

Bill No. SB 450

Barcode 801880

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Wise) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 648.387, Florida Statutes, is amended to read:

648.387 Primary bail bond agents; duties; electronic monitoring services by licensed bail bond agents.--

(1) The owner or operator of a bail bond agency shall designate a primary bail bond agent for each location, and shall file with the department the name and license number of the person and the address of the location on a form approved by the department. The designation of the primary bail bond agent may be changed if the department is notified immediately. Failure to notify the department within 10 working days after such change is grounds for disciplinary action pursuant to s. 648.45.

(2) The primary bail bond agent is responsible for the

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1 overall operation and management of a bail bond agency  
 2 location, whose responsibilities may include, without  
 3 limitations, hiring and supervising of all individuals within  
 4 the location, whether they deal with the public in the  
 5 solicitation or negotiation of bail bond contracts or in the  
 6 collection or accounting of moneys. A person may be designated  
 7 as primary bail bond agent for only one location.

8 (3) The department may suspend or revoke the license  
 9 of the owner, operator, and primary bail bond agent if a bail  
 10 bond agency employs, contracts with, or uses the services of a  
 11 person who has had a license denied or whose license is  
 12 currently suspended or revoked. However, a person who has been  
 13 denied a license for failure to pass a required examination  
 14 may be employed to perform clerical or administrative  
 15 functions for which licensure is not required.

16 (4) An owner, operator, or primary agent may not  
 17 employ, contract with, or use the services of any person in a  
 18 bail bond agency who has been charged with, found guilty of,  
 19 or pled guilty or nolo contendere to a felony or a crime  
 20 punishable by imprisonment of 1 year or more under the law of  
 21 any jurisdiction, without regard to whether judgment was  
 22 entered or withheld by the court.

23 (5) A bail bond agency location may not conduct surety  
 24 business unless a primary bail bond agent is designated at all  
 25 times. The failure to designate a primary agent on a form  
 26 prescribed by the department, within 10 working days after an  
 27 agency's inception or a change of primary agent, is a  
 28 violation of this chapter, punishable as provided in s.  
 29 648.45.

30 (6)(a) A licensed bail bond agent who meets the  
 31 requirements of s. 907.07 may be a vendor of electronic

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1 monitoring services. A licensed bail bond agent may also  
2 subcontract for such services with a third-party vendor of the  
3 bail bond agent's choice provided the licensed bail bond agent  
4 can certify that the equipment and services rendered by such  
5 third-party vendor on the bail bond agent's behalf meet the  
6 requirements of s. 907.07 for monitoring of a defendant for  
7 whom the bail bond agent has provided a criminal surety bail  
8 bond. A licensed bail bond agent who meets the requirements of  
9 s. 907.07 may additionally register with a governmental entity  
10 to provide electronic monitoring services when monitoring has  
11 been ordered by a court.

12 (b) A licensed bail bond agent may charge a  
13 reasonable, nonrefundable fee for electronic monitoring  
14 services from a person who is subject to electronic  
15 monitoring. Failure to timely pay such fees constitutes  
16 grounds for the agent to remand such person to the court or  
17 sheriff. Fees charged by a bail bond agent associated with  
18 required electronic monitoring services are not considered  
19 part of the bail bond premium and are exempt from the  
20 provisions of s. 648.33.

21 (c) Records and receipts for electronic monitoring  
22 provided by a licensed bail bond agent shall be kept separate  
23 and apart from bail bond records.

24 Section 2. Section 907.06, Florida Statutes, is  
25 created to read:

26 907.06 Electronic monitoring.--

27 (1) The court may order a defendant who has been  
28 charged with a forcible felony, as defined in s. 776.08, or a  
29 sex-related offense, or who has been charged with any crime  
30 and who has been previously convicted of a forcible felony or  
31 a sex-related offense, to be released from custody on a surety

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1 bond subject to conditions that include, without limitation,  
2 electronic monitoring, if electronic monitoring is available  
3 in the jurisdiction. For purposes of this section, the term  
4 "sex-related offense" includes any of the offenses contained  
5 in s. 943.0435(1)(a)1.

6 (2) A defendant required to submit to electronic  
7 monitoring shall pay a reasonable fee for equipment use and  
8 monitoring as an additional condition of pretrial release. The  
9 failure of the defendant to timely pay such fees constitutes a  
10 violation of pretrial release and grounds for the defendant to  
11 be remanded to the court or appropriate sheriff or law  
12 enforcement agency.

13 (3) Electronic monitoring shall include the provision  
14 of services to continuously receive and monitor the electronic  
15 signals from the transmitter worn by the defendant so as to be  
16 capable of identifying the defendant's geographic position at  
17 any time to within 9 meters using Global Positioning Satellite  
18 (GPS) technology, subject to the limitations related to the  
19 technology and to circumstances of force majeure. Such  
20 electronic monitoring services may be undertaken as a primary  
21 responsibility by a governmental entity or by a licensed bail  
22 bond agent who may provide both bail bond services and have  
23 primary responsibility or oversight for electronic monitoring  
24 services. A governmental entity or licensed bail bond agent  
25 may subcontract to a third-party vendor for electronic  
26 monitoring services, provided such third-party vendor complies  
27 with all provisions of this subsection and s. 907.08 and  
28 operates under the direction and control of the governmental  
29 entity or licensed bail bond agent with primary responsibility  
30 as the vendor for electronic monitoring. A governmental entity  
31 that elects to subcontract for electronic monitoring services

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1 shall be required to select such third-party vendor through a  
2 competitive bidding process.

3 (4)(a) Any person who provides electronic monitoring  
4 services shall report forthwith any known violation of the  
5 defendant's pretrial release conditions to the appropriate  
6 court, sheriff or law enforcement agency, state attorney, and  
7 licensed bail bond agent, if any.

8 (b)1. Notwithstanding paragraph (a), the provision of  
9 electronic monitoring services shall not be deemed to  
10 constitute an undertaking to protect members of the public  
11 from harm occasioned by a monitored person. The sole duty owed  
12 by a person who provides electronic monitoring is to give a  
13 law enforcement officer, upon request, an indication of the  
14 physical location of the monitored person at any point in  
15 time.

16 2. A person who provides electronic monitoring is not  
17 responsible to other persons for equipment failure or for the  
18 criminal acts of a monitored person. A provider of electronic  
19 monitoring services cannot control the activities of a  
20 monitored person. It is unreasonable for any member of the  
21 public to expect that a provider of electronic monitoring  
22 services will provide protection against harm occasioned by a  
23 monitored person.

24 (5) A defendant who has been released in accordance  
25 with this section shall not alter, tamper with, damage, or  
26 destroy any electronic monitoring equipment or data recorded  
27 by such equipment. A defendant who is notified of a  
28 malfunction in the equipment shall immediately cooperate with  
29 the vendor in restoring the equipment to proper functioning. A  
30 violation of this subsection constitutes a violation of  
31 pretrial release and grounds for the defendant to be remanded

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1 to the court or appropriate sheriff or law enforcement agency.

2 Section 3. Section 907.07, Florida Statutes, is  
3 created to read:

4 907.07 Vendor requirements for provision of electronic  
5 monitoring services; vendor registration and certification  
6 process.--

7 (1) This section shall not apply to electronic  
8 monitoring provided directly by the state, a county, or a  
9 sheriff.

10 (2) The chief judge of each judicial circuit shall  
11 maintain a list of all licensed bail bond agents who are  
12 eligible vendors of electronic monitoring in the circuit. For  
13 a licensed bail bond agent to be an eligible vendor, a  
14 licensed bail bond agent must register in accordance with this  
15 section as a vendor capable of providing electronic monitoring  
16 services as a primary provider or through a subcontractor in  
17 that judicial circuit. The chief judge shall place on such  
18 list of eligible vendors any licensed bail bond agent in this  
19 state who certifies in writing, as part of the vendor  
20 registration, that all electronic monitoring equipment and  
21 electronic monitoring services shall be operated and  
22 maintained in compliance with this section, and who agrees as  
23 part of such certification to comply with the terms of this  
24 section.

25 (3) Only a governmental entity, or a licensed bail  
26 bond agent who is included on a list of eligible vendors under  
27 subsection (2), shall be permitted to undertake primary  
28 responsibility as a vendor of electronic monitoring services  
29 in a judicial circuit of this state.

30 (4) A licensed bail bond agent shall agree to abide by  
31 the following minimum terms as a condition of being included

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1 on the list of eligible vendors of electronic monitoring in a  
2 given judicial circuit of this state:

3 (a) The vendor shall register in writing the name of  
4 the vendor, who must be a licensed bail bond agent in this  
5 state; the name of an individual employed by the vendor who is  
6 to serve as a contact person for the vendor; the address of  
7 the vendor; and the telephone number of the contact person.

8 (b) The vendor must initially certify as part of the  
9 registration, and must certify in writing at least annually  
10 thereafter on a date set by the chief judge, that all of the  
11 electronic monitoring devices used by the vendor and any of  
12 the vendor's subcontractors comply with the requirements for  
13 privately owned electronic monitoring devices in s. 907.08.

14 (5) A vendor shall promptly notify the chief judge of  
15 any changes in the vendor's registration information that is  
16 required under this section.

17 (6) Failure to comply with the registration or  
18 recertification requirements of this section shall be grounds  
19 for removal from any chief judge's list of eligible vendors  
20 for electronic monitoring.

21 (7) The chief judge, in his or her discretion, may  
22 also remove any registered vendor from the list of eligible  
23 vendors if the vendor:

24 (a) Fails to properly monitor any person that the  
25 vendor was required to monitor; or

26 (b) Charges a defendant a clearly excessive fee for  
27 use and monitoring of electronic monitoring equipment. Such  
28 fees shall be considered clearly excessive if the fees charged  
29 on a per diem basis are at least twice the average fee charged  
30 by other vendors on the eligible vendor list who provide  
31 comparable electronic monitoring equipment and services in

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1 that judicial circuit.

2 Section 4. Section 907.08, Florida Statutes, is  
3 created to read:

4 907.08 Standards for privately owned electronic  
5 monitoring devices.--A privately owned electronic monitoring  
6 device provided by a vendor must, at a minimum, meet the  
7 standards set forth in this section to be used for electronic  
8 monitoring of a person under s. 907.06. A device must:

9 (1) Be a transmitter unit that meets certification  
10 standards approved by the Federal Communications Commission.

11 (2) At the court's discretion, either:

12 (a) Emit signal content 24 hours per day that  
13 identifies the specific device being worn by the defendant and  
14 the defendant's physical location using Global Positioning  
15 Satellite (GPS) technology accurate to within 9 meters; or

16 (b) Receive signal content 24 hours per day,  
17 determining the defendant's physical location using Global  
18 Positioning Satellite (GPS) technology accurate to within 9  
19 meters, recording the defendant's physical locations  
20 throughout the day, and being capable of transmitting that  
21 record of locations to the vendor at least daily.

22 (3) With respect to a unit affixed to a defendant,  
23 possess an internal power source that provides a minimum of 1  
24 year of normal operation without recharging or replacing the  
25 power source. The device must emit signal content that  
26 indicates its power status and provides the vendor with  
27 notification of whether the power source needs to be recharged  
28 or replaced.

29 (4) Possess and emit signal content that indicates  
30 whether the transmitter has been subjected to tampering or  
31 removal.

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1       (5) Possess encrypted signal content or another  
2 feature designed to discourage duplication.

3       (6) Be of a design that is shock resistant,  
4 waterproof, and capable of reliable function under normal  
5 atmospheric and environmental conditions.

6       (7) Be capable of wear and use in a manner that does  
7 not pose a safety hazard or unduly restrict the activities of  
8 the defendant.

9       (8) Be capable of being attached to the defendant in a  
10 manner that readily reveals any efforts to tamper with or  
11 remove the transmitter upon visual inspection.

12       (9) Use straps or other mechanisms for attaching the  
13 transmitter to the defendant that are either capable of being  
14 adjusted to fit a defendant of any size or that are made  
15 available in a variety of sizes.

16       Section 5. Section 907.09, Florida Statutes, is  
17 created to read:

18       907.09 Offenses related to electronic monitoring  
19 devices.--

20       (1) It is illegal for any person to intentionally  
21 alter, tamper with, damage, or destroy any electronic  
22 monitoring equipment used for monitoring the location of a  
23 person pursuant to court order, unless such person is the  
24 owner of the equipment or an agent of the owner performing  
25 ordinary maintenance and repairs. A person who violates this  
26 subsection commits a felony of the third degree, punishable as  
27 provided in s. 775.082, s. 775.083, or s. 775.084.

28       (2) It is illegal for any person to develop, build,  
29 create, possess, or use any device that is intended to mimic,  
30 clone, interfere with, or jam the signal of an electronic  
31 monitoring device used to monitor the location of a person

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1 pursuant to court order. A person who violates this subsection  
2 commits a felony of the third degree, punishable as provided  
3 in s. 775.082, s. 775.083, or s. 775.084.

4 (3) A person may not intentionally alter, tamper with,  
5 damage, or destroy any data stored or transmitted by any  
6 electronic monitoring equipment used for monitoring the  
7 location of a person pursuant to court order with the intent  
8 to violate such court order or to conceal such a violation. A  
9 person who violates this subsection commits a felony of the  
10 third degree, punishable as provided in s. 775.082, s.  
11 775.083, or s. 775.084.

12 Section 6. Section 944.161, Florida Statutes, is  
13 created to read:

14 944.161 Electronic monitoring of inmates within  
15 correctional facilities.--

16 (1) The department is authorized and encouraged to  
17 employ electronic monitoring of inmates within its custody who  
18 are incarcerated within state and private correctional  
19 facilities.

20 (a) Electronic monitoring services must have the  
21 capability to continuously receive and monitor electronic  
22 signals from a transmitter worn by an inmate so as to  
23 continuously monitor the inmate in real time and identify the  
24 inmate's specific geographic position within the facility at  
25 any time. Such transmitters must update in at least 5-second  
26 intervals and monitor the inmate's geographical location to  
27 within at least a 10-foot radius of his or her actual location  
28 or to within a radius that is equal to the width of a  
29 facility's average size sleeping quarters, whichever is less,  
30 subject to the limitations relating to the state of the art of  
31 the technology used and to circumstances of force majeure.

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1       (b) Any electronic monitoring system employed shall  
2 also provide transmitters to be worn by department employees,  
3 employees of private-sector companies contracted to operate  
4 correctional facilities, and any visitors to correctional  
5 facilities who are provided access to areas that are  
6 designated for authorized personnel only. Such transmitters  
7 shall include a panic safety button and must have the  
8 capability to continuously receive and monitor electronic  
9 signals from a transmitter worn by an employee or visitor so  
10 as to continuously monitor employees and visitors in real time  
11 and identify their specific geographic positions at any time.  
12 Such transmitters must update in at least 5-second intervals  
13 and monitor employees and visitors to within a 10-foot radius  
14 of their actual location, subject to the limitations relating  
15 to the state of the art of the technology used and to  
16 circumstances of force majeure.

17       (c) Any electronic monitoring system employed shall  
18 also have the following technological and functional  
19 capabilities:

20           1. Be compatible with a commercially recognized  
21 wireless network access standard as designated by the  
22 department and have sufficient bandwidth to support additional  
23 wireless networking devices in order to increase the capacity  
24 for usage of the system by the correctional facility.

25           2. Be capable of issuing an alarm to an internal  
26 correctional monitoring station within 3 seconds after  
27 receiving a panic alert from an employee or visitor  
28 transmitter or within 3 seconds after violation of the  
29 established parameters for permissible movement of inmates,  
30 employees, and visitors within the facility.

31           3.a. Be capable of maintaining a historical storage

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1 capacity sufficient to store up to 6 months of complete  
 2 inmate, employee, and visitor tracking for purposes of  
 3 follow-up investigations and vendor contract auditing. The  
 4 system must be capable of recording for such purposes the  
 5 continuous uninterrupted movement of all monitored  
 6 individuals, including those in close proximity to any  
 7 selected individual, by specific position, not by area or  
 8 zone. Such historical information must also be capable of  
 9 being archived by means of electronic data transfer to a  
 10 permanent storage medium designated as acceptable by the  
 11 department.

12 b. In addition, data collected from each facility each  
 13 day shall be electronically transmitted to an offsite central  
 14 clearinghouse designated by the department where the data  
 15 shall be maintained in a secure storage location in a  
 16 permanent storage medium designated as acceptable by the  
 17 department as a supplemental backup in order to protect the  
 18 archived data from alteration and to prevent loss due to  
 19 disaster or other cause.

20 4. With respect to a unit affixed to an inmate, be  
 21 capable of possessing an internal power source that is field  
 22 rechargeable or that provides a minimum of 1 year of normal  
 23 operation without need for recharging or replacing the power  
 24 source. Batteries used in units must be replaceable by  
 25 correctional employees. The device must emit signal content  
 26 that indicates the power status of the transmitter and  
 27 provides the correctional facility monitoring station with  
 28 notification of whether the power source needs to be recharged  
 29 or replaced.

30 5. Possess and emit signal content that indicates  
 31 whether the transmitter has been subjected to tampering or

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1 removal.

2 6. Possess encrypted signal content or another feature  
3 designed to discourage duplication.

4 7. Be of a design that is shock resistant, waterproof,  
5 and capable of reliable function under normal atmospheric and  
6 environmental conditions.

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

10 9. Be capable of being attached to the inmate in a  
11 manner that readily reveals any efforts to tamper with or  
12 remove the transmitter upon visual inspection.

13 10. Either posses straps or other mechanisms for  
14 attaching the transmitter to the inmate which are capable of  
15 being adjusted to fit an inmate of any size or must be made  
16 available in a variety of sizes.

17 11. Be designed and constructed in such a way as to  
18 resist tampering with or removal by the inmate.

19 12. Provide a backup power source in the event of a  
20 power failure.

21 (2) A person may not intentionally alter, tamper with,  
22 damage, or destroy any electronic monitoring equipment used to  
23 monitor the location of a person within a correctional  
24 facility, unless the person is the owner of the equipment or  
25 an agent of the owner performing ordinary maintenance and  
26 repairs. A person who violates this subsection commits a  
27 felony of the third degree, punishable as provided in s.  
28 775.082, s. 775.083, or s. 775.084.

29 (3) A person may not develop, build, create, possess,  
30 or use any device that is intended to mimic, clone, interfere  
31 with, or jam the signal of an electronic monitoring device

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1 used to monitor the location of a person within a correctional  
 2 facility. A person who violates this subsection commits a  
 3 felony of the third degree, punishable as provided in s.  
 4 775.082, s. 775.083, or s. 775.084.

5 (4) A person may not intentionally alter, tamper with,  
 6 damage, or destroy any data stored pursuant to subparagraph  
 7 (1)(c)3. unless done so with written permission from an  
 8 authorized official of the department or in compliance with a  
 9 data-retention policy of the department adopted by rule. A  
 10 person who violates this subsection commits a felony of the  
 11 third degree, punishable as provided in s. 775.082, s.  
 12 775.083, or s. 775.084.

13 (5) The department is authorized to adopt rules  
 14 pursuant to ss. 120.536(1) and 120.54 to implement the  
 15 provisions of this section.

16 Section 7. Section 985.4047, Florida Statutes, is  
 17 created to read:

18 985.4047 Electronic monitoring of juvenile offenders  
 19 within juvenile facilities.--

20 (1) The department is authorized and encouraged to  
 21 employ electronic monitoring of juvenile offenders within its  
 22 custody who are incarcerated within state and private juvenile  
 23 offender facilities for the purpose of reducing offender on  
 24 offender violence and reducing employee sexual misconduct as  
 25 defined in s. 985.4045.

26 (a) Electronic monitoring services must have the  
 27 capability to continuously receive and monitor electronic  
 28 signals from a transmitter worn by a juvenile offender so as  
 29 to continuously monitor an offender in real time and identify  
 30 at any time the offender's specific geographic position within  
 31 the facility. Such transmitters must update in at least

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1 5-second intervals and monitor the offender's geographical  
 2 location to within at least a 10-foot radius of his or her  
 3 actual location or to within a radius that is equal to the  
 4 width of a facility's average size sleeping quarters,  
 5 whichever is less, subject to the limitations relating to the  
 6 state of the art of the technology used and to circumstances  
 7 of force majeure.

8 (b) Any electronic monitoring system employed shall  
 9 also provide transmitters to be worn by department employees,  
 10 employees of private-sector companies contracted to operate  
 11 juvenile facilities, and any visitors to juvenile facilities  
 12 who are provided access to areas that are designated for  
 13 authorized personnel only. Such transmitters shall include a  
 14 panic button and must have the capability to continuously  
 15 receive and monitor electronic signals from a transmitter worn  
 16 by an employee or visitor so as to continuously monitor  
 17 employees and visitors in real time and identify their  
 18 specific geographic positions at any time. Such transmitters  
 19 must update in at least 5-second intervals and monitor  
 20 employees and visitors to within a 10-foot radius of their  
 21 actual location, subject to the limitations relating to the  
 22 state of the art of the technology used and to circumstances  
 23 of force majeure.

24 (c) Any electronic monitoring system employed shall  
 25 also:

26 1. Be compatible with a commercially recognized  
 27 wireless network access standard as designated by the  
 28 department and have sufficient bandwidth to support additional  
 29 wireless networking devices in order to increase the capacity  
 30 for usage of the system by the facility.

31 2. Be capable of issuing an alarm to an internal

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1 facility monitoring station within 3 seconds after receiving a  
 2 panic alert from an employee or visitor transmitter or within  
 3 3 seconds after violation of the established parameters for  
 4 permissible movement of offenders, employees, and visitors  
 5 within the facility.

6       3.a. Be capable of maintaining a historical storage  
 7 capacity sufficient to store up to 6 months of complete  
 8 offender, employee, and visitor tracking for purposes of  
 9 follow-up investigations and vendor contract auditing. The  
 10 system must be capable of recording for such purposes the  
 11 continuous uninterrupted movement of all monitored  
 12 individuals, including those in close proximity to any  
 13 selected individual, by specific position, not by area or  
 14 zone. Such historical information must also be capable of  
 15 being archived by means of electronic data transfer to a  
 16 permanent storage medium designated as acceptable by the  
 17 department.

18       b. In addition, data collected from each facility each  
 19 day shall be electronically transmitted to an offsite central  
 20 clearinghouse designated by the department where the data  
 21 shall be maintained in a secure storage location in a  
 22 permanent storage medium designated as acceptable by the  
 23 department as a supplemental backup in order to protect the  
 24 archived data from alteration and to prevent loss due to  
 25 disaster or other cause.

26       4. With respect to a unit affixed to an offender, be  
 27 capable of possessing an internal power source that is field  
 28 rechargeable or that provides a minimum of 1 year of normal  
 29 operation without need for recharging or replacing the power  
 30 source and batteries must be replaceable by facility  
 31 employees. The device must emit signal content that indicates

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1 the power status of the transmitter and provides the facility  
2 monitoring station with notification of whether the power  
3 source needs to be recharged or replaced.

4 5. Possess and emit signal content that indicates  
5 whether the transmitter has been subjected to tampering or  
6 removal.

7 6. Possess encrypted signal content or another feature  
8 designed to discourage duplication.

9 7. Be of a design that is shock resistant, waterproof,  
10 and capable of reliable function under normal atmospheric and  
11 environmental conditions.

12 8. Be capable of wear and use in a manner that does  
13 not pose a safety hazard or unduly restrict the activities of  
14 the offender.

15 9. Be capable of being attached to the offender in a  
16 manner that readily reveals any efforts to tamper with or  
17 remove the transmitter upon visual inspection.

18 10. Either possess straps or other mechanisms for  
19 attaching the transmitter to the offender which are capable of  
20 being adjusted to fit an offender of any size or must be made  
21 available in a variety of sizes.

22 11. Be designed and constructed in such a way as to  
23 resist tampering with or removal by the offender.

24 12. Provide a backup power source in the event of a  
25 power failure.

26 (2) A person may not intentionally alter, tamper with,  
27 damage, or destroy any electronic monitoring equipment used to  
28 monitor the location of a person within a juvenile facility,  
29 unless the person is the owner of the equipment or an agent of  
30 the owner performing ordinary maintenance and repairs. A  
31 person who violates this subsection commits a felony of the

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1 third degree, punishable as provided in s. 775.082, s.  
2 775.083, or s. 775.084.

3 (3) A person may not develop, build, create, possess,  
4 or use any device that is intended to mimic, clone, interfere  
5 with, or jam the signal of an electronic monitoring device  
6 used to monitor the location of a person within a juvenile  
7 facility. A person who violates this subsection commits a  
8 felony of the third degree, punishable as provided in s.  
9 775.082, s. 775.083, or s. 775.084.

10 (4) A person may not intentionally alter, tamper with,  
11 damage, or destroy any data stored pursuant to subparagraph  
12 (1)(c)3. unless done so with written permission from an  
13 authorized official of the department or in compliance with a  
14 data-retention policy of the department adopted by rule. A  
15 person who violates this subsection commits a felony of the  
16 third degree, punishable as provided in s. 775.082, s.  
17 775.083, or s. 775.084.

18 (5) The department is authorized to adopt rules  
19 pursuant to ss. 120.536(1) and 120.54 to implement the  
20 provisions of this section.

21 Section 8. This act shall take effect October 1, 2006.

22  
23

24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Delete everything before the enacting clause

27

28 and insert:

29 A bill to be entitled

30 An act relating to electronic monitoring;

31 amending s. 648.387, F.S.; authorizing bail

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1 bond agents to be vendors of electronic  
2 monitoring services; authorizing bail bond  
3 agents to contract with third-party vendors to  
4 provide electronic monitoring of pretrial  
5 releasees in certain circumstances; authorizing  
6 bail bond agents to register with a  
7 governmental entity to provide electronic  
8 monitoring services in certain circumstances;  
9 authorizing such agents to collect a fee for  
10 electronic monitoring services; providing that  
11 failure to timely pay fees constitutes grounds  
12 to remand; providing that such fees are exempt  
13 from specified premium requirements; creating  
14 s. 907.06, F.S.; providing for electronic  
15 monitoring of certain persons on pretrial  
16 release; requiring the monitored person to pay  
17 fees; providing that provision of electronic  
18 monitoring equipment and services is not an  
19 undertaking to protect members of the public  
20 from harm occasioned by a monitored person;  
21 prohibiting a person being monitored from  
22 tampering with monitoring equipment; creating  
23 s. 907.07, F.S.; requiring the chief judge of  
24 each circuit to maintain a list of licensed  
25 bail bond agents who are eligible private  
26 vendors for provision of electronic monitoring  
27 services; requiring registration of such  
28 vendors and certification of electronic  
29 monitoring devices; providing grounds for  
30 removal from the list; creating s. 907.08,  
31 F.S.; providing standards for privately owned

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1           electronic monitoring devices; creating s.  
2           907.09, F.S.; providing criminal penalties for  
3           tampering with electronic monitoring devices;  
4           providing criminal penalties for cloning or  
5           jamming the signal of an electronic monitoring  
6           device; providing criminal penalties for the  
7           alteration or destruction of data stored or  
8           transmitted by an electronic monitoring device  
9           with specified intent; creating ss. 944.161 and  
10          985.4047, F.S.; providing for electronic  
11          monitoring of inmates within correctional  
12          facilities and juvenile offenders within  
13          juvenile facilities, respectively; requiring  
14          such monitoring of certain employees and  
15          visitors to such facilities; providing system  
16          requirements; prohibiting specified actions  
17          relating to such monitoring systems and data  
18          from such systems; providing penalties;  
19          providing rulemaking authority; providing an  
20          effective date.

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