

THE FLORIDA SENATE
2025 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 437 — Tampering with an Electronic Monitoring Device

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Daley (SB 1054 by Senators Garica and Avila)

The bill amends the crime of tampering with an electronic device to include a person who *affirmatively acts to*, or requests, authorizes, or solicits a person to *affirmatively act to* circumvent the operation of an electronic monitoring device required to be worn or used pursuant to a court order or pursuant to an order by the Florida Commission on Offender Review.

The bill reclassifies the penalty for tampering with an electronic monitoring device. If a person is charged with or serving a sentence for a:

- Misdemeanor or third degree felony, tampering with an electronic monitoring device is a third degree felony;
- Second degree felony, tampering with an electronic monitoring device is a second degree felony;
- First degree felony, first degree felony punishable by a term of years not exceeding life, a life felony, or a capital felony, tampering with an electronic monitoring device is a first degree felony.

A person under 18 years of age who tampers with an electronic monitoring device commits a third degree felony, regardless of the level of the underlying offense.

The court must revoke pretrial release for a person who commits the crime of tampering with an electronic monitoring device. The court may set a new bond with conditions of release upon making a written finding that sufficient conditions of release exist to reasonably protect the community from risk of physical harm, ensure the presence of the accused at trial or at other proceedings, and assure the integrity of the judicial process.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2025.

Vote: Senate 37-0; House 110-1