

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Thurston offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 114-215 and insert:

5 776.012 Use or threatened use of force in defense of
6 person.—

7 (1) A person is justified in using or threatening to use
8 force, except deadly force, against another when and to the
9 extent that the person reasonably believes that such conduct is
10 necessary to defend himself or herself or another against the
11 other's imminent use of unlawful force. ~~However,~~

12 (2) A person is justified in using or threatening to use
13 ~~the use of deadly force and does not have a duty to retreat if:~~

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Amendment No.

14 ~~(1)~~ He or she reasonably believes that using or
15 threatening to use such force is necessary to prevent imminent
16 death or great bodily harm to himself or herself or another or
17 to prevent the imminent commission of a forcible felony.~~;~~ ~~or~~

18 ~~(2) Under those circumstances permitted pursuant to s.~~
19 ~~776.013.~~

20 Section 4. Subsections (1), (2), and (3) of section
21 776.013, Florida Statutes, are amended to read:

22 776.013 Home protection; use or threatened use of deadly
23 force; presumption of fear of death or great bodily harm.-

24 (1) A person is presumed to have held a reasonable fear of
25 imminent peril of death or great bodily harm to himself or
26 herself or another when using or threatening to use defensive
27 force that is intended or likely to cause death or great bodily
28 harm to another if:

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

35 (b) The person who uses or threatens to use defensive
36 force knew or had reason to believe that an unlawful and
37 forcible entry or unlawful and forcible act was occurring or had
38 occurred.

550093

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Amendment No.

39 (2) The presumption set forth in subsection (1) does not
40 apply if:

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

47 (b) The person or persons sought to be removed is a child
48 or grandchild, or is otherwise in the lawful custody or under
49 the lawful guardianship of, the person against whom the
50 defensive force is used or threatened; or

51 (c) The person who uses or threatens to use defensive
52 force is engaged in a criminal ~~an unlawful~~ activity or is using
53 the dwelling, residence, or occupied vehicle to further a
54 criminal ~~an unlawful~~ activity; or

55 (d) The person against whom the defensive force is used or
56 threatened is a law enforcement officer, as defined in s.
57 943.10(14), who enters or attempts to enter a dwelling,
58 residence, or vehicle in the performance of his or her official
59 duties and the officer identified himself or herself in
60 accordance with any applicable law or the person using or
61 threatening to use force knew or reasonably should have known
62 that the person entering or attempting to enter was a law
63 enforcement officer.

550093

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Amendment No.

64 (3) A person ~~who is not engaged in an unlawful activity~~
65 ~~and~~ who is attacked in his or her dwelling, residence, or
66 vehicle in any other place where he or she has a right to be has
67 no duty to retreat and has the right to stand his or her ground
68 and use or threaten to use ~~meet force with~~ force, including
69 deadly force, if he or she uses or threatens to use force in
70 accordance with s. 776.012(1) or (2) or s. 776.031(1) or (2)
71 ~~reasonably believes it is necessary to do so to prevent death or~~
72 ~~great bodily harm to himself or herself or another or to prevent~~
73 ~~the commission of a forcible felony.~~

74 Section 5. Section 776.031, Florida Statutes, is amended
75 to read:

76 776.031 Use or threatened use of force in defense of
77 property ~~others.~~

78 (1) A person is justified in using or threatening to use
79 ~~the use of~~ force, except deadly force, against another when and
80 to the extent that the person reasonably believes that such
81 conduct is necessary to prevent or terminate the other's
82 trespass on, or other tortious or criminal interference with,
83 either real property other than a dwelling or personal property,
84 lawfully in his or her possession or in the possession of
85 another who is a member of his or her immediate family or
86 household or of a person whose property he or she has a legal
87 duty to protect. ~~However,~~

88 (2) A ~~the~~ person is justified in using or threatening to
89 use ~~the use of~~ deadly force only if he or she reasonably

550093

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Amendment No.

90 believes that such conduct ~~force~~ is necessary to prevent the
91 imminent commission of a forcible felony. ~~A person does not have~~

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94 **T I T L E A M E N D M E N T**

95 Remove lines 9-31 and insert:

96 amending s. 776.013, F.S.; applying presumption
97 relating to the use of deadly force to the threatened
98 use of deadly force in the defense of a residence and
99 similar circumstances; applying provisions relating to
100 such use of force to the threatened use of force;
101 removing provisions relating to one's duty to retreat
102 before using force; amending s. 776.031, F.S.;

103 applying provisions relating to the use of force in
104 defense of property to the threatened use of force;

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