

CHAMBER ACTION

1 The Committee on Public Safety & Crime Prevention recommends the
2 following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to electronic monitoring services;
8 amending s. 648.387, F.S.; authorizing the chief judge of
9 each judicial circuit to approve vendors of electronic
10 monitoring services; authorizing bail bond agents to
11 contract with approved vendors to provide electronic
12 monitoring of pretrial releasees in certain circumstances;
13 authorizing bail bond agents to contract with government
14 entities to provide electronic monitoring services in
15 certain circumstances; authorizing such agents to assess
16 and collect a fee for electronic monitoring services;
17 providing that failure to make timely payment of fees
18 constitutes grounds to remand; providing that such fees
19 are exempt from regulation by the Department of Financial
20 Services; creating s. 903.0472, F.S.; authorizing pretrial
21 release subject to electronic monitoring; authorizing a
22 fee for such services; providing that failure to make
23 timely payment of electronic monitoring fees constitutes a

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24 violation of pretrial release conditions; providing that a
 25 violation of pretrial release conditions constitutes
 26 grounds to remand; requiring reporting of violations of
 27 pretrial release conditions; providing that it is a third
 28 degree felony for certain persons to alter, tamper with,
 29 damage, or destroy electronic monitoring equipment;
 30 providing criminal penalties; providing applicability;
 31 providing an effective date.

32
 33 Be It Enacted by the Legislature of the State of Florida:

34
 35 Section 1. Subsection (6) is added to section 648.387,
 36 Florida Statutes, to read:

37 648.387 Primary bail bond agents; duties.--

38 (6) Vendors providing electronic monitoring services shall
 39 be on an approved list by the chief judge of each judicial
 40 circuit. A bail bond agent may contract with a vendor of the
 41 bail bond agent's choice from the approved list to provide
 42 electronic monitoring of any person who is released by the court
 43 in accordance with chapter 903, subject to court-ordered
 44 conditions requiring electronic monitoring. A bail bond agent
 45 may contract with government entities to provide electronic
 46 monitoring services as a condition of bail or bond, independent
 47 of bail or bond, or under conditions ordered by the court. Bail
 48 bond agents are authorized to assess and collect a reasonable,
 49 nonrefundable fee for electronic monitoring services from the
 50 person who is subject to electronic monitoring. Failure to make
 51 timely payment of such fees constitutes grounds for the agent to

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52 remand such person to the court or sheriff. Fees associated with
 53 required electronic monitoring services are not considered part
 54 of the premium for bail bond and shall be exempt from the
 55 provisions of s. 648.26.

56 Section 2. Section 903.0472, Florida Statutes, is created
 57 to read:

58 903.0472 Electronic monitoring.--

59 (1) The court may order the defendant to be released from
 60 custody subject to conditions of electronic monitoring, if such
 61 services are provided in its jurisdiction. The court may order
 62 the defendant to pay a reasonable fee for such services as a
 63 condition of pretrial release. The failure of the defendant to
 64 make timely payment of such fees constitutes a violation of
 65 pretrial release and grounds for the defendant to be remanded to
 66 the court or appropriate sheriff.

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

71 (3) A defendant who has been released in accordance with
 72 the provisions of this section shall not alter, tamper with,
 73 damage, or destroy any electronic monitoring equipment. A person
 74 who violates this subsection commits a felony of the third
 75 degree, punishable as provided in s. 775.082, s. 775.083, or
 76 775.084.

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

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