



650094

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/28/2014 06:36 PM

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Senator Smith moved the following:

Senate Amendment (with title amendment)

Delete lines 19 - 53

and insert:

a burglary.-

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

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

1. The address on a person's driver license or state identification card;



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- 12 2. Records of real property or mobile home ownership;
13 3. Records of a lease agreement for residential property;
14 4. The county in which a person's motor vehicle is
15 registered;
16 5. The county in which a person is enrolled in an
17 educational institution; and
18 6. The county in which a person is employed.
19 (b) "Burglary" means burglary as defined in s. 810.02,
20 including an attempt, solicitation, or conspiracy to commit such
21 offense.
22 (2) If a person who commits a burglary travels any distance
23 with the intent to commit the burglary in a county in this state
24 other than the person's county of residence, the degree of the
25 burglary shall be reclassified to the next higher degree if the
26 purpose of the person's travel is to thwart law enforcement
27 attempts to track the items stolen in the burglary. For purposes
28 of sentencing under chapter 921 and determining incentive gain-
29 time eligibility under chapter 944, a burglary that is
30 reclassified under this section is ranked one level above the
31 ranking specified in s. 921.0022 or s. 921.0023 for the burglary
32 committed.

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

35 903.046 Purpose of and criteria for bail determination.—

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

39 (1) Whether the crime charged is a violation of chapter 874
40 or alleged to be subject to enhanced punishment under chapter



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

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

47 And the title is amended as follows:

48 Delete lines 3 - 10

49 and insert:

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