

1 A bill to be entitled
 2 An act relating to the use of deadly force; amending
 3 s. 776.013, F.S.; requiring an overt act to support a
 4 belief that the use of deadly force for specified
 5 purposes is necessary; defining the term "unlawful
 6 activity" for specified purposes; amending s. 776.032,
 7 F.S.; providing that immunity from civil and criminal
 8 liability for certain uses of deadly force does not
 9 apply to injuries to children and bystanders who are
 10 not affiliated with the overt act; providing an
 11 effective date.

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

14
 15 Section 1. Subsections (3) and (5) of section 776.013,
 16 Florida Statutes, are amended to read:

17 776.013 Home protection; use of deadly force; presumption
 18 of fear of death or great bodily harm.—

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

27 (5) As used in this section, the term:

28 (a) "Dwelling" means a building or conveyance of any kind,

29 including any attached porch, whether the building or conveyance
 30 is temporary or permanent, mobile or immobile, which has a roof
 31 over it, including a tent, and is designed to be occupied by
 32 people lodging therein at night.

33 (b) "Residence" means a dwelling in which a person resides
 34 either temporarily or permanently or is visiting as an invited
 35 guest.

36 (c) "Unlawful activity" means an activity undertaken by a
 37 person that is prohibited by the laws of this state.

38 (d)~~(e)~~ "Vehicle" means a conveyance of any kind, whether
 39 or not motorized, which is designed to transport people or
 40 property.

41 Section 2. Subsection (1) of section 776.032, Florida
 42 Statutes, is amended to read:

43 776.032 Immunity from criminal prosecution and civil
 44 action for justifiable use of force.—

45 (1) A person who uses force as permitted in s. 776.012, s.
 46 776.013, or s. 776.031 is justified in using such force and is
 47 immune from criminal prosecution and civil action for the use of
 48 such force; however, such immunity does not apply to injuries to
 49 children and bystanders who are not affiliated with an overt act
 50 as provided in s. 776.013. Immunity will be granted, ~~unless the~~
 51 person against whom force was used is a law enforcement officer,
 52 as defined in s. 943.10(14), who was acting in the performance
 53 of his or her official duties and the officer identified himself
 54 or herself in accordance with any applicable law or the person
 55 using force knew or reasonably should have known that the person
 56 was a law enforcement officer. As used in this subsection, the

HB 123

2013

57 | term "criminal prosecution" includes arresting, detaining in
58 | custody, and charging or prosecuting the defendant.

59 | Section 3. This act shall take effect July 1, 2013.