

CHAPTER 2025-78

Committee Substitute for Committee Substitute for House Bill No. 437

An act relating to tampering with an electronic monitoring device; amending s. 843.23, F.S.; revising the offense of tampering with an electronic monitoring device; reclassifying the offense to provide graduated penalties; providing a specified penalty for a person under 18 years of age who commits the offense; requiring revocation of pretrial release of a person who tampers with such a device while on pretrial release; permitting a court to set a new bond under specified conditions; providing an effective date.

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

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

843.23 Tampering with an electronic monitoring device.—

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

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

(a) Remove, destroy, alter, tamper with, damage, or affirmatively act to circumvent the operation of an electronic monitoring device that must be worn or used by that person or 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 section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

Approved by the Governor May 22, 2025.

Filed in Office Secretary of State May 22, 2025.