

1 A bill to be entitled
2 An act relating to tampering with an electronic
3 monitoring device; amending s. 843.23, F.S.; revising
4 the offense of tampering with an electronic monitoring
5 device; reclassifying the offense to provide graduated
6 penalties; providing a specified penalty for a person
7 under 18 years of age who commits the offense;
8 requiring revocation of pretrial release of a person
9 who tampers with such a device while on pretrial
10 release; permitting a court to set a new bond under
11 specified conditions; providing an effective date.

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

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15 **Section 1. Section 843.23, Florida Statutes, is amended to**
16 **read:**

17 843.23 Tampering with an electronic monitoring device.—

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

21 (2) It is unlawful for a person to intentionally and
22 without authority:

23 (a) Remove, destroy, alter, tamper with, damage, or
24 affirmatively act to circumvent the operation of an electronic
25 monitoring device that must be worn or used by that person or

26 another person pursuant to a court order or pursuant to an order
27 by the Florida Commission on Offender Review; or

28 (b) Request, authorize, or solicit a person to remove,
29 destroy, alter, tamper with, damage, or affirmatively act to
30 circumvent the operation of an electronic monitoring device
31 required to be worn or used pursuant to a court order or
32 pursuant to an order by the Florida Commission on Offender
33 Review.

34 (3) Except as provided in subsection (4), a person who
35 violates this section commits a:

36 (a) Felony of the third degree, punishable as provided in
37 s. 775.082, s. 775.083, or s. 775.084, if the person who must
38 wear or use the electronic monitoring device is charged with or
39 serving a sentence for a misdemeanor or a third degree felony.

40 (b) Felony of the second degree, punishable as provided in
41 s. 775.082, s. 775.083, or s. 775.084, if the person who must
42 wear or use the electronic monitoring device is charged with or
43 serving a sentence for a second degree felony.

44 (c) Felony of the first degree, punishable as provided in
45 s. 775.082, s. 775.083, or s. 775.084, if the person who must
46 wear or use the electronic monitoring device is charged with or
47 serving a sentence for a first degree felony, a first degree
48 felony punishable by a term of years not exceeding life, a life
49 felony, or a capital felony.

50 (4) A person under 18 years of age who violates this

51 section commits a felony of the third degree, punishable as
52 provided in s. 775.082, s. 775.083, or s. 775.084.

53 (5) The court must revoke pretrial release for a person
54 who commits a violation of this section while he or she is on
55 pretrial release. Thereafter, the court may set a new bond with
56 conditions of release upon making a written finding that
57 sufficient conditions of release exist to reasonably protect the
58 community from risk of physical harm, ensure the presence of the
59 accused at trial or at other proceedings, and assure the
60 integrity of the judicial process.

61 **Section 2.** This act shall take effect October 1, 2025.