

1 A bill to be entitled

2 An act relating to enhanced penalties for criminal
3 offenses; amending s. 810.02, F.S.; increasing the
4 offense severity ranking of a burglary offense for the
5 purposes of the Criminal Punishment Code when the
6 offender enters a dwelling, structure, or conveyance
7 on law enforcement or fire department property;
8 amending s. 843.22, F.S.; removing the
9 reclassification of certain felony offenses when the
10 person who commits the offense crosses a county line
11 with specified intent; removing the requirement for
12 reclassification or reranking that an offender's
13 travel be for the purpose of thwarting law enforcement
14 attempts to track stolen items; amending s. 903.046,
15 F.S.; removing a reference to a crime being
16 reclassified; providing an effective date.

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

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20 Section 1. Subsection (5) is added to section 810.02,
21 Florida Statutes, to read:

22 810.02 Burglary.—

23 (5) If, in the course of committing any offense under this
24 section, the offender enters any dwelling, structure, or
25 conveyance located on property owned by any law enforcement

26 | agency or fire department, the offense shall, for purposes of
 27 | sentencing under chapter 921 and determining incentive gain-time
 28 | eligibility under chapter 944, be ranked one level above the
 29 | ranking specified in s. 921.0022 or s. 921.0023 for the offense
 30 | committed.

31 | Section 2. Section 843.22, Florida Statutes, is amended to
 32 | read:

33 | 843.22 Traveling across county lines with intent to commit
 34 | a felony burglary.—

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

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

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

41 | 2. Records of real property or mobile home ownership;

42 | 3. Records of a lease agreement for residential property;

43 | 4. The county in which a person's motor vehicle is
 44 | registered;

45 | 5. The county in which a person is enrolled in an
 46 | educational institution; and

47 | 6. The county in which a person is employed.

48 | (b) "Felony offense" means a felony violation of any of
 49 | the following:

50 | 1. Burglary, ~~"Burglary"~~ means burglary as defined in s.

51 810.02.~~7~~

52 2. Grand theft, as prohibited under s. 812.014.

53
54 For purposes of this paragraph, the term includes ~~including~~ an
55 attempt, solicitation, or conspiracy to commit such offense.

56 (2) If a person who commits a felony offense ~~burglary~~
57 travels any distance with the intent to commit the felony
58 offense ~~burglary~~ in a county in this state other than the
59 person's county of residence, the felony offense ~~degree of the~~
60 ~~burglary shall, be reclassified to the next higher degree if the~~
61 ~~purpose of the person's travel is to thwart law enforcement~~
62 ~~attempts to track the items stolen in the burglary.~~ for purposes
63 of sentencing under chapter 921 and determining incentive gain-
64 time eligibility under chapter 944, be a burglary that is
65 ~~reclassified under this section is~~ ranked one level above the
66 ranking specified in s. 921.0022 or s. 921.0023 for the offense
67 ~~burglary~~ committed.

68 Section 3. Paragraph (1) of subsection (2) of section
69 903.046, Florida Statutes, is amended to read:

70 903.046 Purpose of and criteria for bail determination.—

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

74 (1) Whether the crime charged is a violation of chapter
75 874 or alleged to be subject to enhanced punishment under

76 | chapter 874 or ~~reclassification under~~ s. 843.22. If any such
77 | violation is charged against a defendant or if the defendant is
78 | charged with a crime that is alleged to be subject to such
79 | enhancement ~~or reclassification~~, he or she is not eligible for
80 | release on bail or surety bond until the first appearance on the
81 | case in order to ensure the full participation of the prosecutor
82 | and the protection of the public.

83 | Section 4. This act shall take effect October 1, 2021.