

FLORIDA LEGISLATIVE HISTORY RESEARCH

USING INTERNET RESOURCES

Florida Supreme Court Library
Feb. 13, 2020

- Since 1998, all legislative history documents are available online, in full text.
- Floor debates back to 1999 regular session, and committee hearings back to 2007 regular session are available at the Florida Channel: <http://thefloridachannel.org/>
- Older recordings must be obtained from the House or Senate Document Center or the State Archives of Florida.

Begin with the Florida Statute section.

- Florida Statutes § 776.031
Use or Threatened Use of Force in Defense of Property
- The aspect of the code section which is of particular interest is the *duty to retreat*, which was amended in 2005.
- Florida Statutes (1997 - current)
Florida Legislature site
- <http://www.leg.state.fl.us/Statutes/index.cfm?Mode=View%20Statutes&Submenu=1&Tab=statutes>

September 16, 2019

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The 2019 Florida Statutes

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TITLE XV	HOMESTEAD AND EXEMPTIONS	Ch.222
TITLE XVI	TEACHERS' RETIREMENT SYSTEM; HIGHER EDUCATIONAL FACILITIES BONDS	Ch.238-243
TITLE XVII	MILITARY AFFAIRS AND RELATED MATTERS	Ch.250-252

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Search Results for: "776.031"
(2 returns) - 10 returns per page

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- [776.031 f.s.](#) Abstract: F.S. 776.031 776.031 Use or threatened use of force in defense of property.—(1) A person is justified in using or threatening to use force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to prevent or terminate the othe
- [776.032 f.s.](#) Abstract: F.S. 776.032 776.032 Immunity from criminal prosecution and civil action for justifiable use or threatened use of force.—(1) A person who uses or threatens to use force as permitted in s. 776.012 , s. 776.013 , or s. 776.031 is justified in such conduct and is immune from criminal prosecution and c

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Interpreter Services for the Deaf and Hard of Hearing

September 16, 2019

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The 2019 Florida Statutes

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CRIMES

JUSTIFIABLE USE OF FORCE

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

(1) A person is justified in using or threatening to use force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to prevent or terminate the other's trespass on, or other tortious or criminal interference with, either real property other than a dwelling or personal property, lawfully in his or her possession or in the possession of another who is a member of his or her immediate family or household or of a person whose property he or she has a legal duty to protect. A person who uses or threatens to use force in accordance with this subsection does not have a duty to retreat before using or threatening to use such force.

(2) A person is justified in using or threatening to use deadly force only if he or she reasonably believes that such conduct is necessary to prevent the imminent commission of a forcible felony. A person who uses or threatens to use deadly force in accordance with this subsection does not have a duty to retreat and has the right to stand his or her ground if the person using or threatening to use the deadly force is not engaged in a criminal activity and is in a place where he or she has a right to be.

History.—s. 13, ch. 74-383; s. 1189, ch. 97-102; s. 3, ch. 2005-27; s. 5, ch. 2014-195.

Identify Florida laws which enacted or amended the statute section.

- Look at the history line at the end of the statutory text, to identify the laws that enacted or amended the statute section.

September 16, 2019

Search Statutes: 2019 ▼ 776.031 Search

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CRIMES

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History.—s. 13, ch. 74-383; s. 1189, ch. 97-102; s. 3, ch. 2005-27; s. 5, ch. 2014-195.

Interpreter Services for the Deaf and Hard of Hearing

Look at the text of the laws.

- § 13, ch. 74-383 (*enacted the law*)
- § 1189, ch. 97-102 (*amended the law*)
- § 3, ch. 2005-27 (*amended the law*)
- § 5, ch. 2014-195, (*amended the law*)
- Remember that the law dealing with the duty to retreat was amended in 2005.
- If you didn't have this information, you would need to look at all listed Florida Laws, to see which law enacted or amended the relevant part of the statute section.

Look at the text of the laws.

- Using the chapter number of the relevant law, go to the Laws of Florida for that year.
- *§ 3, ch. 2005-27*
- Laws of Florida (1882 - current)
Florida Department of State site
- <http://laws.flrules.org/>



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A verbatim publication of the general and special laws enacted by the Florida Legislature in a given year each year following the regular session of the legislature. It presents the laws in the order in which they are enacted by the Secretary of State, as well as resolutions and memorials passed by the legislature. *Source: Florida Legislative Committee on Library and Archives*

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[Territorial Laws, 1822-1845](#)

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2020

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Laws of Florida

A verbatim publication of the general and special laws enacted by the Florida Legislature in a given year and published each year following the regular session of the legislature. It presents the laws in the order in which they are numbered by the Secretary of State, as well as resolutions and memorials passed by the legislature. *Source: Florida Senate Glossary*

Laws of Florida, 1845-1996

Territorial Laws, 1822-1845

2005







Year

2005 ▼

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Regular Session

Chapter Law Number	Size	Description	Bill Number
 Ch_2005-001.pdf	95 KB	Florida Statutes/Adoption of	S 1334
 Ch_2005-002.pdf	440 KB	Florida Statutes/Reviser's Bill	S 1336
 Ch_2005-003.pdf	122 KB	Florida Statutes/Reviser's Bill	S 1338

 Ch_2005-018.pdf	93 KB	Trust Fund (FWCC)	S 1398
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 Ch_2005-020.pdf	93 KB	Federal Grants Trust Fund (FWCC)	S 1402
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 Ch_2005-022.pdf	93 KB	Administrative Trust Fund (Agency for Persons with Disabilities)	S 1406
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 Ch_2005-024.pdf	93 KB	Operations and Maintenance Trust Fund (Agency for Persons with Disabilities)	S 1410
 Ch_2005-025.pdf	93 KB	Social Services Block Grant Trust Fund (Agency for Persons with Disabilities)	S 2042
 Ch_2005-026.pdf	93 KB	Welfare Transition Trust Fund (Department of Military Affairs)	S 292
 Ch_2005-027.pdf	105 KB	Citrus Canker Eradication	S 436
 Ch_2005-028.pdf	216 KB	Protection of Persons and Property/Justifiable Use of Force	H 1877
 Ch_2005-029.pdf	138 KB	High-risk Offenders	H 155
 Ch_2005-030.pdf	123 KB	Lake Okeechobee Protection Program	H 213
 Ch_2005-031.pdf	93 KB	Construction Professionals	H 281
 Ch_2005-032.pdf	93 KB	Paperwork Reduction in School Districts	H 349
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 Ch_2005-034.pdf	129 KB	Criminal Punishment Code	H 625
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 Ch_2005-037.pdf	152 KB	Water Management Districts	H 1923
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CHAPTER 2005-27

Committee Substitute for Committee Substitute for Senate Bill No. 436

An act relating to the protection of persons and property; creating s. 776.013, F.S.; authorizing a person to use force, including deadly force, against an intruder or attacker in a dwelling, residence, or vehicle under specified circumstances; creating a presumption that a reasonable fear of death or great bodily harm exists under certain circumstances; creating a presumption that a person acts with the intent to use force or violence under specified circumstances; providing definitions; amending ss. 776.012 and 776.031, F.S.; providing that a person is justified in using deadly force under certain circumstances; declaring that a person has no duty to retreat and has the right to stand his or her ground and meet force with force if the person is in a place where he or she has a right to be and the force is necessary to prevent death, great bodily harm, or the commission of a forcible felony; creating s. 776.032, F.S.; providing immunity from criminal prosecution or civil action for using deadly force; defining the term "criminal prosecution"; authorizing a law enforcement agency to investigate the use of deadly force but prohibiting the agency from arresting the person unless the agency determines that there is probable cause that the force the person used was unlawful; providing for the award of attorney's fees, court costs, compensation for loss of income, and other expenses to a defendant in a civil suit who was immune from prosecution under this section;

(a) He or she reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony; or—

(b) Under those circumstances permitted pursuant to s. 776.013.

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

776.031 Use of force in defense of others.—A person is justified in the use of force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to prevent or terminate the such other's trespass on, or other tortious or criminal interference with, either real property other than a dwelling or personal property, lawfully in his or her possession or in the possession of another who is a member of his or her immediate family or household or of a person whose property he or she has a legal duty to protect. However, the person is justified in the use of deadly force only if he or she reasonably believes that such force is necessary to prevent the imminent commission of a forcible felony. A person does not have a duty to retreat if the person is in a place where he or she has a right to be.

Section 4. Section 776.032, Florida Statutes, is created to read:

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

(1) A person who uses force as permitted in s. 776.012, s. 776.013, or s. 776.031 is justified in using such force and is immune from criminal prosecution and civil action for the use of such force, unless the person against whom force was used is a law enforcement officer, as defined in s. 943.10(14), who was acting in the performance of his or her official duties and the officer identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person

Identify the House or Senate bill number.

- The House or Senate bill number is listed immediately below the chapter number of the law.
- The bill number and year are required to locate legislative history documents.

CHAPTER 2005-27

Committee Substitute for Committee Substitute for Senate Bill No. 436

An act relating to the protection of persons and property; creating s. 776.013, F.S.; authorizing a person to use force, including deadly force, against an intruder or attacker in a dwelling, residence, or vehicle under specified circumstances; creating a presumption that a reasonable fear of death or great bodily harm exists under certain circumstances; creating a presumption that a person acts with the intent to use force or violence under specified circumstances; providing definitions; amending ss. 776.012 and 776.031, F.S.; providing that a person is justified in using deadly force under certain circumstances; declaring that a person has no duty to retreat and has the right to stand his or her ground and meet force with force if the person is in a place where he or she has a right to be and the force is necessary to prevent death, great bodily harm, or the commission of a forcible felony; creating s. 776.032, F.S.; providing immunity from criminal prosecution or civil action for using deadly force; defining the term “criminal prosecution”; authorizing a law enforcement agency to investigate the use of deadly force but prohibiting the agency from arresting the person unless the agency determines that there is probable cause that the force the person used was unlawful; providing for the award of attorney’s fees, court costs, compensation for loss of income, and other expenses to a defendant in a civil suit who was immune from prosecution under this section; providing an effective date.

Look at the bill and all related information.

- *ch. 2005-27 = Senate Bill No. 436, 2005*
- House and Senate Bills (1998 - current)
<http://www.flsenate.gov/Session/Bills>

Go to Bill: Bill # 2020

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Session: 2005

Chamber: Senate

Bill Number: 436

Search Term:

Citation:

Current Bill Version All Bill Versions Include Amendments

Filed By:

Searching: 2020, Senate Bills

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 Citation:

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 All Bill Versions
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Searching: 2005, Senate Bills, 436

3 Bills Found

NUMBER	TITLE	FILED BY	LAST ACTION
SB 436	Protection of Persons/Use of Force	Peadar Kirby	Last Action: 4/26/2005 Approved by Governor
SB 1436	Automated External Defibrillators	Geller	Last Action: 6/1/2005 Approved by Governor
SB 2436	Central Fla. Regional Transportation	Siplin	Last Action: 5/6/2005 S Died in Committee

CS/CS/SB 436: Protection of Persons/Use of Force

GENERAL BILL by Judiciary ; Criminal Justice ; Peaden ; (CO-INTRODUCERS) Argenziano ; Clary ; Wise ; Lawson ; Crist ; Garcia ; Fasano ; Webster ; Lynn ; Haridopolos ; King ; Dockery ; Diaz de la Portilla ; Bullard ; Campbell ; Jones ; Sebest Alexander ; Saunders ; Aronberg ; Klein

Protection of Persons/Use of Force; authorizes person to use force, including deadly force, against intruder or attacker in specified circumstances; provides that person is justified in using deadly force under certain circumstances; provides in action for using deadly force; defines term "criminal prosecution", etc. Creates 776.013,.032; amends 776.012,.031.

Effective Date: 10/01/2005

Last Action: 4/26/2005 - Approved by Governor; Chapter No. [2005-27](#) -SJ 00585

Bill Text: [Web Page](#) | [PDF](#)

Bill History

Related Bills (1)

Bill Text (5)

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Anal

Bill History

DATE	CHAMBER	
12/8/2004	Senate	• Filed
12/17/2004	Senate	• Referred to Criminal Justice: Judiciary

Look at all related bill information.

- Tabs are provided for bill history, related bills, bill text, amendments, analyses, vote history, and citations.

CS/CS/SB 436: Protection of Persons/Use of Force

GENERAL BILL by Judiciary ; Criminal Justice ; Peaden ; (CO-INTRODUCERS) Argenziano ; Clary ; Wise ; Lawson ; Crist ; Baker ; Bennett ; Posey ; Villalobos ; Garcia ; Fasano ; Webster ; Lynn ; Haridopolos ; King ; Dockery ; Diaz de la Portilla ; Bullard ; Campbell ; Jones ; Sebesta ; Pruitt ; Constantine ; Smith ; Alexander ; Saunders ; Aronberg ; Klein

Protection of Persons/Use of Force; authorizes person to use force, including deadly force, against intruder or attacker in dwelling, residence, or vehicle under specified circumstances; provides that person is justified in using deadly force under certain circumstances; provides immunity from criminal prosecution or civil action for using deadly force; defines term "criminal prosecution", etc. Creates 776.013,.032; amends 776.012,.031.

Effective Date: 10/01/2005

Last Action: 4/26/2005 - Approved by Governor; Chapter No. [2005-27](#) -SJ 00585

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Bill History

DATE	CHAMBER	ACTION
12/8/2004	Senate	• Filed
12/17/2004	Senate	• Referred to Criminal Justice; Judiciary
1/14/2005	Senate	• On Committee agenda-- Criminal Justice, 01/26/05, 2:00 pm, 37-S --Temporarily postponed
1/31/2005	Senate	• On Committee agenda-- Criminal Justice, 02/09/05, 2:00 pm, 37-S
2/9/2005	Senate	• CS by Criminal Justice; YEAS 8 NAYS 0
2/10/2005	Senate	• Now in Judiciary
2/15/2005	Senate	• On Committee agenda-- Judiciary, 02/23/05, 2:00 pm, 401-S

Look at the bill history.

- All actions are listed in chronological order below the bill summary.
- This source provides the dates of each action on the bill, from introduction to governor's signature.
- References are to page numbers in the House or Senate Journal.

Bill History

DATE	CHAMBER	ACTION
12/8/2004	Senate	• Filed
12/17/2004	Senate	• Referred to Criminal Justice; Judiciary
1/14/2005	Senate	• On Committee agenda-- Criminal Justice, 01/26/05, 2:00 pm, 37-S --Tempo
1/31/2005	Senate	• On Committee agenda-- Criminal Justice, 02/09/05, 2:00 pm, 37-S
2/9/2005	Senate	• CS by Criminal Justice; YEAS 8 NAYS 0
2/10/2005	Senate	• Now in Judiciary
2/15/2005	Senate	• On Committee agenda-- Judiciary, 02/23/05, 2:00 pm, 401-S
2/23/2005	Senate	• CS/CS by- Judiciary; YEAS 7 NAYS 0
2/25/2005	Senate	• Placed on Calendar, on second reading
3/8/2005	Senate	• Introduced, referred to Criminal Justice; Judiciary -SJ 00031; On Committe Temporarily postponed; On Committee agenda-- Criminal Justice, 02/09/05, 00104; CS read first time on 03/08/05 -SJ 00098; Now in Judiciary -SJ 00104, 401-S; CS/CS by- Judiciary; YEAS 7 NAYS 0 -SJ 00105; CS read first time on 03/08/05 SJ 00105
3/22/2005	Senate	• Placed on Special Order Calendar -SJ 00246; Read second time -SJ 00244; A 00244; Ordered engrossed -SJ 00244

Look at the related bills.

- All related bills are listed, and you can click on one to see its bill history.

Protection of Persons/Use of Force; authorizes person to use force, including deadly force, against intruder under specified circumstances; provides that person is justified in using deadly force under certain circumstances; action for using deadly force; defines term "criminal prosecution", etc. Creates 776.013,.032; amends 776.0

Effective Date: 10/01/2005

Last Action: 4/26/2005 - Approved by Governor; Chapter No. [2005-27](#) -SJ 00585

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Bill History

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Related Bills

BILL NUMBER	SUBJECT	FILED BY	RELATIONSHIP	
H 249		Baxley	Similar	Last Action: 3/31/2005 H Placed on Special Order refer to CS/CS/SB 436 (Ch. 2005-27) -HJ 00310



Look at the bill text.

- Full text of each bill version is available as a web page or in PDF format.
- It's often useful to look at the bill, as introduced, and at each subsequent version.

Bill History

Related Bills (1)

Bill Text (5)

Amendments

Bill Text

VERSION	POSTED	FORMAT
S 436 Filed	12/8/2004 9:35 AM	Web Page PDF
S 436 c1	2/10/2005 1:22 PM	Web Page PDF
S 436 c2	2/25/2005 11:08 AM	Web Page PDF
S 436 e1	3/22/2005 11:21 AM	Web Page PDF
S 436 er	4/7/2005 6:03 PM	Web Page PDF



By Senator Peadar

2-361A-05

1 A bill to be entitled
2 An act relating to the protection of persons
3 and property; creating s. 776.013, F.S.;
4 authorizing a person to use force, including
5 deadly force, against an intruder or attacker
6 in a dwelling, residence, or vehicle under
7 specified circumstances; creating a presumption
8 that a reasonable fear of death or bodily
9 injury exists under certain circumstances;
10 creating a presumption that a person acts with
11 the intent to use force or violence under
12 specified circumstances; providing definitions;
13 amending ss. 776.012 and 776.031, F.S.;
14 providing that a person is justified in using
15 deadly force under certain circumstances;
16 declaring that a person is not under a duty to
17 retreat if the person is in a place where he or

Look at the amendments.

- Full text of committee and floor amendments are available as a web page or in PDF format.

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Committee Amendments

S 436 Filed

AMENDMENT	SPONSOR	FILED	LAST COMMITTEE ACTION	FORMAT
191782 - Title Amendment	Criminal Justice (Smith)	2/8/2005 1:56 PM		Web Page PDF
↳ 334654 - Amendment to Amendment (191782)	Criminal Justice (Smith)	2/8/2005 1:56 PM		Web Page PDF
↳ 751486 - Amendment to Amendment (191782)	Criminal Justice (Smith)	2/8/2005 1:56 PM		Web Page PDF
↳ 580166 - Amendment to Amendment (191782)	Criminal Justice (Smith)	2/8/2005 1:57 PM		Web Page PDF
↳ 454722 - Amendment to Amendment (191782)	Criminal Justice (Smith)	2/9/2005 6:30 PM		Web Page PDF

S 436 c1

AMENDMENT	SPONSOR	FILED	LAST COMMITTEE ACTION	FORMAT
962662 - Amendment	Judiciary (Posey)	2/23/2005 5:09 PM		Web Page PDF
662002 - Title Amendment	Judiciary (Baker) (Villalobos)	2/22/2005 1:30 PM		Web Page PDF

Floor Amendments

S 436 c2

AMENDMENTS	SPONSOR	FILED	LAST FLOOR ACTION	FORMAT
591424 - Amendment	Smith	3/21/2005 2:39 PM	Senate: Adopted 3/22/2005	Web Page PDF

Floor Amendments

S 436 c2

AMENDMENTS	SPONSOR	FILED	LAST FLOOR ACTION	FORMAT
591424 - Amendment	Smith	3/21/2005 2:39 PM	Senate: Adopted 3/22/2005	Web Page PDF
844260 - Amendment	Smith	3/21/2005 2:39 PM	Senate: Adopted 3/22/2005	Web Page PDF
494914 - Amendment	Geller	3/22/2005 9:05 AM	Senate: Failed 3/22/2005	Web Page PDF

S 436 e1

AMENDMENTS	SPONSOR	FILED	LAST FLOOR ACTION	FORMAT
195639 - Amendment	Joyner	3/30/2005 1:37 PM		Web Page PDF
↳ 775769 - Substitute Amendment (195639)	Gelber	3/31/2005 10:12 AM		Web Page PDF
491103 - Amendment	Seiler	4/5/2005 8:45 AM		Web Page PDF
598691 - Amendment	Seiler	4/5/2005 8:45 AM		Web Page PDF
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044529 - Amendment	Gelber	4/5/2005 8:52 AM		Web Page PDF
481721 - Title amendment	Seiler	4/5/2005 8:46 AM		Web Page PDF



Look at the staff analyses.

- Full text of each staff analysis is available as a web page or in PDF format.

CS/CS/SB 436: Protection of Persons/Use of Force

Glossary of Legislative Terms

GENERAL BILL by Judiciary ; Criminal Justice ; Peaden ; (CO-INTRODUCERS) Argenziano ; Clary ; Wise ; Lawson ; Crist ; Baker ; Bennett ; Posey ; Villalobos ; Garcia ; Fasano ; Webster ; Lynn ; Haridopolos ; King ; Dockery ; Diaz de la Portilla ; Bullard ; Campbell ; Jones ; Sebesta ; Pruitt ; Constantine ; Smith ; Alexander ; Saunders ; Aronberg ; Klein

Protection of Persons/Use of Force; authorizes person to use force, including deadly force, against intruder or attacker in dwelling, residence, or vehicle under specified circumstances; provides that person is justified in using deadly force under certain circumstances; provides immunity from criminal prosecution or civil action for using deadly force; defines term "criminal prosecution", etc. Creates 776.013,.032; amends 776.012,.031.

Effective Date: 10/01/2005

Last Action: 4/26/2005 - Approved by Governor; Chapter No. [2005-27](#) -SJ 00585

Bill Text: [Web Page](#) | [PDF](#)

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- Bill History
- Related Bills (1)
- Bill Text (5)
- Amendments (17)
- Analyses (2)**
- Vote History (6)
- Citations (4)

Bill Analyses

TYPE	ANALYSIS	AUTHOR	POSTED	FORMAT
Bill Analysis	S 436	Criminal Justice (Post-Meeting)	2/10/2005 12:00 AM	PDF
Bill Analysis	S 436	Judiciary (Post-Meeting)	2/25/2005 12:00 AM	PDF



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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Criminal Justice Committee

BILL: CS/SB 436

SPONSOR: Criminal Justice Committee and Senators Peaden, Argenziano, and others

SUBJECT: Justifiable Use of Force

DATE: February 10, 2005 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Committee Substitute for Senate Bill 436 redefines justifiable use of force (self-defense) by:

- creating certain presumptions that remove questions of fact from a trial jury regarding reasonableness of fear as it relates to escalated use of force, and criminal intent;
- requiring a court to award costs, fees and financial damages payable by law enforcement, state attorneys or civil plaintiffs when the court finds the use of force by the defendant to be justifiable;
- eliminating the common law “duty to retreat” and extending the application of the “castle

Look at the vote history.

- **Full committee and floor vote history is available.**

View

Bill History

Related Bills (1)

Bill Text (5)

Amendments (17)

Analyses (2)

Vote History (6)

Citations

Vote History - Committee

VERSION	COMMITTEE	DATE	RESULT
S 436 Filed	Criminal Justice	2/9/2005 2:00 PM	8 Yeas - 0 Nays
S 436 c1	Judiciary	2/23/2005 2:00 PM	7 Yeas - 0 Nays

Vote History - Floor

VOTE	DATE	CHAMBER	RESULT
S 436 e1	3/23/2005 4:56 PM	Senate	39 Yeas - 0 Nays
S 436 e1	3/31/2005 12:01 PM	House	30 Yeas - 85 Nays
S 436 e1	4/5/2005 10:18 AM	House	112 Yeas - 0 Nays
S 436 e1	4/5/2005 10:18 AM	House	94 Yeas - 20 Nays



Look at the citations.


- **Full text of each affected statute or constitution section is available.**

Protection of Persons/Use of Force; authorizes person to use force, including deadly force, against intruder or attacker in dwelling, residence, or vehicle under specified circumstances; provides that person is justified in using deadly force under certain circumstances; provides immunity from criminal prosecution or civil action for using deadly force; defines term "criminal prosecution", etc. Creates 776.013,.032; amends 776.012,.031.

Effective Date: 10/01/2005

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Bill History

Related Bills (1)

Bill Text (5)

Amendments (17)

Analyses (2)

Vote History (6)

Citations (4)

Citations - Statutes (4)

CITATION	CATCHLINE	LOCAT
776.012	Use of force in defense of person.	
776.013		
776.031	Use of force in defense of others.	
776.032		

Citations - Constitution (0)

No Constitutional citations.

Citations - Chapter Law (0)

No Chapter Law citations.



Look at the House or Senate Journal.

- The Journal provides the order of floor actions and the text of floor amendments.
- Pay special attention to the date when floor amendments were adopted or failed.

Bill History

DATE	CHAMBER	ACTION
12/8/2004	Senate	• Filed
12/17/2004	Senate	• Referred to Criminal Justice; Judiciary
1/14/2005	Senate	• On Committee agenda-- Criminal Justice, 01/26/05, 2:00 pm, 37-S --Temporarily postponed
1/31/2005	Senate	• On Committee agenda-- Criminal Justice, 02/09/05, 2:00 pm, 37-S
2/9/2005	Senate	• CS by Criminal Justice; YEAS 8 NAYS 0
2/10/2005	Senate	• Now in Judiciary
2/15/2005	Senate	• On Committee agenda-- Judiciary, 02/23/05, 2:00 pm, 401-S
2/23/2005	Senate	• CS/CS by- Judiciary; YEAS 7 NAYS 0
2/25/2005	Senate	• Placed on Calendar, on second reading
3/8/2005	Senate	• Introduced, referred to Criminal Justice; Judiciary -SJ 00031; On Committee agenda-- Criminal Justice, 01/26/05, 2:00 pm, 37-S; Temporarily postponed; On Committee agenda-- Criminal Justice, 02/09/05, 2:00 pm, 37-S; CS by Criminal Justice; YEAS 8 NAYS 0 -SJ 00031; CS read first time on 03/08/05 -SJ 00098; Now in Judiciary -SJ 00104; On Committee agenda-- Judiciary, 02/23/05, 2:00 pm, 401-S; CS/CS by- Judiciary; YEAS 7 NAYS 0 -SJ 00105; CS read first time on 03/08/05 -SJ 00098; Placed on Calendar, on second reading -SJ 00105
3/22/2005	Senate	• Placed on Special Order Calendar -SJ 00246; Read second time -SJ 00244; Amendment(s) adopted -SJ 00244; Amendment(s) adopted -SJ 00244; Ordered engrossed -SJ 00244
3/23/2005	Senate	• Read third time -SJ 00262; CS passed as amended; YEAS 39 NAYS 0 -SJ 00263
3/30/2005	House	• In Messages; Received, referred to Calendar -HJ 00298, -HJ 00303
3/31/2005	House	• Substituted for HB 249 -HJ 00310; Read second time -HJ 00311; Amendment(s) failed -HJ 00311
4/5/2005	House	• Read third time -HJ 00342; Amendment(s) failed -HJ 00342; CS passed; YEAS 94 NAYS 20 -HJ 00342
4/7/2005	Senate	• Ordered enrolled -SJ 00388
4/20/2005		• Signed by Officers and presented to Governor -SJ 00535
4/26/2005		• Approved by Governor; Chapter No. 2005-27 -SJ 00585

Look at the House or Senate Journal entry.

- March 22, 2005
- Senate Journal, p. 244
- Journals of the Senate (1839 - current)
<http://www.flsenate.gov/Session/Journals>
- Journals of the House (1822 - current)
<https://bit.ly/2JOTKu6>



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Number 7—Regular Session

Tuesday, March 22, 2005

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CALL TO ORDER

The Senate was called to order by President Lee at 9:18 a.m. A quorum present—39:

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Now Father God Almighty, our maker, our sustainer, our provider, our rewarder, the wellspring of our being: For our unkind thoughts, unkind words, and unkind acts, forgive us. For our ill temper, ill will, and illogic, forgive us. For our pride, prejudice, and pettiness, forgive us. For our insolence, ignorance, and indifference, forgive us. For our weakness, willfulness, and wickedness, forgive us.

And Father God, before we close this prayer and come forth from our prayer closets to go about this day's work, we are so pleased to ask you to clothe us with truth in our words, clothe us with wisdom in our deliberations, clothe us with integrity in our dealings, clothe us with fidelity in our promises, clothe us with humility in our victories, clothe us with patience in our defeats, and clothe us with cooperation in our efforts.

A charge to keep we have,
A God to glorify,
A never-dying soul to save,
And fit it for the sky.

To serve the present age,
Our calling to fulfill;
O may it all our powers engage
To do our God's will. Amen.

PLEDGE

Senate Pages Skyler Ansel of Hollywood; Lauren Klein, daughter of Senator Klein of Boca Raton; Amy Atwater, daughter of Senator Atwater of North Palm Beach; and Katharine "Katie" Villalobos, daughter of Senator Villalobos of Miami, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Paul Shirley of Jacksonville, sponsored by Senator King, as doctor of the day. Dr. Shirley specializes in Ortho-

violation on behalf of an employee; revising the application of evidentiary requirements with respect to injunctions for protection of minor children; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 512** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for CS for SB 436—A bill to be entitled An act relating to the protection of persons and property; creating s. 776.013, F.S.; authorizing a person to use force, including deadly force, against an intruder or attacker in a dwelling, residence, or vehicle under specified circumstances; creating a presumption that a reasonable fear of death or great bodily harm exists under certain circumstances; creating a presumption that a person acts with the intent to use force or violence under specified circumstances; providing definitions; amending ss. 776.012 and 776.031, F.S.; providing that a person is justified in using deadly force under certain circumstances; declaring that a person has no duty to retreat and has the right to stand his or her ground and meet force with force if the person is in a place where he or she has a right to be and the force is necessary to prevent death, great bodily harm, or the commission of a forcible felony; creating s. 776.032, F.S.; providing immunity from criminal prosecution or civil action for using deadly force; defining the term “criminal prosecution”; authorizing a law enforcement agency to investigate the use of deadly force but prohibiting the agency from arresting the person unless the agency determines that there is probable cause that the force the person used was unlawful; providing for the award of attorney’s fees, court costs, compensation for loss of income, and other expenses to a defendant in a civil suit who was immune from prosecution under this section; providing an effective date.

—was read the second time by title.

bility; providing an exemption; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1012** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 730—A bill to be entitled An act relating to the prohibition on prostitution; amending s. 796.07, F.S.; redefining the term “lewdness” to mean an indecent or obscene act done in the presence of any person, including a law enforcement officer; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (103590)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1) of section 796.07, Florida Statutes, is amended to read:

796.07 Prohibiting prostitution, etc.; evidence; penalties; definitions.—

(1) As used in this section:

(b) “Lewdness” means any indecent or obscene act *that may cause substantial offense to one or more persons viewing it or may otherwise substantially intrude upon the rights of others. A lewd act may be offensive to, or may intrude upon the rights of, a person who is a law enforcement officer. Lewdness is to be determined based on what a reasonable member of the public might find substantially offensive.*

March 22, 2005

JOURNAL OF THE SENATE

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Section 2. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to lewdness; amending s. 796.07, F.S.; redefining

And the title is amended as follows:

On page 1, line 5, following the semicolon (;) insert: amending s. 849.0935, F.S.; revising the definition of “organization” to include chambers of commerce; exempting chambers of commerce from provisions

of Environmental Protection *may adopt rules to implement the specific recommendations set forth in sections C.2. and C.4. of its report entitled "A Strategy for Water Quality Protection: Wastewater Treatment in the Wekiva Study Area," dated December 2004, in order to achieve nitrogen reductions protective of surface and groundwater quality in the Wekiva Study Area and implement Recommendation 8 of the Wekiva River Basin Coordinating Committee's final report dated March 16, 2004 shall, if appropriate, by March 1, 2005, initiate rulemaking to achieve nitrogen reductions protective of surface and groundwater quality or recommend any additional statutory authority needed to implement the report recommendations.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after "Act;" insert: amending s. 369.318, F.S.; clarifying the Department of Environmental Protection's rulemaking authority to implement certain recommendations;

Pursuant to Rule 4.19, **SB 908** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Margolis—

SB 724—A bill to be entitled An act relating to affordable housing for the elderly; amending s. 420.5087, F.S.; increasing the cap on certain loan amounts available to sponsors of housing for the elderly; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 724** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

Senator Smith moved the following amendments which were adopted:

Amendment 1 (844260)—On page 4, line 7, after "person" insert: *who is not engaged in an unlawful activity and*

Amendment 2 (591424)—On page 6, line 5, delete "described" and insert: *permitted*

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following amendment which failed:

Amendment 3 (494914)—On page 4, lines 7-13, delete those lines

Pursuant to Rule 4.19, **CS for CS for SB 436** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 532—A bill to be entitled An act relating to court-ordered payment awards in legal proceedings; amending ss. 61.16 and 742.045, F.S.; authorizing certain court orders to include additional reasonable amounts for certain attorney's fees, suit money, and costs related to certain proceedings; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 532** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for SB 1012—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation:

Request legislative history documents, if not available on the Internet.

- Floor debates from the 1999 regular session, and committee hearings from the 2007 regular session are available at the Florida Channel.

<http://thefloridachannel.org/>

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13

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House Health Market Reform Subcommittee

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Any Questions?