

By Senator Jones

35-01260A-21

20211052\_\_

1                   A bill to be entitled  
2           An act relating to use or threatened use of force;  
3           providing a short title; amending ss. 776.012 and  
4           776.031, F.S.; deleting provisions relating to persons  
5           using or threatening to use force not having to  
6           retreat before such use or threatened use in defense  
7           of persons or property; prohibiting persons from using  
8           deadly force in accordance with specified provisions  
9           of law if such persons know that they can avoid the  
10          necessity of using deadly force with complete safety  
11          by retreating; deleting provisions relating to persons  
12          using deadly force not having a duty to retreat and  
13          having the right to stand their ground under certain  
14          circumstances; repealing s. 776.032, F.S., relating to  
15          immunity from criminal prosecution and civil action  
16          for justifiable use or threatened use of force;  
17          reenacting s. 790.25(5), F.S., relating to lawful  
18          ownership, possession, and use of firearms and other  
19          weapons, to incorporate the amendment made to s.  
20          776.012, F.S., in a reference thereto; providing an  
21          effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25           Section 1. This act may be cited as "The Self-Defense  
26 Restoration Act."

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

29           776.012 Use or threatened use of force in defense of

35-01260A-21

20211052\_\_

30 person.—

31 (1) A person is justified in using or threatening to use  
32 force, except deadly force, against another when and to the  
33 extent that the person reasonably believes that such conduct is  
34 necessary to defend himself or herself or another against the  
35 other's imminent use of unlawful force. ~~A person who uses or~~  
36 ~~threatens to use force in accordance with this subsection does~~  
37 ~~not have a duty to retreat before using or threatening to use~~  
38 ~~such force.~~

39 (2) A person is justified in using or threatening to use  
40 deadly force if he or she reasonably believes that using or  
41 threatening to use such force is necessary to prevent imminent  
42 death or great bodily harm to himself or herself or another or  
43 to prevent the imminent commission of a forcible felony. A  
44 person may not ~~who uses or threatens to~~ use deadly force in  
45 accordance with this subsection if the person knows that he or  
46 she can avoid the necessity of using deadly force with complete  
47 safety by retreating ~~does not have a duty to retreat and has the~~  
48 ~~right to stand his or her ground if the person using or~~  
49 ~~threatening to use the deadly force is not engaged in a criminal~~  
50 ~~activity and is in a place where he or she has a right to be.~~

51 Section 3. Section 776.031, Florida Statutes, is amended to  
52 read:

53 776.031 Use or threatened use of force in defense of  
54 property.—

55 (1) A person is justified in using or threatening to use  
56 force, except deadly force, against another when and to the  
57 extent that the person reasonably believes that such conduct is  
58 necessary to prevent or terminate the other's trespass on, or

35-01260A-21

20211052\_\_

59 other tortious or criminal interference with, either real  
60 property other than a dwelling or personal property, lawfully in  
61 his or her possession or in the possession of another who is a  
62 member of his or her immediate family or household or of a  
63 person whose property he or she has a legal duty to protect. ~~A~~  
64 ~~person who uses or threatens to use force in accordance with~~  
65 ~~this subsection does not have a duty to retreat before using or~~  
66 ~~threatening to use such force.~~

67 (2) A person is justified in using or threatening to use  
68 deadly force only if he or she reasonably believes that such  
69 conduct is necessary to prevent the imminent commission of a  
70 forcible felony. A person may not ~~who uses or threatens to use~~  
71 ~~deadly force in accordance with this subsection~~ if the person  
72 knows that he or she can avoid the necessity of using deadly  
73 force with complete safety by retreating ~~does not have a duty to~~  
74 ~~retreat and has the right to stand his or her ground if the~~  
75 ~~person using or threatening to use the deadly force is not~~  
76 ~~engaged in a criminal activity and is in a place where he or she~~  
77 ~~has a right to be.~~

78 Section 4. Section 776.032, Florida Statutes, is repealed.

79 Section 5. For the purpose of incorporating the amendment  
80 made by this act to section 776.012, Florida Statutes, in a  
81 reference thereto, subsection (5) of section 790.25, Florida  
82 Statutes, is reenacted to read:

83 790.25 Lawful ownership, possession, and use of firearms  
84 and other weapons.—

85 (5) POSSESSION IN PRIVATE CONVEYANCE.—Notwithstanding  
86 subsection (2), it is lawful and is not a violation of s. 790.01  
87 for a person 18 years of age or older to possess a concealed

35-01260A-21

20211052\_\_

88 firearm or other weapon for self-defense or other lawful purpose  
89 within the interior of a private conveyance, without a license,  
90 if the firearm or other weapon is securely encased or is  
91 otherwise not readily accessible for immediate use. Nothing  
92 herein contained prohibits the carrying of a legal firearm other  
93 than a handgun anywhere in a private conveyance when such  
94 firearm is being carried for a lawful use. Nothing herein  
95 contained shall be construed to authorize the carrying of a  
96 concealed firearm or other weapon on the person. This subsection  
97 shall be liberally construed in favor of the lawful use,  
98 ownership, and possession of firearms and other weapons,  
99 including lawful self-defense as provided in s. 776.012.

100 Section 6. This act shall take effect upon becoming a law.