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LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 30.60, Florida Statutes, is amended to
read:

30.60 Establishment of neighborhood crime watch programs.—

(1) A county sheriff or municipal police department may
establish neighborhood crime watch programs within the county or
municipality. The participants of a neighborhood crime watch
program shall include, but need not be limited to, residents of



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the county or municipality and owners of businesses located within the county or municipality.

(2) The Department of Law Enforcement shall develop a uniform training curriculum for training participants in neighborhood crime watch programs. County sheriffs and municipal police departments shall use the curriculum in training participants of such programs. The training shall address, but need not be limited to, how to recognize and report suspicious or unlawful activity, crime prevention techniques, when a participant in a crime watch program is authorized or expected to assist another person, the unlawful use of force, and conduct that may unreasonably create or escalate a confrontation between a neighborhood watch participant and a person suspected of unlawful activity.

Section 2. Section 166.0485, Florida Statutes, is amended to read:

166.0485 Establishment of neighborhood crime watch programs.—

(1) A county sheriff or municipal police department may establish neighborhood crime watch programs within the county or municipality. The participants of a neighborhood crime watch program shall include, but need not be limited to, residents of the county or municipality and owners of businesses located within the county or municipality.

(2) The Department of Law Enforcement shall develop a uniform training curriculum for training participants in neighborhood crime watch programs. County sheriffs and municipal police departments shall use the curriculum in training participants of such programs. The training shall address, but



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41 need not be limited to, how to recognize and report suspicious
42 or unlawful activity, crime prevention techniques, when a
43 participant in a crime watch program is authorized or expected
44 to assist another person, the unlawful use of force, and conduct
45 that may unreasonably create or escalate a confrontation between
46 a neighborhood watch participant and a person suspected of
47 unlawful activity.

48 Section 3. Subsection (1) of section 776.032, Florida
49 Statutes, is amended to read:

50 776.032 Immunity from criminal prosecution and civil action
51 for justifiable use of force.—

52 (1) A person who uses force as permitted in s. 776.012, s.
53 776.013, or s. 776.031 is justified in using such force and is
54 immune from criminal prosecution and civil action by the person,
55 personal representative, or heirs of the person, against whom
56 force was used for the use of such force, unless the person
57 against whom force was used is a law enforcement officer, as
58 defined in s. 943.10(14), who was acting in the performance of
59 his or her official duties and the officer identified himself or
60 herself in accordance with any applicable law or the person
61 using force knew or reasonably should have known that the person
62 was a law enforcement officer. As used in this subsection, the
63 term "criminal prosecution" includes, with probable cause,
64 arresting, taking into custody, or arresting, detaining in
65 eustody, and charging or prosecuting the defendant. This
66 subsection does not restrict a law enforcement agency's
67 authority and duty to fully and completely investigate the use
68 of force upon which an immunity may be claimed or any event
69 surrounding such use of force.



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Section 4. Section 776.041, Florida Statutes, is amended to read:

776.041 Use of force by aggressor.—The justification described in the preceding sections of this chapter, including, but not limited to, the immunity provided for in s. 776.032, is not available to a person who:

(1) Is attempting to commit, committing, or escaping after the commission of, a forcible felony; or

(2) Initially provokes the use of force against himself or herself, unless:

(a) Such force is so great that the person reasonably believes that he or she is in imminent danger of death or great bodily harm and that he or she has exhausted every reasonable means to escape such danger other than the use of force which is likely to cause death or great bodily harm to the assailant; or

(b) In good faith, the person withdraws from physical contact with the assailant and indicates clearly to the assailant that he or she desires to withdraw and terminate the use of force, but the assailant continues or resumes the use of force.

Section 5. This act shall take effect October 1, 2014.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to the use of deadly force; amending
ss. 30.60 and 166.0485, F.S.; directing the Department



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99 of Law Enforcement to develop a uniform training
100 curriculum for county sheriffs and municipal police
101 departments to use in training participants in
102 neighborhood crime watch programs; amending s.
103 776.032, F.S.; providing that a person who is
104 justified in using force is immune from criminal
105 prosecution and civil action initiated by the person
106 against whom the force was used; revising the
107 definition of the term "criminal prosecution";
108 clarifying that a law enforcement agency retains the
109 authority and duty to fully investigate the use of
110 force upon which an immunity may be claimed; amending
111 s. 776.041, F.S.; providing that any reason, including
112 immunity, used by an aggressor to justify the use of
113 force is not available to the aggressor under
114 specified circumstances; providing an effective date.