

ENROLLED

CS/CS/HB 437

2025 Legislature

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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

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

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

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

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

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

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

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

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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.