

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 of deadly force, which  
 5           created a presumption of fear of death or great bodily  
 6           harm in certain circumstances and provided that a  
 7           person has no duty to retreat and has the right to  
 8           stand his or her ground and meet force with force in  
 9           certain circumstances; amending ss. 776.012, 776.032,  
 10          and 790.15, F.S.; conforming provisions; providing an  
 11          effective date.

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

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 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 Section 776.013, Florida Statutes, is repealed.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 of force in defense of person.—A person is  
 19 justified in using force, except deadly force, against another  
 20 when and to the extent that the person reasonably believes that  
 21 such conduct is necessary to defend himself or herself or  
 22 another against the other's imminent use of unlawful force.  
 23 However, a person is justified in the use of deadly force and  
 24 does not have a duty to retreat if:

25           ~~(1)~~ he or she reasonably believes that such force is  
 26 necessary to prevent imminent death or great bodily harm to  
 27 himself or herself or another or to prevent the imminent  
 28 commission of a forcible felony;~~—or~~

29 | ~~(2) Under those circumstances permitted pursuant to s.~~  
 30 | ~~776.013.~~

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

33 | 776.032 Immunity from criminal prosecution and civil  
 34 | action for justifiable use of force.—

35 | (1) A person who uses force as permitted in s. 776.012,~~s.~~  
 36 | ~~776.013,~~ or s. 776.031 is justified in using such force and is  
 37 | immune from criminal prosecution and civil action for the use of  
 38 | such force, unless the person against whom force was used is a  
 39 | law enforcement officer, as defined in s. 943.10(14), who was  
 40 | acting in the performance of his or her official duties and the  
 41 | officer identified himself or herself in accordance with any  
 42 | applicable law or the person using force knew or reasonably  
 43 | should have known that the person was a law enforcement officer.  
 44 | As used in this subsection, the term "criminal prosecution"  
 45 | includes arresting, detaining in custody, and charging or  
 46 | prosecuting the defendant.

47 | Section 4. Subsection (1) of section 790.15, Florida  
 48 | Statutes, is amended to read:

49 | 790.15 Discharging firearm in public or on residential  
 50 | property.—

51 | (1) Except as provided in subsection (2) or subsection  
 52 | (3), any person who knowingly discharges a firearm in any public  
 53 | place or on the right-of-way of any paved public road, highway,  
 54 | or street, who knowingly discharges any firearm over the right-  
 55 | of-way of any paved public road, highway, or street or over any  
 56 | occupied premises, or who recklessly or negligently discharges a

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57 | firearm outdoors on any property used primarily as the site of a  
58 | dwelling ~~as defined in s. 776.013~~ or zoned exclusively for  
59 | residential use commits a misdemeanor of the first degree,  
60 | punishable as provided in s. 775.082 or s. 775.083. This section  
61 | does not apply to a person lawfully defending life or property  
62 | or performing official duties requiring the discharge of a  
63 | firearm or to a person discharging a firearm on public roads or  
64 | properties expressly approved for hunting by the Fish and  
65 | Wildlife Conservation Commission or Florida Forest Service. As  
66 | used in this subsection, the term "dwelling" means a building or  
67 | conveyance of any kind, including any attached porch, whether  
68 | the building or conveyance is temporary or permanent, mobile or  
69 | immobile, which has a roof over it, including a tent, and is  
70 | designed to be occupied by people lodging therein at night.

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