection against domestic violence under s. 741.30 or repeat violence, sexual violence, or dating violence under s. 784.046.

2. A prior sworn criminal complaint, police report, arrest affidavit, or conviction record evidencing an act of domestic violence as defined in s. 741.28 or dating violence as defined in s. 784.046.

3. Medical records or forensic examination reports documenting injuries consistent with domestic violence, repeat violence, sexual violence, or dating violence attributed to the known abuser.

4. Certified records from a domestic violence center or similar agency documenting the person's status as a victim of abuse by the known abuser.

(c) "Known abuser" means the recorded perpetrator of domestic violence, repeat violence, sexual violence, or dating

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59 violence against the person or the person's child, provided that
60 this same individual is the person against whom force was used
61 in the incident giving rise to the claim of self-defense.

62 (2) A person is justified in using or threatening to use
63 force, except deadly force, against another when and to the
64 extent that the person reasonably believes that such conduct is
65 necessary to defend himself or herself or another against the
66 other's imminent use of unlawful force. A person who uses or
67 threatens to use force in accordance with this subsection does
68 not have a duty to retreat before using or threatening to use
69 such force.

70 (3)~~(2)~~ A person is justified in using or threatening to use
71 deadly force if he or she reasonably believes that using or
72 threatening to use such force is necessary to prevent imminent
73 death or great bodily harm to himself or herself or another or
74 to prevent the imminent commission of a forcible felony. A
75 person who uses or threatens to use deadly force in accordance
76 with this subsection does not have a duty to retreat and has the
77 right to stand his or her ground if the person using or
78 threatening to use the deadly force is not engaged in a criminal
79 activity and is in a place where he or she has a right to be.

80 (4) There is a rebuttable presumption that a person who
81 uses force in accordance with subsection (2) or subsection (3)
82 against a known abuser acts with a reasonable fear of imminent
83 peril of death or great bodily harm if the person establishes by
84 a preponderance of the evidence that he or she has a documented
85 history of domestic violence, repeat violence, sexual violence,
86 or dating violence perpetrated by the known abuser against
87 himself or herself or his or her child.

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(a) The rebuttable presumption applies if:

1. A person presents credible evidence of a documented history;

2. The person used force in response to an objectively reasonable apprehension of imminent peril of death or great bodily harm, sexual assault, or kidnapping based on the totality of the circumstances, taking into account the history of violence. The presumption acknowledges that prior violence informs the reasonableness of the person's perception of imminent harm;

3. The person did not provoke or initiate the confrontation that led to the use of force, and was not engaged in any unlawful activity at the time; and

4. The use of force occurred in a place where the person had a legal right to be.

(b) If the rebuttable presumption applies, the court shall instruct the jury regarding the existence of this presumption and the shift in the burden of proof, and the prosecution bears the burden of rebutting the presumption beyond a reasonable doubt that a defendant acted with a reasonable fear of imminent peril of death or great bodily harm.

(c) The court may determine in a pretrial evidentiary hearing whether the defendant has met the threshold showing of a documented history sufficient to meet the presumption for trial purposes.

(d) Evidence of the documented history of domestic violence, repeat violence, sexual violence, or dating violence, including the specific acts underlying that history, are admissible at trial to support the defendant's claim of self-

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117 defense and the applicability of the rebuttable presumption.
118 Such evidence is admissible regardless of whether the defendant
119 knew of its existence at the precise moment force was used, to
120 establish the context of the relationship and reasonableness of
121 fear.

122 Section 3. Section 943.1721, Florida Statutes, is created
123 to read:

124 943.1721 Trauma-informed training for legal personnel in
125 domestic violence cases.—

126 (1) The department, in consultation with the Office of the
127 State Courts Administrator and recognized experts in domestic
128 violence and dating violence trauma, shall develop, implement,
129 and mandate an evidence-based, trauma-informed training program.
130 This training must be required for:

131 (a) Law enforcement officers, including patrol officers,
132 detectives, and supervisors, involved in responding to or
133 investigating domestic or dating violence incidents.

134 (b) State attorneys and assistant state attorneys
135 prosecuting criminal cases.

136 (c) Judges presiding over criminal cases, including
137 pretrial hearings, trials, and sentencing, involving allegations
138 of domestic violence or dating violence or related self-defense
139 claims.

140 (2) The training program must provide practical instruction
141 on recognizing common trauma responses in survivors, including,
142 but not limited to, freezing, dissociation, memory
143 fragmentation, and fear-based compliance; understanding dynamics
144 of coercive control and entrapment; and applying trauma-informed
145 techniques or interviews and evidence collection and assessing

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the context of self-defense claims to avoid misinterpreting survival behaviors.

(3) The department shall adopt rules to establish a trauma-informed training program for the persons specified in paragraphs (1)(a)-(c), which rules must include standards for curriculum, frequency, and certification. The persons specified in paragraphs (1)(a)-(c) must complete training according to such rules.

(4) The department shall submit a report by December 1, 2027, and annually thereafter, to the Attorney General, the President of the Senate, and the Speaker of the House of Representatives regarding compliance and program effectiveness.

(5) Federal and state grants may supplement any legislative appropriation to ensure continued funding and operation of the training program.

Section 4. Section 947.271, Florida Statutes, is created to read:

947.271 Survivor Self-Defense Case Review Panel.—

(1) ESTABLISHMENT.—The commission shall establish a Survivor Self-Defense Case Review Panel to evaluate convictions where evidence of domestic violence, dating violence, or coercive control may have materially impacted the adjudication of self-defense claims.

(2) PANEL FUNCTIONS.—The panel shall do all of the following:

(a) Review petitions from incarcerated individuals convicted of offenses involving the use of force against an intimate partner or family or household member as defined in s. 741.28 where:

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175 1. The petitioner presents documented evidence of prior
176 abuse as a victim; and

177 2. Self-defense was asserted at trial or would be relevant
178 under s. 776.012.

179 (b) Recommend appropriate remedies to the commission,
180 including sentence reduction, conditional release, or support
181 for postconviction relief motions.

182 (c) Facilitate pro bono legal counsel for petitioners
183 through partnerships with nonprofit legal service providers.

184 (3) IMPLEMENTATION.—The commission shall adopt rules
185 governing all of the following:

186 (a) Application procedures and eligibility criteria.

187 (b) Panel composition and operating standards.

188 (c) Prioritization of cases based on length of
189 incarceration, age, health, or other humanitarian factors.

190 (d) Coordination with state attorneys, victim advocates,
191 and the Justice Administrative Commission.

192 (4) REPORTING.—The commission shall submit a report by
193 December 1, 2027, and annually thereafter, to the Governor, the
194 Attorney General, the President of the Senate, and the Speaker
195 of the House of Representatives. The report must include all of
196 the following:

197 (a) The number of petitions received and reviewed;

198 (b) Any recommended remedies; and

199 (c) Any barriers to justice identified through panel work.

200 Section 5. This act shall take effect July 1, 2026.