



637196

LEGISLATIVE ACTION

Senate

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House

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Floor: 1a/RE/3R

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04/29/2014 11:59 AM

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Senator Smith moved the following:

1 **Senate Amendment to Amendment (292706) (with title**
2 **amendment)**

3
4 Delete lines 8 - 42

5 and insert:

6 a burglary.-

7 (1) As used in this section, the term:

8 (a) "County of residence" means the county within this
9 state in which a person resides. Evidence of a person's county
10 of residence includes, but is not limited to:

11 1. The address on a person's driver license or state



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12 identification card;

13 2. Records of real property or mobile home ownership;

14 3. Records of a lease agreement for residential property;

15 4. The county in which a person's motor vehicle is
16 registered;

17 5. The county in which a person is enrolled in an
18 educational institution; and

19 6. The county in which a person is employed.

20 (b) "Burglary" means burglary as defined in s. 810.02,
21 including an attempt, solicitation, or conspiracy to commit such
22 offense.

23 (2) If a person who commits a burglary travels any distance
24 with the intent to commit the burglary in a county in this state
25 other than the person's county of residence, the degree of the
26 burglary shall be reclassified to the next higher degree if the
27 purpose of the person's travel is to thwart law enforcement
28 attempts to track the items stolen in the burglary. For purposes
29 of sentencing under chapter 921 and determining incentive gain-
30 time eligibility under chapter 944, a burglary that is
31 reclassified under this section is ranked one level above the
32 ranking specified in s. 921.0022 or s. 921.0023 for the burglary
33 committed.

34 Section 2. Paragraph (1) of subsection (2) of section
35 903.046, Florida Statutes, is amended to read:

36 903.046 Purpose of and criteria for bail determination.—

37 (2) When determining whether to release a defendant on bail
38 or other conditions, and what that bail or those conditions may
39 be, the court shall consider:

40 (1) Whether the crime charged is a violation of chapter 874



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41 or alleged to be subject to enhanced punishment under chapter
42 874 or reclassification under s. 843.22. If any such violation
43 is charged against a defendant or if the defendant is charged
44 with a crime that is alleged to be subject to such enhancement
45 or reclassification, he or she is ~~shall~~

46
47 ===== T I T L E A M E N D M E N T =====

48 And the title is amended as follows:

49 Delete lines 55 - 62

50 and insert:

51 commit a burglary; creating s. 843.22, F.S.; defining
52 the terms "county of residence" and "burglary";
53 providing for reclassification of burglaries committed
54 under certain circumstances; amending s. 903.046,
55 F.S.; adding a burglary that is reclassified under s.
56 843.22, F.S., to the factors a court must consider in