

1                   A bill to be entitled  
 2           An act relating to electronic monitoring services;  
 3           amending s. 648.387, F.S.; authorizing bail bond agents to  
 4           provide electronic monitoring of pretrial releasees and to  
 5           assess and collect a fee for electronic monitoring  
 6           services; providing that failure to make timely payment of  
 7           the fee is grounds to remand; providing that the  
 8           assessment and collection of such fee is exempt from  
 9           regulation by the Department of Financial Services;  
 10          creating s. 903.0472, F.S.; authorizing pretrial release  
 11          subject to electronic monitoring and a fee for such  
 12          services; providing that failure to make timely payment of  
 13          fees violates pretrial release conditions; providing that  
 14          a violation of pretrial release conditions is grounds to  
 15          remand; requiring reporting of violations of pretrial  
 16          release conditions; prohibiting defendant's altering,  
 17          tampering with, damaging, or destroying electronic  
 18          monitoring equipment; providing criminal penalties;  
 19          providing applicability; providing an effective date.

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

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

25           648.387 Primary bail bond agents; duties.--

26           (6) A bail bond agent may provide electronic monitoring of  
 27 any person who is released by the court in accordance with  
 28 chapter 903, subject to conditions requiring electronic

29 monitoring. A bail bond agent may contract with government  
 30 entities to provide electronic monitoring services as a  
 31 condition of bail or bond, independent of bail or bond, or under  
 32 other conditions deemed appropriate by a court or sheriff. Bail  
 33 bond agents are authorized to assess and collect a reasonable,  
 34 nonrefundable fee for electronic monitoring services from the  
 35 person who is subject to electronic monitoring. Failure to make  
 36 timely payment of the fee is grounds for the agent to remand  
 37 such person to the court or sheriff. Assessment and collection  
 38 of the fee shall be exempt from the provisions of s. 648.26.

39 Section 2. Section 903.0472, Florida Statutes, is created  
 40 to read:

41 903.0472 Electronic monitoring.--

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

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

54 (3) A defendant who has been released in accordance with  
 55 this section shall not alter, tamper with, damage, or destroy  
 56 any electronic monitoring equipment. A person who violates this

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57 subsection commits a felony of the third degree, punishable as  
58 provided in s. 775.082, s. 775.083, or s. 775.084.

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

61 Section 3. This act shall take effect July 1, 2005, and  
62 shall apply to offenses committed on or after that date.