

Bill No. SB 2426

Amendment No. \_\_\_\_ Barcode 460360

CHAMBER ACTION

Senate

House

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Senator Crist moved the following amendment:

**Senate Amendment (with title amendment)**

On page 2, lines 4-17, delete those lines

and insert:

(6)(a)1. A bail bond agent may contract with a vendor of the bail bond agent's choice from among those vendors who register with the clerk of the court to provide electronic monitoring of any person who is released by the court in accordance with chapter 903, subject to court-ordered conditions requiring electronic monitoring.

2. A vendor who provides electronic monitoring services shall register with the clerk of the court in each judicial circuit in which the vendor intends to provide such services. At a minimum, the vendor shall provide the clerk with the name of the vendor, the name of an individual employed by the vendor who is to serve as a contact person for the vendor, the address of the vendor, and the telephone number of the contact person. Each clerk of the court may establish an appropriate fee for registration, not to exceed

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1 \$25.

2 (b) A bail bond agent may contract with government  
3 entities to provide electronic monitoring services as a  
4 condition of bail or bond, independent of bail or bond, or  
5 under conditions ordered by the court.

6 (c) Bail bond agents are authorized to assess and  
7 collect a reasonable, nonrefundable fee for electronic  
8 monitoring services from the person who is subject to  
9 electronic monitoring. Failure to make timely payment of such  
10 fees constitutes grounds for the agent to remand such person  
11 to the court or sheriff. Fees associated with required  
12 electronic monitoring services are not considered part of the  
13 premium for bail bond and shall be exempt from the provisions  
14 of s. 648.26.

15 (d)1. The contracted vendor providing the electronic  
16 monitoring services shall furnish a transmitter that meets  
17 certification standards approved by the Federal Communications  
18 Commission unless otherwise specified by state law. For  
19 purposes of providing electronic monitoring in accordance with  
20 this section and s. 903.0472, each transmitter shall perform  
21 according to the following specifications:

22 a. Operate within a signal range of no less than 65  
23 feet but no greater than 150 feet under normal household  
24 conditions.

25 b. Emit a signal at least once every 30 seconds.

26 c. Possess signal content that identifies the offender  
27 and the offender's location.

28 d. Possess an internal power source that provides a  
29 minimum of 1 year of normal operation without need for  
30 recharging or replacing the power source, as well as signal  
31 content that indicates the power status of the transmitter and

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1 provides the vendor with notification of whether the power  
2 source needs to be recharged or replaced.

3 e. Possess signal content that indicates whether the  
4 transmitter has been subjected to tampering or removal.

5 f. Possess encrypted signal content or another feature  
6 designed to discourage duplication.

7 g. Be of a design that is shock resistant, water and  
8 moisture proof, and capable of reliable function under normal  
9 atmospheric and environmental conditions.

10 h. Be capable of wear and use in a manner that does  
11 not pose a safety hazard or unduly restrict the activities of  
12 the defendant.

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14 In addition, the transmitter must be capable of being attached  
15 to the defendant in a manner that readily reveals any efforts  
16 to tamper with or remove the transmitter upon visual  
17 inspection. Straps or other mechanisms for attaching the  
18 transmitter to the defendant must be either capable of being  
19 adjusted to fit a defendant of any size or made available in a  
20 variety of sizes.

21 2. The contracted vendor providing the electronic  
22 monitoring services shall furnish the bail bondsman with a  
23 monitoring unit that meets certification standards approved by  
24 the Federal Communications Commission unless otherwise  
25 specified by state law. The monitoring unit must be capable of  
26 receiving radio-frequency signals from the transmitter worn by  
27 the defendant and described in subparagraph 1. The monitoring  
28 unit must transmit data concerning the defendant's monitoring  
29 status to a central monitoring system facility. The monitoring  
30 unit must include an internal memory capable of storing data  
31 in the event that communication with the central monitoring

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1 system facility is disrupted or in the event of a power  
 2 failure. The monitoring unit must be capable of transmitting  
 3 data that is stored by the unit in the event that  
 4 communication with the central monitoring system facility is  
 5 disrupted as soon as communication is restored. The monitoring  
 6 unit must not pose any safety hazard to the defendant or  
 7 others and must be capable of reliable function under normal  
 8 environmental and atmospheric conditions.

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

12 And the title is amended as follows:

13            On page 1, lines 4-15, delete those lines

14

15 and insert:

16            requiring vendors that provide electronic  
 17            monitoring services to register certain  
 18            information with the clerk of the court;  
 19            authorizing bail bond agents to contract with  
 20            registered vendors to provide electronic  
 21            monitoring of pretrial releasees in certain  
 22            circumstances; authorizing bail bond agents to  
 23            contract with government entities to provide  
 24            electronic monitoring services in certain  
 25            circumstances; authorizing such agents to  
 26            assess and collect a fee for electronic  
 27            monitoring services; providing that failure to  
 28            make timely payment of fees constitutes grounds  
 29            to remand; providing that such fees are exempt  
 30            from regulation by the Department of Financial  
 31            Services; providing specifications for

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1           electronic monitoring equipment; creating s.  
2           903.0472, F.S.;

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