

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Metz offered the following:

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5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 934.425, Florida Statutes, is created
 8 to read:

9 934.425 Installation of tracking devices or tracking
 10 applications; exceptions; penalties.--

11 (1) As used in this section, the term:

12 (a) "Tracking application" means any software program
 13 whose primary purpose is to track or identify the location or
 14 movement of an individual.

15 (b) "Tracking device" means any device whose primary
 16 purpose is to reveal its location or movement by the
 17 transmission of electronic signals.

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18 (c) "Person" means an individual and does not mean a
19 business entity.

20 (d) "Business entity" means any form of corporation,
21 partnership, association, cooperative, joint venture, business
22 trust, or sole proprietorship that conducts business in this
23 state.

24 (2) Except as provided in subsection (4), a person may not
25 knowingly install a tracking device or tracking application on
26 another person's property without the other person's consent.

27 (3) For purposes of this section, a person's consent is
28 presumed to be revoked if:

29 (a) The consenting person and the person to whom consent
30 was given are lawfully married and one person files a petition
31 for dissolution of marriage from the other; or

32 (b) The consenting person or the person to whom consent
33 was given files an injunction for protection against the other
34 person pursuant to s. 741.30, s. 784.046, s. 784.0485, or s.
35 741.315.

36 (4) This section does not apply to:

37 (a) A law enforcement officer as defined in s. 943.10, or
38 any local, state, federal, or military law enforcement agency,
39 that lawfully installs a tracking device or tracking application
40 on another person's property as part of a criminal
41 investigation.

42 (b) A parent or legal guardian of a minor child that
43 installs a tracking device or tracking application on the minor

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44 child's property if:

45 1. The parents or legal guardians are lawfully married to
46 each other and are not separated or otherwise living apart, and
47 either parent or legal guardian consents to the installation of
48 the tracking device or tracking application;

49 2. The parent or legal guardian is the sole surviving
50 parent or legal guardian of the minor child;

51 3. The parent or legal guardian has sole custody of the
52 minor child; or

53 4. The parents or legal guardians are divorced, separated,
54 or otherwise living apart and both consent to the installation
55 of the tracking device or tracking application.

56 (c) A caregiver of an elderly person or disabled adult, as
57 those terms are defined in s. 825.101, if the elderly person or
58 disabled adult's treating physician certifies that the
59 installation of a tracking device or tracking application onto
60 the elderly person or disabled adult's property is necessary to
61 ensure the safety of the elderly person or disabled adult.

62 (d) A person acting in good faith on behalf of a business
63 entity for a legitimate business purpose.

64 (4) A person who violates this section commits a
65 misdemeanor of the second degree, punishable as provided in s.
66 775.082 or s. 775.083.

67 Section 2. This act shall take effect October 1, 2015.

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T I T L E A M E N D M E N T

Remove lines 2-6 and insert:

An act relating to tracking devices or tracking applications;
creating s. 934.425, F.S.; providing definitions; prohibiting
the installation of a tracking device or tracking application
without the person's consent; creating a