

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

23  
 24   Be It Enacted by the Legislature of the State of Florida:  
 25

26 Section 1. This act may be cited as the "Self-Defense  
 27 Restoration Act."

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

30 776.012 Use or threatened use of force in defense of  
 31 person.—

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

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

HB 787

2024

51 ~~activity and is in a place where he or she has a right to be.~~

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

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

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

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

HB 787

2024

76 | ~~the person using or threatening to use the deadly force is not~~  
77 | ~~engaged in a criminal activity and is in a place where he or she~~  
78 | ~~has a right to be.~~

79 | Section 4. Section 776.032, Florida Statutes, is repealed.

80 | Section 5. For the purpose of incorporating the amendment  
81 | made by this act to section 776.012, Florida Statutes, in a  
82 | reference thereto, paragraph (c) of subsection (4) of section  
83 | 790.25, Florida Statutes, is reenacted to read:

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

86 | (4) POSSESSION IN PRIVATE CONVEYANCE.—

87 | (c) This subsection shall be liberally construed in favor  
88 | of the lawful use, ownership, and possession of firearms and  
89 | other weapons, including lawful self-defense as provided in s.  
90 | 776.012.

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