

HB 799

2013

1 A bill to be entitled
2 An act relating to the use of force in self-defense;
3 amending s. 776.013, F.S.; providing that provisions
4 allowing a person to stand his or her ground and meet
5 force with force in certain circumstances do not apply
6 to a person who initiates an altercation,
7 progressively disrupts the peace, or actively pursues
8 another individual for any reason; providing
9 investigatory and pretrial procedures when an
10 individual claims the benefits of stand your ground
11 provisions in an incident in which a death has
12 occurred; providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Subsection (3) of section 776.013, Florida
17 Statutes, is amended to read:

18 776.013 Home protection; use of deadly force; presumption
19 of fear of death or great bodily harm.—

20 (3) (a) A person who is not engaged in an unlawful activity
21 and who is attacked in any other place where he or she has a
22 right to be has no duty to retreat and has the right to stand
23 his or her ground and meet force with force, including deadly
24 force if he or she reasonably believes it is necessary to do so
25 to prevent death or great bodily harm to himself or herself or
26 another or to prevent the commission of a forcible felony.
27 However, this subsection does not apply to a person who
28 initiates the altercation, progressively disrupts the peace, or

29 actively pursues another individual for any reason.

30 (b) After an incident in which a death has occurred and a
31 person alleged to have caused the death claims the benefits of
32 this subsection, the arresting agency must follow the following
33 procedures:

34 1. The person who is alleged to have caused the death
35 claims and claims the benefits of this subsection is subject to
36 normal preliminary judicial processing procedures.

37 2. An arrest must be made immediately and the weapon used
38 must be surrendered without delay. The weapon must stay in
39 custody until the judicial proceedings have concluded and the
40 weapon would otherwise be relinquished under normal judicial
41 processes.

42 3. The person shall be held in a proper holding cell by
43 the law enforcement agency with jurisdiction until a formal
44 investigation by the Department of Law Enforcement concludes
45 that force was needed or charges are filed.

46 4. The preliminary findings of the investigation conducted
47 by the Department of Law Enforcement may be used as evidence
48 during the judicial proceedings if charges result from the act
49 of self-defense.

50 5. The officer in charge must call in the Department of
51 Law Enforcement for all cases where this subsection is claimed
52 by a person claiming self-defense.

53 6. The Department of Law Enforcement's investigative
54 process must be consistent with the department's process used
55 for investigations of law enforcement officers who are not
56 affiliated with the Department of Law Enforcement and who are

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57 | involved in shootings and deaths that occur in custody. When the
58 | investigation is completed, the results shall be reported to the
59 | state attorney for precatory action or nonaction.

60 | Section 2. This act shall take effect July 1, 2013.