

1 A bill to be entitled
 2 An act relating to justifiable use of force; amending
 3 s. 776.013, F.S.; deleting a requirement that a person
 4 first be attacked in his or her dwelling, residence,
 5 or vehicle before using or threatening to use force;
 6 conforming a cross-reference; providing an effective
 7 date.

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

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 11 Section 1. Subsection (1) of section 776.013, Florida
 12 Statutes, is renumbered as subsection (2) and present
 13 subsections (2) and (3) of that section are amended to read:

14 776.013 Home protection; use or threatened use of deadly
 15 force; presumption of fear of death or great bodily harm.—

16 (1)~~(3)~~ A person who is ~~attacked~~ in his or her dwelling,
 17 residence, or vehicle has no duty to retreat and has the right
 18 to stand his or her ground and use or threaten to use force,
 19 including deadly force, if he or she uses or threatens to use
 20 force in accordance with s. 776.012(1) or (2) or s. 776.031(1)
 21 or (2).

22 (3)~~(2)~~ The presumption set forth in subsection (2)~~(1)~~ does
 23 not apply if:

24 (a) The person against whom the defensive force is used or
 25 threatened has the right to be in or is a lawful resident of the

26 dwelling, residence, or vehicle, such as an owner, lessee, or
27 titleholder, and there is not an injunction for protection from
28 domestic violence or a written pretrial supervision order of no
29 contact against that person; or

30 (b) The person or persons sought to be removed is a child
31 or grandchild, or is otherwise in the lawful custody or under
32 the lawful guardianship of, the person against whom the
33 defensive force is used or threatened; or

34 (c) The person who uses or threatens to use defensive
35 force is engaged in a criminal activity or is using the
36 dwelling, residence, or occupied vehicle to further a criminal
37 activity; or

38 (d) The person against whom the defensive force is used or
39 threatened is a law enforcement officer, as defined in s.
40 943.10(14), who enters or attempts to enter a dwelling,
41 residence, or vehicle in the performance of his or her official
42 duties and the officer identified himself or herself in
43 accordance with any applicable law or the person using or
44 threatening to use force knew or reasonably should have known
45 that the person entering or attempting to enter was a law
46 enforcement officer.

47 Section 2. This act shall take effect July 1, 2017.