

By Senator Crist

12-1488-04

See HB

1 A bill to be entitled
2 An act relating to electronic monitoring
3 services; amending s. 648.387, F.S.;
4 authorizing bail bond agents to provide
5 electronic monitoring of pretrial releasees;
6 authorizing bail bond agents to contract with
7 government entities to provide electronic
8 monitoring services; authorizing such agents to
9 assess and collect a fee for electronic
10 monitoring services; providing that failure to
11 make timely payment of fees constitutes grounds
12 to remand; providing that the assessment and
13 collection of such fee is exempt from
14 regulation by the Department of Financial
15 Services; creating s. 903.0472, F.S.;
16 authorizing pretrial release subject to
17 electronic monitoring; authorizing a fee for
18 such services; providing that failure to make
19 timely payment of electronic monitoring fees
20 constitutes a violation of pretrial release
21 conditions; providing that a violation of
22 pretrial release conditions constitutes grounds
23 to remand; requiring reporting of violations of
24 pretrial release conditions; providing that it
25 is a third-degree felony for certain persons to
26 alter, tamper with, damage, or destroy
27 electronic monitoring equipment; providing
28 criminal penalties; providing applicability;
29 providing an effective date.

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

1 Section 1. Subsection (6) is added to section 648.387,
2 Florida Statutes, to read:

3 648.387 Primary bail bond agents; duties.--

4 (6) A bail bond agent may provide electronic
5 monitoring of any person who is released by the court in
6 accordance with chapter 903, subject to conditions requiring
7 electronic monitoring. A bail bond agent may contract with
8 government entities to provide electronic monitoring services
9 as a condition of bail or bond, independent of bail or bond,
10 or under other conditions deemed appropriate by a court or
11 sheriff. Bail bond agents are authorized to assess and collect
12 a reasonable, nonrefundable fee for electronic monitoring
13 services from the person who is subject to electronic
14 monitoring. Failure to make timely payment of such fees
15 constitutes grounds for the agent to remand such person to the
16 court or sheriff. Assessment and collection of the fee shall
17 be exempt from the provisions of s. 648.26.

18 Section 2. Section 903.0472, Florida Statutes, is
19 created to read:

20 903.0472 Electronic monitoring.--

21 (1) The court may order the defendant to be released
22 from custody subject to conditions of electronic monitoring,
23 if such services are provided in its jurisdiction. The court
24 may order the defendant to pay a reasonable fee for such
25 services as a condition of pretrial release. The failure of
26 the defendant to make timely payment of such fees constitutes
27 a violation of pretrial release and grounds for the defendant
28 to be remanded to the court or appropriate sheriff.

29 (2) Any entity that provides electronic monitoring
30 services shall report forthwith any known violation of the
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1 defendant's pretrial release conditions to the appropriate
2 court, sheriff, state attorney, and bail agent, if any.
3 (3) A defendant who has been released in accordance
4 with the provisions of this section shall not alter, tamper
5 with, damage, or destroy any electronic monitoring equipment.
6 A person who violates this subsection commits a felony of the
7 third degree, punishable as provided in s. 775.082, s.
8 775.083, or 775.084.
9 (4) Nothing in this section shall be construed to
10 limit any other provision of this chapter.
11 Section 3. This act shall take effect October 1, 2004,
12 and shall apply to offenses committed on or after that date.
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