

1 A bill to be entitled

2 An act relating to electronic monitoring; amending s.
3 648.387, F.S.; authorizing bail bond agents to be vendors
4 of electronic monitoring services; authorizing bail bond
5 agents to contract with third-party vendors to provide
6 electronic monitoring of pretrial releasees in certain
7 circumstances; authorizing bail bond agents to register
8 with a governmental entity to provide electronic
9 monitoring services in certain circumstances; authorizing
10 such agents to collect a fee for electronic monitoring
11 services; providing that failure to timely pay fees
12 constitutes grounds to remand; providing that such fees
13 are exempt from specified premium requirements; creating
14 s. 903.135, F.S.; authorizing issuance of a probation
15 appearance bond for certain offenders; authorizing
16 electronic monitoring of a person subject to a probation
17 appearance bond; providing procedures for revocation of
18 the bond; providing application; creating s. 907.06, F.S.;
19 providing for electronic monitoring of persons on pretrial
20 release; requiring the monitored person to pay fees;
21 providing that provision of electronic monitoring
22 equipment and services is not an undertaking to protect
23 members of the public from harm occasioned by a monitored
24 person; prohibiting a person being monitored from
25 tampering with monitoring equipment; creating s. 907.07,
26 F.S.; requiring the chief judge of each circuit to
27 maintain a list of eligible private vendors for provision
28 of electronic monitoring services; requiring registration

29 of such vendors and certification of electronic monitoring
30 devices; providing grounds for removal from the list;
31 creating s. 907.08, F.S.; providing standards for
32 privately owned electronic monitoring devices; creating s.
33 907.09, F.S.; providing criminal penalties for tampering
34 with electronic monitoring devices; providing criminal
35 penalties for cloning the signal of an electronic
36 monitoring device; providing criminal penalties for the
37 alteration or destruction of data stored or transmitted by
38 an electronic monitoring device with specified intent;
39 amending s. 948.039, F.S.; allowing a court to require a
40 probation appearance bond as a condition of probation or
41 community control for certain offenses; authorizing the
42 bond to include the condition of electronic monitoring and
43 requiring the offender to pay the reasonable cost of such
44 monitoring; amending s. 948.11, F.S.; allowing private
45 vendors to provide electronic monitoring of offenders
46 subject to community control or probation for violent
47 felonies and sex-related offenses; requiring the offender
48 to pay the cost of such monitoring to the vendor;
49 requiring the vendor to report noncompliance; providing
50 that noncompliance is a violation of probation or
51 community control; creating ss. 944.161 and 985.4047,
52 F.S.; providing for electronic monitoring of inmates
53 within correctional facilities and juvenile offenders
54 within juvenile facilities, respectively; requiring such
55 monitoring of certain employees and visitors to such
56 facilities; providing system requirements; prohibiting

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57 specified actions relating to such monitoring systems and
58 data from such systems; providing penalties; providing
59 rulemaking authority; providing an effective date.
60

61 Be It Enacted by the Legislature of the State of Florida:
62

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

65 648.387 Primary bail bond agents; duties; electronic
66 monitoring services by licensed bail bond agents.--

67 (6) (a) A licensed bail bond agent may be a vendor of
68 electronic monitoring services. A licensed bail bond agent may
69 also subcontract for such services with a third-party vendor of
70 the bail bond agent's choice provided the licensed bail bond
71 agent can certify that the equipment and services rendered by
72 such third-party vendor on the bail bond agent's behalf meet the
73 requirements of s. 907.07 for monitoring of a defendant for whom
74 the bail bond agent has provided a criminal surety bail bond. A
75 licensed bail bond agent may additionally register with a
76 governmental entity to provide electronic monitoring services
77 when monitoring has been ordered by a court if the electronic
78 monitoring devices meet the requirements of s. 907.07.

79 (b) A licensed bail bond agent may charge a reasonable,
80 nonrefundable fee for electronic monitoring services from a
81 person who is subject to electronic monitoring. Failure to
82 timely pay such fees constitutes grounds for the agent to remand
83 such person to the court or sheriff. Fees charged by a bail bond
84 agent associated with required electronic monitoring services

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85 are not considered part of the bail bond premium and shall be
86 exempt from the provisions of s. 648.33.

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

90 Section 2. Section 903.135, Florida Statutes, is created
91 to read:

92 903.135 Probation appearance bond.--As a condition of
93 probation, community control, or any other court-ordered
94 community supervision for a violent felony or sex-related
95 offense authorized pursuant to chapter 948, the court may order
96 the posting of a surety bond to secure the appearance of the
97 defendant at any subsequent court proceeding. Such bond may
98 include a condition that the defendant be placed on an
99 electronic monitoring device and be subject to electronic
100 monitoring services, in a like manner and under like conditions
101 as set forth in s. 907.06. The appearance bond shall be filed by
102 a licensed bail bond agent with the sheriff who shall provide a
103 copy to the clerk of the court. Upon 72 hours' notice by the
104 clerk of court, the licensed bail bond agent shall produce the
105 person on probation, community control, or other court-ordered
106 community supervision to the court. The licensed bail bond agent
107 shall surrender to the sheriff a person on probation, community
108 control, or court-ordered community supervision upon notice by
109 the probation officer that the person has violated the terms of
110 probation, community control, or court-ordered community
111 supervision. Under this section, notice shall be in writing or
112 by electronic data transmission. If the licensed bail bond agent

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113 fails to produce the defendant in the court at the time noticed
114 by the court or the clerk of court, the bond shall be estreated
115 and forfeited according to the procedures set forth in this
116 chapter. Failure to appear shall be the sole grounds for
117 forfeiture and estreatment of the appearance bond. Where not
118 inconsistent with this section, this chapter and chapter 648
119 shall regulate the relationship between the bail bond agent and
120 the probationer.

121 Section 3. Section 907.06, Florida Statutes, is created to
122 read:

123 907.06 Electronic monitoring.--

124 (1) The court may order a defendant who has been charged
125 with a violent felony or sex-related offense, or who has been
126 charged with any crime and who has been previously convicted of
127 a violent felony or sex-related offense, to be released from
128 custody on a surety bond subject to conditions that include,
129 without limitation, electronic monitoring, if electronic
130 monitoring is available in the jurisdiction. This section also
131 applies to persons subject to electronic monitoring pursuant to
132 s. 903.135.

133 (2) A defendant required to submit to electronic
134 monitoring shall pay a reasonable fee for equipment use and
135 monitoring as an additional condition of pretrial release. The
136 failure of the defendant to timely pay such fees constitutes a
137 violation of pretrial release and grounds for the defendant to
138 be remanded to the court or appropriate sheriff or law
139 enforcement agency.

140 (3) Electronic monitoring shall include the provision of

141 services to continuously receive and monitor the electronic
142 signals from the transmitter worn by the defendant so as to be
143 capable of identifying the defendant's geographic position at
144 any time to within 9 meters using Global Positioning Satellite
145 (GPS) technology, subject to the limitations related to the
146 technology and to circumstances of force majeure. Such
147 electronic monitoring services may be undertaken as a primary
148 responsibility by a governmental entity or by a licensed bail
149 bond agent who may provide both bail bond services and have
150 primary responsibility or oversight for electronic monitoring
151 services. A governmental entity or licensed bail bond agent may
152 subcontract to a third-party vendor for electronic monitoring
153 services provided such third-party vendor complies with all
154 provisions of this subsection and s. 907.08, and operates under
155 the direction and control of the governmental entity or licensed
156 bail bond agent with primary responsibility as the vendor for
157 electronic monitoring. A governmental entity that elects to
158 subcontract for electronic monitoring services shall be required
159 to select such third-party vendor through a competitive bidding
160 process.

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

166 (b)1. Notwithstanding paragraph (a), the provision of
167 electronic monitoring services shall not be deemed to constitute
168 an undertaking to protect members of the public from harm

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169 occasioned by a monitored person. The sole duty owed by a person
170 who provides electronic monitoring is to give a law enforcement
171 officer, upon request, an indication of the physical location of
172 the monitored person at any point in time.

173 2. A person who provides electronic monitoring is not
174 responsible to other persons for equipment failure or for the
175 criminal acts of a monitored person. A provider of electronic
176 monitoring services cannot control the activities of a monitored
177 person. It is unreasonable for any member of the public to
178 expect that a provider of electronic monitoring services will
179 provide protection against harm occasioned by a monitored
180 person.

181 (5) A defendant who has been released in accordance with
182 this section shall not alter, tamper with, damage, or destroy
183 any electronic monitoring equipment or data recorded by such
184 equipment. A defendant who is notified of a malfunction in the
185 equipment shall immediately cooperate with the vendor in
186 restoring the equipment to proper functioning. A violation of
187 this subsection constitutes a violation of pretrial release and
188 grounds for the defendant to be remanded to the court or
189 appropriate sheriff or law enforcement agency.

190 Section 4. Section 907.07, Florida Statutes, is created to
191 read:

192 907.07 Vendor requirements for provision of electronic
193 monitoring services; vendor registration and certification
194 process.--

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

197 (2) The chief judge of each judicial circuit shall
198 maintain a list of all eligible vendors of electronic monitoring
199 in the circuit. To be an eligible vendor, a person must be a
200 licensed bail bond agent in this state who has registered in
201 accordance with this section as a vendor capable of providing
202 electronic monitoring services in that judicial circuit. The
203 chief judge shall place on such list of eligible vendors any
204 licensed bail bond agent in this state who certifies in writing,
205 as part of the vendor registration, that all electronic
206 monitoring equipment and electronic monitoring services shall be
207 operated and maintained in compliance with this section, and who
208 agrees as part of such certification to comply with the terms of
209 this section.

210 (3) Only a governmental entity or a licensed bail bond
211 agent who is included on a list of eligible vendors under
212 subsection (2) shall be permitted to undertake primary
213 responsibility as a vendor of electronic monitoring services in
214 a judicial circuit of this state.

215 (4) A licensed bail bond agent shall agree to abide by the
216 following minimum terms as a condition of being included on the
217 list of eligible vendors of electronic monitoring in a given
218 judicial circuit of this state:

219 (a) The vendor shall register in writing the name of the
220 vendor, who must be a licensed bail bond agent in this state;
221 the name of an individual employed by the vendor who is to serve
222 as a contact person for the vendor; the address of the vendor;
223 and the telephone number of the contact person.

224 (b) The vendor must initially certify as part of the

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225 registration, and must certify in writing at least annually
226 thereafter on a date set by the chief judge, that all of the
227 electronic monitoring devices used by the vendor and any of the
228 vendor's subcontractors comply with the requirements for
229 privately owned electronic monitoring devices in s. 907.08.

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

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

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

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

242 (b) Charges a defendant a clearly excessive fee for use
243 and monitoring of electronic monitoring equipment. Such fees
244 shall be considered clearly excessive if the fees charged on a
245 per diem basis are at least twice the average fee charged by
246 other vendors on the eligible vendor list who provide comparable
247 electronic monitoring equipment and services in that judicial
248 circuit.

249 Section 5. Section 907.08, Florida Statutes, is created to
250 read:

251 907.08 Standards for privately owned electronic monitoring
252 devices.--A privately owned electronic monitoring device

253 provided by a vendor must, at a minimum, meet the standards set
254 forth in this section to be used for electronic monitoring of a
255 person under s. 907.06 or s. 903.135. A device must:

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

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

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

263 (b) Receive signal content 24 hours per day, determining
264 the defendant's physical location using Global Positioning
265 Satellite (GPS) technology accurate to within 9 meters,
266 recording the defendant's physical locations throughout the day,
267 and being capable of transmitting that record of locations to
268 the vendor at least daily.

269 (3) A unit affixed to the defendant must possess an
270 internal power source that provides a minimum of 1 year of
271 normal operation without recharging or replacing the power
272 source. The device must emit signal content that indicates its
273 power status and provides the vendor with notification of
274 whether the power source needs to be recharged or replaced.

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

277 (5) Possess encrypted signal content or another feature
278 designed to discourage duplication.

279 (6) Be of a design that is shock resistant, waterproof,
280 and capable of reliable function under normal atmospheric and

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281 environmental conditions.

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

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

288 (9) Use straps or other mechanisms for attaching the
289 transmitter to the defendant that are either capable of being
290 adjusted to fit a defendant of any size or that are made
291 available in a variety of sizes.

292 Section 6. Section 907.09, Florida Statutes, is created to
293 read:

294 907.09 Offenses related to electronic monitoring
295 devices.--

296 (1) It is illegal for any person to intentionally alter,
297 tamper with, damage, or destroy any electronic monitoring
298 equipment used for monitoring the location of a person pursuant
299 to court order, unless such person is the owner of the equipment
300 or an agent of the owner performing ordinary maintenance and
301 repairs. A person who violates this subsection commits a felony
302 of the third degree, punishable as provided in s. 775.082, s.
303 775.083, or s. 775.084.

304 (2) It is illegal for any person to develop, build,
305 create, possess, or use any device that is intended to mimic,
306 clone, interfere with, or jam the signal of an electronic
307 monitoring device used to monitor the location of a person
308 pursuant to court order. A person who violates this subsection

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309 commits a felony of the second degree, punishable as provided in
310 s. 775.082, s. 775.083, or s. 775.084.

311 (3) A person may not intentionally alter, tamper with,
312 damage, or destroy any data stored or transmitted by any
313 electronic monitoring equipment used for monitoring the location
314 of a person pursuant to court order with the intent to violate
315 such court order or to conceal such a violation. A person who
316 violates this subsection commits a felony of the third degree,
317 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

318 Section 7. Subsection (3) is added to section 948.039,
319 Florida Statutes, to read:

320 948.039 Special terms and conditions of probation or
321 community control imposed by court order.--The court may
322 determine any special terms and conditions of probation or
323 community control. The terms and conditions should be reasonably
324 related to the circumstances of the offense committed and
325 appropriate for the offender. The court shall impose the special
326 terms and conditions by oral pronouncement at sentencing and
327 include the terms and conditions in the written sentencing
328 order. Special terms and conditions may include, but are not
329 limited to, requirements that the offender:

330 (3) Effective October 1, 2006, and applicable for violent
331 felonies and sex-related offenses committed on or after that
332 date, the court may order the posting of a probation bond
333 pursuant to s. 903.135 to secure the appearance of the offender
334 at any subsequent court proceeding. Such bond may include a
335 condition that the offender be placed on an electronic
336 monitoring device and be subject to electronic monitoring

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337 services, in a like manner and under like conditions as in s.
338 907.06. The offender shall be ordered to pay the reasonable cost
339 of the electronic monitoring service.

340 Section 8. Subsection (6) of section 948.11, Florida
341 Statutes, is amended to read:

342 948.11 Electronic monitoring devices.--

343 (6) Any offender sentenced to community control or
344 probation for a violent felony or sex-related offense and
345 required to submit to electronic monitoring pursuant to statute,
346 court order, or the discretion of the Department of Corrections
347 may be referred by the department to a vendor who has been
348 selected through a competitive bidding process for the provision
349 of electronic monitoring services, subject to the requirements
350 of s. 907.07. Notwithstanding subsection (5) and s. 948.09(2),
351 such offender shall be responsible for the cost of monitoring
352 and shall pay the cost directly to the vendor. A vendor shall
353 report noncompliance to the assigned probation officer or
354 community control officer pursuant to the procedures applicable
355 to the Department of Corrections under subsection (3). If an
356 offender fails to timely pay any cost related to electronic
357 monitoring services to the vendor, the vendor may file an
358 affidavit of nonpayment with the department and, upon receipt of
359 the affidavit, the department shall charge the offender with a
360 violation of the probation or community control ~~For~~
361 ~~probationers, community controllees, or conditional releasees~~
362 ~~who have current or prior convictions for violent or sexual~~
363 ~~offenses, the department, in carrying out a court or commission~~
364 ~~order to electronically monitor an offender, must use a system~~

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365 ~~that actively monitors and identifies the offender's location~~
366 ~~and timely reports or records the offender's presence near or~~
367 ~~within a crime scene or in a prohibited area or the offender's~~
368 ~~departure from specified geographic limitations. Procurement of~~
369 ~~electronic monitoring services under this subsection shall be by~~
370 ~~invitation to bid as defined in s. 287.057.~~

371 Section 9. Section 944.161, Florida Statutes, is created
372 to read:

373 944.161 Electronic monitoring of inmates within
374 correctional facilities.--

375 (1) The department is authorized and encouraged to employ
376 electronic monitoring of inmates within its custody who are
377 incarcerated within state and private correctional facilities.

378 (a) Electronic monitoring services must have the
379 capability to continuously receive and monitor electronic
380 signals from a transmitter worn by an inmate so as to
381 continuously monitor the inmate in real time and identify the
382 inmate's specific geographic position within the facility at any
383 time. Such transmitters must update in at least 5-second
384 intervals and monitor the inmate to within at least a 15-foot
385 radius of his or her actual location indoors using Radio
386 Frequency Identification (RFID) technology, subject to the
387 limitations relating to such technology and to circumstances of
388 force majeure.

389 (b) Any electronic monitoring system employed shall also
390 provide transmitters to be worn by department employees,
391 employees of private-sector companies contracted to operate
392 correctional facilities, and any visitors to correctional

393 facilities who are provided access to areas that are designated
394 for authorized personnel only. Such transmitters shall include a
395 panic safety button and must have the capability to continuously
396 receive and monitor electronic signals from a transmitter worn
397 by an employee or visitor so as to continuously monitor
398 employees and visitors in real time and identify their specific
399 geographic positions at any time. Such transmitters must update
400 in at least 5-second intervals and monitor employees and
401 visitors to within a 15-foot radius of their actual location
402 indoors using Radio Frequency Identification (RFID) technology,
403 subject to the limitations relating to such technology and to
404 circumstances of force majeure.

405 (c) Any RFID electronic monitoring system employed shall
406 also have the following technological and functional
407 capabilities:

408 1. Be compatible with a commercially recognized wireless
409 network access standard as designated by the department and have
410 sufficient bandwidth to support additional wireless networking
411 devices in order to increase the capacity for usage of the
412 system by the correctional facility.

413 2. Be capable of using an encrypted bar code label or
414 similar unique identification label with a unique ID that can be
415 used to track pharmaceuticals and meals administered to inmates,
416 act as a time clock for work details within a correctional
417 facility, record attendance in classes or other required
418 activities, and act as an auditor for vendor contract
419 compliance.

420 3. Be capable of issuing an alarm to an internal

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421 correctional monitoring station within 3 seconds after receiving
422 a panic alert from an employee or visitor transmitter or within
423 3 seconds after violation of the established parameters for
424 permissible movement of inmates, employees, and visitors within
425 the facility.

426 4.a. Be capable of maintaining a historical storage
427 capacity sufficient to store up to 6 months of complete inmate,
428 employee, and visitor tracking for purposes of followup
429 investigations and vendor contract auditing. The system must be
430 capable of recording for such purposes the continuous
431 uninterrupted movement of all monitored individuals, including
432 those in close proximity to any selected individual, by specific
433 position, not by area or zone. Such historical information must
434 also be capable of being archived by means of electronic data
435 transfer to a permanent storage medium designated as acceptable
436 by the department.

437 b. In addition, data collected from each facility each day
438 shall be electronically transmitted to an offsite central
439 clearinghouse designated by the department where the data shall
440 be maintained in a secure storage location in a permanent
441 storage medium designated as acceptable by the department as a
442 supplemental backup in order to protect the archived data from
443 alteration and to prevent loss due to disaster or other cause.

444 5. With respect to a unit affixed to an inmate, be capable
445 of possessing an internal power source that is field
446 rechargeable or that provides a minimum of 1 year of normal
447 operation without need for recharging or replacing the power
448 source. Batteries used in units must be replaceable by

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449 correctional employees. The device must emit signal content that
450 indicates the power status of the transmitter and provides the
451 correctional facility monitoring station with notification of
452 whether the power source needs to be recharged or replaced.

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

455 7. Possess encrypted signal content or another feature
456 designed to discourage duplication.

457 8. Be of a design that is shock resistant, waterproof, and
458 capable of reliable function under normal atmospheric and
459 environmental conditions.

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

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

466 11. Either posses straps or other mechanisms for attaching
467 the transmitter to the inmate which are capable of being
468 adjusted to fit an inmate of any size or must be made available
469 in a variety of sizes.

470 12. Be designed and constructed in such a way as to resist
471 tampering with or removal by the inmate.

472 13. Provide a backup power source in the event of a power
473 failure.

474 (2) A person may not intentionally alter, tamper with,
475 damage, or destroy any electronic monitoring equipment used to
476 monitor the location of a person within a correctional facility,

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477 unless the person is the owner of the equipment or an agent of
 478 the owner performing ordinary maintenance and repairs. A person
 479 who violates this subsection commits a felony of the third
 480 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 481 775.084.

482 (3) A person may not develop, build, create, possess, or
 483 use any device that is intended to mimic, clone, interfere with,
 484 or jam the signal of an electronic monitoring device used to
 485 monitor the location of a person within a correctional facility.
 486 A person who violates this subsection commits a felony of the
 487 third degree, punishable as provided in s. 775.082, s.
 488 775.083, or s. 775.084.

489 (4) A person may not intentionally alter, tamper with,
 490 damage, or destroy any data stored pursuant to subparagraph
 491 (1)(c)4. unless done so with written permission from an
 492 authorized official of the department or in compliance with a
 493 data-retention policy of the department adopted by rule. A
 494 person who violates this subsection commits a felony of the
 495 third degree, punishable as provided in s. 775.082, s. 775.083,
 496 or s. 775.084.

497 (5) The department is authorized to adopt rules pursuant
 498 to ss. 120.536(1) and 120.54 to implement the provisions of this
 499 section.

500 Section 10. Section 985.4047, Florida Statutes, is created
 501 to read:

502 985.4047 Electronic monitoring of juvenile offenders
 503 within juvenile facilities.--

504 (1) The department is authorized and encouraged to employ

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505 electronic monitoring of juvenile offenders within its custody
506 who are incarcerated within state and private juvenile offender
507 facilities for the purpose or reducing offender on offender
508 violence and reducing employee sexual misconduct as defined in
509 s. 985.4045.

510 (a) Electronic monitoring services must have the
511 capability to continuously receive and monitor electronic
512 signals from a transmitter worn by a juvenile offender so as to
513 continuously monitor an offender in real time and identify at
514 any time the offender's specific geographic position within the
515 facility. Such transmitters must update in at least 5-second
516 intervals and monitor the offender to within at least a 15-foot
517 radius of his or her actual location indoors using Radio
518 Frequency Identification (RFID) technology, subject to the
519 limitations relating to such technology and to circumstances of
520 force majeure.

521 (b) Any electronic monitoring system employed shall also
522 provide transmitters to be worn by department employees,
523 employees of private-sector companies contracted to operate
524 juvenile facilities, and any visitors to juvenile facilities who
525 are provided access to areas that are designated for authorized
526 personnel only. Such transmitters shall include a panic button
527 and must have the capability to continuously receive and monitor
528 electronic signals from a transmitter worn by an employee or
529 visitor so as to continuously monitor employees and visitors in
530 real time and identify their specific geographic positions at
531 any time. Such transmitters must update in at least 5-second
532 intervals and monitor employees and visitors to within a 15-foot

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533 radius of their actual location indoors using Radio Frequency
534 Identification (RFID) technology, subject to the limitations
535 relating to such technology and to circumstances of force
536 majeure.

537 (c) Any RFID electronic monitoring system employed shall
538 also:

539 1. Be compatible with a commercially recognized wireless
540 network access standard as designated by the department and have
541 sufficient bandwidth to support additional wireless networking
542 devices in order to increase the capacity for usage of the
543 system by the facility.

544 2. Be capable of using an encrypted bar code label or
545 similar unique identification label with a unique ID that can be
546 used to track pharmaceuticals and meals administered to
547 juveniles, record attendance in classes or other required
548 activities, and act as an auditor for vendor contract
549 compliance.

550 3. Be capable of issuing an alarm to an internal facility
551 monitoring station within 3 seconds after receiving a panic
552 alert from an employee or visitor transmitter or within 3
553 seconds after violation of the established parameters for
554 permissible movement of offenders, employees, and visitors
555 within the facility.

556 4.a. Be capable of maintaining a historical storage
557 capacity sufficient to store up to 6 months of complete
558 offender, employee, and visitor tracking for purposes of
559 followup investigations and vendor contract auditing. The system
560 must be capable of recording for such purposes the continuous

561 uninterrupted movement of all monitored individuals, including
562 those in close proximity to any selected individual, by specific
563 position, not by area or zone. Such historical information must
564 also be capable of being archived by means of electronic data
565 transfer to a permanent storage medium designated as acceptable
566 by the department.

567 b. In addition, data collected from each facility each day
568 shall be electronically transmitted to an offsite central
569 clearinghouse designated by the department where the data shall
570 be maintained in a secure storage location in a permanent
571 storage medium designated as acceptable by the department as a
572 supplemental backup in order to protect the archived data from
573 alteration and to prevent loss due to disaster or other cause.

574 5. With respect to a unit affixed to an offender, be
575 capable of possessing an internal power source that is field
576 rechargeable or that provides a minimum of 1 year of normal
577 operation without need for recharging or replacing the power
578 source and batteries must be replaceable by facility employees.
579 The device must emit signal content that indicates the power
580 status of the transmitter and provides the facility monitoring
581 station with notification of whether the power source needs to
582 be recharged or replaced.

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

585 7. Possess encrypted signal content or another feature
586 designed to discourage duplication.

587 8. Be of a design that is shock resistant, waterproof, and
588 capable of reliable function under normal atmospheric and

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589 environmental conditions.

590 9. Be capable of wear and use in a manner that does not
591 pose a safety hazard or unduly restrict the activities of the
592 offender.

593 10. Be capable of being attached to the offender in a
594 manner that readily reveals any efforts to tamper with or remove
595 the transmitter upon visual inspection.

596 11. Either possess straps or other mechanisms for
597 attaching the transmitter to the offender which are capable of
598 being adjusted to fit an offender of any size or must be made
599 available in a variety of sizes.

600 12. Be designed and constructed in such a way as to resist
601 tampering with or removal by the offender.

602 13. Provide a backup power source in the event of a power
603 failure.

604 (2) A person may not intentionally alter, tamper with,
605 damage, or destroy any electronic monitoring equipment used to
606 monitor the location of a person within a juvenile facility,
607 unless the person is the owner of the equipment or an agent of
608 the owner performing ordinary maintenance and repairs. A person
609 who violates this subsection commits a felony of the third
610 degree, punishable as provided in s. 775.082, s. 775.083, or s.
611 775.084.

612 (3) A person may not develop, build, create, possess, or
613 use any device that is intended to mimic, clone, interfere with,
614 or jam the signal of an electronic monitoring device used to
615 monitor the location of a person within a juvenile facility. A
616 person who violates this subsection commits a felony of the

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617 third degree, punishable as provided in s. 775.082, s. 775.083,
618 or s. 775.084.

619 (4) A person may not intentionally alter, tamper with,
620 damage, or destroy any data stored pursuant to subparagraph
621 (1)(c)4. unless done so with written permission from an
622 authorized official of the department or in compliance with a
623 data-retention policy of the department adopted by rule. A
624 person who violates this subsection commits a felony of the
625 third degree, punishable as provided in s. 775.082, s. 775.083,
626 or s. 775.084.

627 (5) The department is authorized to adopt rules pursuant
628 to ss. 120.536(1) and 120.54 to implement the provisions of this
629 section.

630 Section 11. This act shall take effect October 1, 2006.