

HB 0943

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A bill to be entitled
 An act relating to electronic monitoring services;
 amending s. 648.387, F.S.; authorizing bail bond agents to
 provide electronic monitoring of pretrial releasees;
 authorizing bail bond agents to contract with government
 entities to provide electronic monitoring services;
 authorizing such agents to assess and collect a fee for
 electronic monitoring services; providing that failure to
 make timely payment of fees constitutes grounds to remand;
 providing that the assessment and collection of such fee
 is exempt from regulation by the Department of Financial
 Services; creating s. 903.0472, F.S.; authorizing pretrial
 release subject to electronic monitoring; authorizing a
 fee for such services; providing that failure to make
 timely payment of electronic monitoring fees constitutes a
 violation of pretrial release conditions; providing that a
 violation of pretrial release conditions constitutes
 grounds to remand; requiring reporting of violations of
 pretrial release conditions; providing that it is a third
 degree felony for certain persons to alter, tamper with,
 damage, or destroy electronic monitoring equipment;
 providing criminal penalties; providing applicability;
 providing an effective date.

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

Section 1. Subsection (6) is added to section 648.387,
 Florida Statutes, to read:
 648.387 Primary bail bond agents; duties.--

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30 (6) A bail bond agent may provide electronic monitoring of
 31 any person who is released by the court in accordance with
 32 chapter 903, subject to conditions requiring electronic
 33 monitoring. A bail bond agent may contract with government
 34 entities to provide electronic monitoring services as a
 35 condition of bail or bond, independent of bail or bond, or under
 36 other conditions deemed appropriate by a court or sheriff. Bail
 37 bond agents are authorized to assess and collect a reasonable,
 38 nonrefundable fee for electronic monitoring services from the
 39 person who is subject to electronic monitoring. Failure to make
 40 timely payment of such fees constitutes grounds for the agent to
 41 remand such person to the court or sheriff. Assessment and
 42 collection of the fee shall be exempt from the provisions of s.
 43 648.26.

44 Section 2. Section 903.0472, Florida Statutes, is created
 45 to read:

46 903.0472 Electronic monitoring.--

47 (1) The court may order the defendant to be released from
 48 custody subject to conditions of electronic monitoring, if such
 49 services are provided in its jurisdiction. The court may order
 50 the defendant to pay a reasonable fee for such services as a
 51 condition of pretrial release. The failure of the defendant to
 52 make timely payment of such fees constitutes a violation of
 53 pretrial release and grounds for the defendant to be remanded to
 54 the court or appropriate sheriff.

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

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59 (3) A defendant who has been released in accordance with
60 the provisions of this section shall not alter, tamper with,
61 damage, or destroy any electronic monitoring equipment. A person
62 who violates this subsection commits a felony of the third
63 degree, punishable as provided in s. 775.082, s. 775.083, or
64 775.084.

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

67 Section 3. This act shall take effect October 1, 2004, and
68 shall apply to offenses committed on or after that date.