

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

1 | electronic monitoring equipment; providing  
2 | criminal penalties; providing applicability;  
3 | amending s. 948.09, F.S.; authorizing the  
4 | department to contract for collection of  
5 | electronic monitoring fees; providing an  
6 | effective date.

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8 | Be It Enacted by the Legislature of the State of Florida:  
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10 | Section 1. Subsection (6) is added to section 648.387,  
11 | Florida Statutes, to read:

12 | 648.387 Primary bail bond agents; duties.--

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

19 | 2. A vendor who provides electronic monitoring  
20 | services shall register with the clerk of the court in each  
21 | judicial circuit in which the vendor intends to provide such  
22 | services. At a minimum, the vendor shall provide the clerk  
23 | with the name of the vendor, the name of an individual  
24 | employed by the vendor who is to serve as a contact person for  
25 | the vendor, the address of the vendor, and the telephone  
26 | number of the contract person. Each clerk of the court may  
27 | establish an appropriate fee for registration, not to exceed  
28 | \$25.

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

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

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

19 a. Operate within a signal range of no less than 65  
20 feet but no greater than 150 feet under normal household  
21 conditions.

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

23 c. Possess signal content that identifies the offender  
24 and the offender's location.

25 d. Possess an internal power source that provides a  
26 minimum of 1 year of normal operation without need for  
27 recharging or replacing the power source, as well as signal  
28 content that indicates the power status of the transmitter and  
29 provides the vendor with notification of whether the power  
30 source needs to be recharged or replaced.

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

3 f. Possess encrypted signal content or another feature  
4 designed to discourage duplication.

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

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

11  
12 In addition, the transmitter must be capable of being attached  
13 to the defendant in a manner that readily reveals any efforts  
14 to tamper with or remove the transmitter upon visual  
15 inspection. Straps or other mechanisms for attaching the  
16 transmitter to the defendant must be either capable of being  
17 adjusted to fit a defendant of any size or made available in a  
18 variety of sizes.

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

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

7 Section 2. Section 903.0472, Florida Statutes, is  
8 created to read:

9 903.0472 Electronic monitoring.--

10 (1) The court may order the defendant to be released  
11 from custody subject to conditions of electronic monitoring,  
12 if such services are provided in its jurisdiction. The court  
13 may order the defendant to pay a reasonable fee for such  
14 services as a condition of pretrial release. The failure of  
15 the defendant to make timely payment of such fees constitutes  
16 a violation of pretrial release and grounds for the defendant  
17 to be remanded to the court or appropriate sheriff.

18 (2) Any entity that provides electronic monitoring  
19 services shall report forthwith any known violation of the  
20 defendant's pretrial release conditions to the appropriate  
21 court, sheriff, state attorney, and bail agent, if any.

22 (3) A defendant who has been released in accordance  
23 with the provisions of this section shall not alter, tamper  
24 with, damage, or destroy any electronic monitoring equipment.  
25 A person who violates this subsection commits a felony of the  
26 third degree, punishable as provided in s. 775.082, s.  
27 775.083, or 775.084.

28 (4) Nothing in this section shall be construed to  
29 limit any other provision of this chapter.

30 Section 3. Subsection (2) of section 948.09, Florida  
31 Statutes, is amended to read:

1           948.09 Payment for cost of supervision and  
2 rehabilitation.--

3           (2) Any person being electronically monitored by the  
4 department ~~as a result of placement on community control~~ shall  
5 be required to pay as a surcharge an amount that may not  
6 exceed the full cost of the monitoring service in addition to  
7 the cost of supervision fee as directed by the sentencing  
8 court. The department is authorized to contract with a private  
9 entity to provide services necessary to implement or  
10 facilitate the collection of this surcharge and to allow for  
11 payment of a reasonable fee for costs of collection from the  
12 proceeds. The surcharge, less the reasonable fee for costs of  
13 collection, shall be deposited in the Operating Trust Fund to  
14 be used by the department for purchasing and maintaining  
15 electronic monitoring devices.

16           Section 4. This act shall take effect October 1, 2004,  
17 and shall apply to offenses committed on or after that date.

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