

## CHAPTER 2016-15

### Committee Substitute for Committee Substitute for House Bill No. 75

An act relating to electronic monitoring devices; creating s. 843.23, F.S.; defining the term “electronic monitoring device”; prohibiting a person from removing, destroying, altering, tampering with, damaging, or circumventing the operation of an electronic monitoring device being worn or used pursuant to a court order or an order by the Florida Commission on Offender Review; prohibiting the request, authorization, or solicitation of a person to perform such an act; providing criminal penalties; amending s. 948.11, F.S.; specifying that the Department of Corrections may electronically monitor an offender sentenced to community control when the court has imposed electronic monitoring as a condition of community control; deleting a provision imposing criminal penalties on persons who intentionally alter, tamper with, damage, or destroy electronic monitoring equipment; providing an effective date.

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

Section 1. Section 843.23, Florida Statutes, is created 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 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 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) A person 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.

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

948.11 Electronic monitoring devices.—

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

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

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

Approved by the Governor March 8, 2016.

Filed in Office Secretary of State March 8, 2016.