

By the Committees on Fiscal Policy; and Criminal Justice; and
Senator Simmons

594-03757A-16

2016954c2

1 A bill to be entitled

2 An act relating to electronic monitoring devices;
3 creating s. 843.23, F.S.; defining the term
4 "electronic monitoring device"; prohibiting a person
5 from removing, destroying, altering, tampering with,
6 damaging, or circumventing the operation of an
7 electronic monitoring device being worn or used
8 pursuant to any court order or an order by the Florida
9 Commission on Offender Review; prohibiting a person
10 from requesting, authorizing, or soliciting another
11 person to perform such an act; providing criminal
12 penalties; amending s. 948.11, F.S.; specifying that
13 the Department of Corrections may electronically
14 monitor an offender sentenced to community control
15 when the court has imposed electronic monitoring as a
16 condition of community control; deleting a provision
17 imposing criminal penalties on persons who
18 intentionally alter, tamper with, damage, or destroy
19 electronic monitoring equipment; providing an
20 effective date.

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

23
24 Section 1. Section 843.23, Florida Statutes, is created to
25 read:

26 843.23 Tampering with an electronic monitoring device.-

27 (1) As used in this section, the term "electronic
28 monitoring device" includes any device that is used to track the
29 location of a person.

30 (2) It is unlawful for a person to intentionally and
31 without authority:

594-03757A-16

2016954c2

32 (a) Remove, destroy, alter, tamper with, damage, or
33 circumvent the operation of an electronic monitoring device that
34 must be worn or used by that person or another person pursuant
35 to a court order or pursuant to an order by the Florida
36 Commission on Offender Review; or

37 (b) Request, authorize, or solicit a person to remove,
38 destroy, alter, tamper with, damage, or circumvent the operation
39 of an electronic monitoring device that must be worn or used
40 pursuant to a court order or pursuant to an order by the Florida
41 Commission on Offender Review.

42 (3) A person who violates this section commits a felony of
43 the third degree, punishable as provided in s. 775.082, s.
44 775.083, or s. 775.084.

45 Section 2. Subsections (1) and (7) of section 948.11,
46 Florida Statutes, are amended to read:

47 948.11 Electronic monitoring devices.—

48 (1) The Department of Corrections may, ~~at its discretion,~~
49 electronically monitor an offender sentenced to community
50 control when the court has imposed electronic monitoring as a
51 condition of community control.

52 ~~(7) A person who intentionally alters, tampers with,~~
53 ~~damages, or destroys any electronic monitoring equipment~~
54 ~~pursuant to court or commission order, unless such person is the~~
55 ~~owner of the equipment, or an agent of the owner, performing~~
56 ~~ordinary maintenance and repairs, commits a felony of the third~~
57 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
58 ~~775.084.~~

59 Section 3. This act shall take effect October 1, 2016.