

## CHAMBER ACTION

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1 The Criminal Justice Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to electronic monitoring; amending s.  
7 648.387, F.S.; authorizing bail bond agents to be vendors  
8 of electronic monitoring services; authorizing bail bond  
9 agents to contract with third-party vendors to provide  
10 electronic monitoring of pretrial releasees in certain  
11 circumstances; authorizing bail bond agents to register  
12 with a governmental entity to provide electronic  
13 monitoring services in certain circumstances; authorizing  
14 such agents to collect a fee for electronic monitoring  
15 services; providing that failure to timely pay fees  
16 constitutes grounds to remand; providing that such fees  
17 are exempt from specified premium requirements; creating  
18 s. 907.06, F.S.; providing for electronic monitoring of  
19 certain persons on pretrial release; requiring the  
20 monitored person to pay fees; providing that provision of  
21 electronic monitoring equipment and services is not an  
22 undertaking to protect members of the public from harm  
23 occasioned by a monitored person; prohibiting a person

HB 591

2006  
CS

24 | being monitored from tampering with monitoring equipment;  
25 | creating s. 907.07, F.S.; requiring the chief judge of  
26 | each circuit to maintain a list of licensed bail bond  
27 | agents who are eligible private vendors for provision of  
28 | electronic monitoring services; requiring registration of  
29 | 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 or jamming the signal of an  
36 | electronic monitoring device; providing criminal penalties  
37 | for the alteration or destruction of data stored or  
38 | transmitted by an electronic monitoring device with  
39 | specified intent; creating ss. 944.161 and 985.4047, F.S.;  
40 | providing for electronic monitoring of inmates within  
41 | correctional facilities and juvenile offenders within  
42 | juvenile facilities, respectively; requiring such  
43 | monitoring of certain employees and visitors to such  
44 | facilities; providing system requirements; prohibiting  
45 | specified actions relating to such monitoring systems and  
46 | data from such systems; providing penalties; providing  
47 | rulemaking authority; providing an effective date.

48 |  
49 | Be It Enacted by the Legislature of the State of Florida:  
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HB 591

2006  
CS

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

53 648.387 Primary bail bond agents; duties; electronic  
54 monitoring services by licensed bail bond agents.--

55 (6) (a) A licensed bail bond agent who meets the  
56 requirements of s. 907.07 may be a vendor of electronic  
57 monitoring services. A licensed bail bond agent may also  
58 subcontract for such services with a third-party vendor of the  
59 bail bond agent's choice provided the licensed bail bond agent  
60 can certify that the equipment and services rendered by such  
61 third-party vendor on the bail bond agent's behalf meet the  
62 requirements of s. 907.07 for monitoring of a defendant for whom  
63 the bail bond agent has provided a criminal surety bail bond. A  
64 licensed bail bond agent who meets the requirements of s. 907.07  
65 may additionally register with a governmental entity to provide  
66 electronic monitoring services when monitoring has been ordered  
67 by a court.

68 (b) A licensed bail bond agent may charge a reasonable,  
69 nonrefundable fee for electronic monitoring services from a  
70 person who is subject to electronic monitoring. Failure to  
71 timely pay such fees constitutes grounds for the agent to remand  
72 such person to the court or sheriff. Fees charged by a bail bond  
73 agent associated with required electronic monitoring services  
74 are not considered part of the bail bond premium and shall be  
75 exempt from the provisions of s. 648.33.

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

HB 591

2006  
CS

79 Section 2. Section 907.06, Florida Statutes, is created to  
80 read:

81 907.06 Electronic monitoring.--

82 (1) The court may order a defendant who has been charged  
83 with a forcible felony, as defined in s. 776.08, or a sex-  
84 related offense, or who has been charged with any crime and who  
85 has been previously convicted of a forcible felony or a sex-  
86 related offense, to be released from custody on a surety bond  
87 subject to conditions that include, without limitation,  
88 electronic monitoring, if electronic monitoring is available in  
89 the jurisdiction. For purposes of this section, the term "sex-  
90 related offense" includes any of the offenses contained in s.  
91 943.0435(1)(a)1.

92 (2) A defendant required to submit to electronic  
93 monitoring shall pay a reasonable fee for equipment use and  
94 monitoring as an additional condition of pretrial release. The  
95 failure of the defendant to timely pay such fees constitutes a  
96 violation of pretrial release and grounds for the defendant to  
97 be remanded to the court or appropriate sheriff or law  
98 enforcement agency.

99 (3) Electronic monitoring shall include the provision of  
100 services to continuously receive and monitor the electronic  
101 signals from the transmitter worn by the defendant so as to be  
102 capable of identifying the defendant's geographic position at  
103 any time to within 9 meters using Global Positioning Satellite  
104 (GPS) technology, subject to the limitations related to the  
105 technology and to circumstances of force majeure. Such  
106 electronic monitoring services may be undertaken as a primary

HB 591

2006  
CS

107 responsibility by a governmental entity or by a licensed bail  
108 bond agent who may provide both bail bond services and have  
109 primary responsibility or oversight for electronic monitoring  
110 services. A governmental entity or licensed bail bond agent may  
111 subcontract to a third-party vendor for electronic monitoring  
112 services, provided such third-party vendor complies with all  
113 provisions of this subsection and s. 907.08 and operates under  
114 the direction and control of the governmental entity or licensed  
115 bail bond agent with primary responsibility as the vendor for  
116 electronic monitoring. A governmental entity that elects to  
117 subcontract for electronic monitoring services shall be required  
118 to select such third-party vendor through a competitive bidding  
119 process.

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

125 (b)1. Notwithstanding paragraph (a), the provision of  
126 electronic monitoring services shall not be deemed to constitute  
127 an undertaking to protect members of the public from harm  
128 occasioned by a monitored person. The sole duty owed by a person  
129 who provides electronic monitoring is to give a law enforcement  
130 officer, upon request, an indication of the physical location of  
131 the monitored person at any point in time.

132 2. A person who provides electronic monitoring is not  
133 responsible to other persons for equipment failure or for the  
134 criminal acts of a monitored person. A provider of electronic

HB 591

2006  
CS

135 monitoring services cannot control the activities of a monitored  
136 person. It is unreasonable for any member of the public to  
137 expect that a provider of electronic monitoring services will  
138 provide protection against harm occasioned by a monitored  
139 person.

140 (5) A defendant who has been released in accordance with  
141 this section shall not alter, tamper with, damage, or destroy  
142 any electronic monitoring equipment or data recorded by such  
143 equipment. A defendant who is notified of a malfunction in the  
144 equipment shall immediately cooperate with the vendor in  
145 restoring the equipment to proper functioning. A violation of  
146 this subsection constitutes a violation of pretrial release and  
147 grounds for the defendant to be remanded to the court or  
148 appropriate sheriff or law enforcement agency.

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

151 907.07 Vendor requirements for provision of electronic  
152 monitoring services; vendor registration and certification  
153 process.--

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

156 (2) The chief judge of each judicial circuit shall  
157 maintain a list of all licensed bail bond agents who are  
158 eligible vendors of electronic monitoring in the circuit. For a  
159 licensed bail bond agent to be an eligible vendor, a licensed  
160 bail bond agent must register in accordance with this section as  
161 a vendor capable of providing electronic monitoring services as  
162 a primary provider or through a subcontractor in that judicial

HB 591

2006  
CS

163 circuit. The chief judge shall place on such list of eligible  
164 vendors any licensed bail bond agent in this state who certifies  
165 in writing, as part of the vendor registration, that all  
166 electronic monitoring equipment and electronic monitoring  
167 services shall be operated and maintained in compliance with  
168 this section, and who agrees as part of such certification to  
169 comply with the terms of this section.

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

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

179 (a) The vendor shall register in writing the name of the  
180 vendor, who must be a licensed bail bond agent in this state;  
181 the name of an individual employed by the vendor who is to serve  
182 as a contact person for the vendor; the address of the vendor;  
183 and the telephone number of the contact person.

184 (b) The vendor must initially certify as part of the  
185 registration, and must certify in writing at least annually  
186 thereafter on a date set by the chief judge, that all of the  
187 electronic monitoring devices used by the vendor and any of the  
188 vendor's subcontractors comply with the requirements for  
189 privately owned electronic monitoring devices in s. 907.08.

HB 591

2006  
CS

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

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

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

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

202       (b) Charges a defendant a clearly excessive fee for use  
203 and monitoring of electronic monitoring equipment. Such fees  
204 shall be considered clearly excessive if the fees charged on a  
205 per diem basis are at least twice the average fee charged by  
206 other vendors on the eligible vendor list who provide comparable  
207 electronic monitoring equipment and services in that judicial  
208 circuit.

209       Section 4. Section 907.08, Florida Statutes, is created to  
210 read:

211       907.08 Standards for privately owned electronic monitoring  
212 devices.--A privately owned electronic monitoring device  
213 provided by a vendor must, at a minimum, meet the standards set  
214 forth in this section to be used for electronic monitoring of a  
215 person under s. 907.06. A device must:

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



HB 591

2006  
CS

- 218        (2) At the court's discretion, either:
- 219        (a) Emit signal content 24 hours per day that identifies  
220 the specific device being worn by the defendant and the  
221 defendant's physical location using Global Positioning Satellite  
222 (GPS) technology accurate to within 9 meters; or
- 223        (b) Receive signal content 24 hours per day, determining  
224 the defendant's physical location using Global Positioning  
225 Satellite (GPS) technology accurate to within 9 meters,  
226 recording the defendant's physical locations throughout the day,  
227 and being capable of transmitting that record of locations to  
228 the vendor at least daily.
- 229        (3) With respect to a unit affixed to a defendant, possess  
230 an internal power source that provides a minimum of 1 year of  
231 normal operation without recharging or replacing the power  
232 source. The device must emit signal content that indicates its  
233 power status and provides the vendor with notification of  
234 whether the power source needs to be recharged or replaced.
- 235        (4) Possess and emit signal content that indicates whether  
236 the transmitter has been subjected to tampering or removal.
- 237        (5) Possess encrypted signal content or another feature  
238 designed to discourage duplication.
- 239        (6) Be of a design that is shock resistant, waterproof,  
240 and capable of reliable function under normal atmospheric and  
241 environmental conditions.
- 242        (7) Be capable of wear and use in a manner that does not  
243 pose a safety hazard or unduly restrict the activities of the  
244 defendant.

HB 591

2006  
CS

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

248       (9) Use straps or other mechanisms for attaching the  
249 transmitter to the defendant that are either capable of being  
250 adjusted to fit a defendant of any size or that are made  
251 available in a variety of sizes.

252       Section 5. Section 907.09, Florida Statutes, is created to  
253 read:

254       907.09 Offenses related to electronic monitoring  
255 devices.--

256       (1) It is illegal for any person to intentionally alter,  
257 tamper with, damage, or destroy any electronic monitoring  
258 equipment used for monitoring the location of a person pursuant  
259 to court order, unless such person is the owner of the equipment  
260 or an agent of the owner performing ordinary maintenance and  
261 repairs. A person who violates this subsection commits a felony  
262 of the third degree, punishable as provided in s. 775.082, s.  
263 775.083, or s. 775.084.

264       (2) It is illegal for any person to develop, build,  
265 create, possess, or use any device that is intended to mimic,  
266 clone, interfere with, or jam the signal of an electronic  
267 monitoring device used to monitor the location of a person  
268 pursuant to court order. A person who violates this subsection  
269 commits a felony of the third degree, punishable as provided in  
270 s. 775.082, s. 775.083, or s. 775.084.

271       (3) A person may not intentionally alter, tamper with,  
272 damage, or destroy any data stored or transmitted by any

HB 591

2006  
CS

273 electronic monitoring equipment used for monitoring the location  
274 of a person pursuant to court order with the intent to violate  
275 such court order or to conceal such a violation. A person who  
276 violates this subsection commits a felony of the third degree,  
277 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

278 Section 6. Section 944.161, Florida Statutes, is created  
279 to read:

280 944.161 Electronic monitoring of inmates within  
281 correctional facilities.--

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

285 (a) Electronic monitoring services must have the  
286 capability to continuously receive and monitor electronic  
287 signals from a transmitter worn by an inmate so as to  
288 continuously monitor the inmate in real time and identify the  
289 inmate's specific geographic position within the facility at any  
290 time. Such transmitters must update in at least 5-second  
291 intervals and monitor the inmate's geographical location to  
292 within at least a 10-foot radius of his or her actual location  
293 or to within a radius that is equal to the width of a facility's  
294 average size sleeping quarters, whichever is less, subject to  
295 the limitations relating to the state of the art of the  
296 technology used and to circumstances of force majeure.

297 (b) Any electronic monitoring system employed shall also  
298 provide transmitters to be worn by department employees,  
299 employees of private-sector companies contracted to operate  
300 correctional facilities, and any visitors to correctional

HB 591

2006  
CS

301 facilities who are provided access to areas that are designated  
302 for authorized personnel only. Such transmitters shall include a  
303 panic safety button and must have the capability to continuously  
304 receive and monitor electronic signals from a transmitter worn  
305 by an employee or visitor so as to continuously monitor  
306 employees and visitors in real time and identify their specific  
307 geographic positions at any time. Such transmitters must update  
308 in at least 5-second intervals and monitor employees and  
309 visitors to within a 10-foot radius of their actual location,  
310 subject to the limitations relating to the state of the art of  
311 the technology used and to circumstances of force majeure.

312 (c) Any electronic monitoring system employed shall also  
313 have the following technological and functional capabilities:

314 1. Be compatible with a commercially recognized wireless  
315 network access standard as designated by the department and have  
316 sufficient bandwidth to support additional wireless networking  
317 devices in order to increase the capacity for usage of the  
318 system by the correctional facility.

319 2. Be capable of issuing an alarm to an internal  
320 correctional monitoring station within 3 seconds after receiving  
321 a panic alert from an employee or visitor transmitter or within  
322 3 seconds after violation of the established parameters for  
323 permissible movement of inmates, employees, and visitors within  
324 the facility.

325 3.a. Be capable of maintaining a historical storage  
326 capacity sufficient to store up to 6 months of complete inmate,  
327 employee, and visitor tracking for purposes of follow-up  
328 investigations and vendor contract auditing. The system must be

HB 591

2006  
CS

329 capable of recording for such purposes the continuous  
330 uninterrupted movement of all monitored individuals, including  
331 those in close proximity to any selected individual, by specific  
332 position, not by area or zone. Such historical information must  
333 also be capable of being archived by means of electronic data  
334 transfer to a permanent storage medium designated as acceptable  
335 by the department.

336 b. In addition, data collected from each facility each day  
337 shall be electronically transmitted to an offsite central  
338 clearinghouse designated by the department where the data shall  
339 be maintained in a secure storage location in a permanent  
340 storage medium designated as acceptable by the department as a  
341 supplemental backup in order to protect the archived data from  
342 alteration and to prevent loss due to disaster or other cause.

343 4. With respect to a unit affixed to an inmate, be capable  
344 of possessing an internal power source that is field  
345 rechargeable or that provides a minimum of 1 year of normal  
346 operation without need for recharging or replacing the power  
347 source. Batteries used in units must be replaceable by  
348 correctional employees. The device must emit signal content that  
349 indicates the power status of the transmitter and provides the  
350 correctional facility monitoring station with notification of  
351 whether the power source needs to be recharged or replaced.

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

354 6. Possess encrypted signal content or another feature  
355 designed to discourage duplication.

HB 591

2006  
CS

356 7. Be of a design that is shock resistant, waterproof, and  
357 capable of reliable function under normal atmospheric and  
358 environmental conditions.

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

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

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

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

371 12. Provide a backup power source in the event of a power  
372 failure.

373 (2) A person may not intentionally alter, tamper with,  
374 damage, or destroy any electronic monitoring equipment used to  
375 monitor the location of a person within a correctional facility,  
376 unless the person is the owner of the equipment or an agent of  
377 the owner performing ordinary maintenance and repairs. A person  
378 who violates this subsection commits a felony of the third  
379 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
380 775.084.

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

HB 591

2006  
CS

384 monitor the location of a person within a correctional facility.  
385 A person who violates this subsection commits a felony of the  
386 third degree, punishable as provided in s. 775.082, s.  
387 775.083, or s. 775.084.

388 (4) A person may not intentionally alter, tamper with,  
389 damage, or destroy any data stored pursuant to subparagraph  
390 (1)(c)3. unless done so with written permission from an  
391 authorized official of the department or in compliance with a  
392 data-retention policy of the department adopted by rule. A  
393 person who violates this subsection commits a felony of the  
394 third degree, punishable as provided in s. 775.082, s. 775.083,  
395 or s. 775.084.

396 (5) The department is authorized to adopt rules pursuant  
397 to ss. 120.536(1) and 120.54 to implement the provisions of this  
398 section.

399 Section 7. Section 985.4047, Florida Statutes, is created  
400 to read:

401 985.4047 Electronic monitoring of juvenile offenders  
402 within juvenile facilities.--

403 (1) The department is authorized and encouraged to employ  
404 electronic monitoring of juvenile offenders within its custody  
405 who are incarcerated within state and private juvenile offender  
406 facilities for the purpose or reducing offender on offender  
407 violence and reducing employee sexual misconduct as defined in  
408 s. 985.4045.

409 (a) Electronic monitoring services must have the  
410 capability to continuously receive and monitor electronic  
411 signals from a transmitter worn by a juvenile offender so as to

HB 591

2006  
CS

412 continuously monitor an offender in real time and identify at  
413 any time the offender's specific geographic position within the  
414 facility. Such transmitters must update in at least 5-second  
415 intervals and monitor the offender's geographical location to  
416 within at least a 10-foot radius of his or her actual location  
417 or to within a radius that is equal to the width of a facility's  
418 average size sleeping quarters, whichever is less, subject to  
419 the limitations relating to the state of the art of the  
420 technology used and to circumstances of force majeure.

421 (b) Any electronic monitoring system employed shall also  
422 provide transmitters to be worn by department employees,  
423 employees of private-sector companies contracted to operate  
424 juvenile facilities, and any visitors to juvenile facilities who  
425 are provided access to areas that are designated for authorized  
426 personnel only. Such transmitters shall include a panic button  
427 and must have the capability to continuously receive and monitor  
428 electronic signals from a transmitter worn by an employee or  
429 visitor so as to continuously monitor employees and visitors in  
430 real time and identify their specific geographic positions at  
431 any time. Such transmitters must update in at least 5-second  
432 intervals and monitor employees and visitors to within a 10-foot  
433 radius of their actual location, subject to the limitations  
434 relating to the state of the art of the technology used and to  
435 circumstances of force majeure.

436 (c) Any electronic monitoring system employed shall also:  
437 1. Be compatible with a commercially recognized wireless  
438 network access standard as designated by the department and have  
439 sufficient bandwidth to support additional wireless networking



HB 591

2006  
CS

440 devices in order to increase the capacity for usage of the  
441 system by the facility.

442 2. Be capable of issuing an alarm to an internal facility  
443 monitoring station within 3 seconds after receiving a panic  
444 alert from an employee or visitor transmitter or within 3  
445 seconds after violation of the established parameters for  
446 permissible movement of offenders, employees, and visitors  
447 within the facility.

448 3.a. Be capable of maintaining a historical storage  
449 capacity sufficient to store up to 6 months of complete  
450 offender, employee, and visitor tracking for purposes of follow-  
451 up investigations and vendor contract auditing. The system must  
452 be capable of recording for such purposes the continuous  
453 uninterrupted movement of all monitored individuals, including  
454 those in close proximity to any selected individual, by specific  
455 position, not by area or zone. Such historical information must  
456 also be capable of being archived by means of electronic data  
457 transfer to a permanent storage medium designated as acceptable  
458 by the department.

459 b. In addition, data collected from each facility each day  
460 shall be electronically transmitted to an offsite central  
461 clearinghouse designated by the department where the data shall  
462 be maintained in a secure storage location in a permanent  
463 storage medium designated as acceptable by the department as a  
464 supplemental backup in order to protect the archived data from  
465 alteration and to prevent loss due to disaster or other cause.

466 4. With respect to a unit affixed to an offender, be  
467 capable of possessing an internal power source that is field

HB 591

2006  
CS

468 rechargeable or that provides a minimum of 1 year of normal  
469 operation without need for recharging or replacing the power  
470 source and batteries must be replaceable by facility employees.  
471 The device must emit signal content that indicates the power  
472 status of the transmitter and provides the facility monitoring  
473 station with notification of whether the power source needs to  
474 be recharged or replaced.

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

477 6. Possess encrypted signal content or another feature  
478 designed to discourage duplication.

479 7. Be of a design that is shock resistant, waterproof, and  
480 capable of reliable function under normal atmospheric and  
481 environmental conditions.

482 8. Be capable of wear and use in a manner that does not  
483 pose a safety hazard or unduly restrict the activities of the  
484 offender.

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

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

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

494 12. Provide a backup power source in the event of a power  
495 failure.

HB 591

2006  
CS

496        (2) A person may not intentionally alter, tamper with,  
497 damage, or destroy any electronic monitoring equipment used to  
498 monitor the location of a person within a juvenile facility,  
499 unless the person is the owner of the equipment or an agent of  
500 the owner performing ordinary maintenance and repairs. A person  
501 who violates this subsection commits a felony of the third  
502 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
503 775.084.

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

511        (4) A person may not intentionally alter, tamper with,  
512 damage, or destroy any data stored pursuant to subparagraph  
513 (1)(c)3. unless done so with written permission from an  
514 authorized official of the department or in compliance with a  
515 data-retention policy of the department adopted by rule. A  
516 person who violates this subsection commits a felony of the  
517 third degree, punishable as provided in s. 775.082, s. 775.083,  
518 or s. 775.084.

519        (5) The department is authorized to adopt rules pursuant  
520 to ss. 120.536(1) and 120.54 to implement the provisions of this  
521 section.

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