

By Senator Brandes

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1 A bill to be entitled
 2 An act relating to vehicle tracking; amending s.
 3 784.048, F.S.; providing that a specified use of a
 4 tracking device satisfies the element of "willfully
 5 following" for the purposes of the crime of stalking;
 6 creating s. 860.30, F.S.; prohibiting a person from
 7 installing a tracking device on a vehicle without the
 8 informed consent of the owner; providing a criminal
 9 penalty; providing an exception for a law enforcement
 10 officer or governmental entity in certain
 11 circumstances; 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. Present subsections (8) and (9) of section
 16 784.048, Florida Statutes, are renumbered as subsections (9) and
 17 (10), respectively, and a new subsection (8) is added to that
 18 section, to read:

19 784.048 Stalking; definitions; penalties.—

20 (8) A violation of s. 860.30 satisfies the element of
 21 willfully following for the purposes of this section.

22 Section 2. Section 860.30, Florida Statutes, is created to
 23 read:

24 860.30 Unauthorized installation of tracking device.—

25 (1) Without the informed consent of the owner of a vehicle,
 26 a person may not install on a vehicle a tracking device that is
 27 able to:

28 (a) Record and store a history of the physical location of
 29 the vehicle for later retrieval; or

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30 (b) Transmit the physical location of the vehicle to
31 another party.

32 (2) A person who violates this section commits a
33 misdemeanor of the second degree, punishable as provided in s.
34 775.082 or s. 775.083.

35 (3) This section does not limit the ability of a law
36 enforcement officer or governmental entity to track the location
37 of a vehicle; however, the law enforcement officer or
38 governmental entity must first obtain a search warrant
39 authorizing the placement of a tracking device.

40 Section 3. This act shall take effect upon becoming a law.