

CHAPTER 2014-201

House Bill No. 427

An act relating to traveling across county lines to commit a burglary; creating s. 843.22, F.S.; defining the terms “county of residence” and “burglary”; providing for reclassification of burglaries committed under certain circumstances; amending s. 903.046, F.S.; adding a burglary that is reclassified under s. 843.22, F.S., to the factors a court must consider in determining whether to release a defendant on bail; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 843.22, Florida Statutes, is created to read:

843.22 Traveling across county lines with intent to commit 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;
2. Records of real property or mobile home ownership;
3. Records of a lease agreement for residential property;
4. The county in which a person’s motor vehicle is registered;
5. The county in which a person is enrolled in an educational institution;
and
6. The county in which a person is employed.

(b) “Burglary” means burglary as defined in s. 810.02, including an attempt, solicitation, or conspiracy to commit such offense.

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

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

903.046 Purpose of and criteria for bail determination.—

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

(1) Whether the crime charged is a violation of chapter 874 or alleged to be subject to enhanced punishment under chapter 874 or reclassification under s. 843.22. If any such violation is charged against a defendant or if the defendant is charged with a crime that is alleged to be subject to such enhancement or reclassification, he or she is ~~shall~~ not be eligible for release on bail or surety bond until the first appearance on the case in order to ensure the full participation of the prosecutor and the protection of the public.

Section 3. This act shall take effect October 1, 2014.

Approved by the Governor June 20, 2014.

Filed in Office Secretary of State June 20, 2014.