1	A bill to be entitled
2	An act relating to tracking devices or tracking
3	applications; creating s. 934.425, F.S.; providing
4	definitions; prohibiting the installation of a
5	tracking device or tracking application without the
6	person's consent; creating a presumption that consent
7	is revoked upon initiation of specified proceedings;
8	providing exceptions; providing criminal penalties;
9	amending s. 493.6118, F.S.; providing that violations
10	of the prohibition on installation of tracking devices
11	and tracking applications by private investigative,
12	private security, and repossession services are
13	grounds for disciplinary action, to which penalties
14	apply; providing an effective date.
15	
16	Be It Enacted by the Legislature of the State of Florida:
17	
18	Section 1. Section 934.425, Florida Statutes, is created
19	to read:
20	934.425 Installation of tracking devices or tracking
21	applications; exceptions; penalties
22	(1) As used in this section, the term:
23	(a) "Business entity" means any form of corporation,
24	partnership, association, cooperative, joint venture, business
25	trust, or sole proprietorship that conducts business in this
26	state.
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27	(b) "Tracking application" means any software program
28	whose primary purpose is to track or identify the location or
29	movement of an individual.
30	(c) "Tracking device" means any device whose primary
31	purpose is to reveal its location or movement by the
32	transmission of electronic signals.
33	(d) "Person" means an individual but does not include a
34	business entity.
35	(2) Except as provided in subsection (4), a person may not
36	knowingly install a tracking device or tracking application on
37	another person's property without the other person's consent.
38	(3) For purposes of this section, a person's consent is
39	presumed to be revoked if:
40	(a) The consenting person and the person to whom consent
41	was given are lawfully married and one person files a petition
42	for dissolution of marriage from the other; or
43	(b) The consenting person or the person to whom consent
44	was given files an injunction for protection against the other
45	person pursuant to s. 741.30, s. 741.315, s. 784.046, or s.
46	784.0485.
47	(4) This section does not apply to:
48	(a) A law enforcement officer as defined in s. 943.10, or
49	any local, state, federal, or military law enforcement agency,
50	that lawfully installs a tracking device or tracking application
51	on another person's property as part of a criminal
52	investigation.

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53 (b) A parent or legal guardian of a minor child who 54 installs a tracking device or tracking application on the minor 55 child's property if: 1. The parents or legal guardians are lawfully married to 56 57 each other and are not separated or otherwise living apart, and 58 either parent or legal guardian consents to the installation of 59 the tracking device or tracking application; 60 2. The parent or legal guardian is the sole surviving 61 parent or legal guardian of the minor child; 62 3. The parent or legal guardian has sole custody of the 63 minor child; or 64 4. The parents or legal guardians are divorced, separated, 65 or otherwise living apart and both consent to the installation of the tracking device or tracking application. 66 67 (c) A caregiver of an elderly person or disabled adult, as those terms are defined in s. 825.101, if the elderly person's 68 69 or disabled adult's treating physician certifies that the 70 installation of a tracking device or tracking application onto 71 the elderly person's or disabled adult's property is necessary 72 to ensure the safety of the elderly person or disabled adult. 73 (d) A person acting in good faith on behalf of a business 74 entity for a legitimate business purpose. This paragraph does 75 not apply to a person engaged in private investigation, as 76 defined in s. 493.6101, on behalf of another person unless such 77 activities would otherwise be exempt under this subsection if 78 performed by the person engaging the private investigator.

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79	(e) An owner or lessee of a motor vehicle that installs,
80	or directs the installation of, a tracking device or tracking
81	application on such vehicle during the period of ownership or
82	lease, provided that:
83	1. The tracking device or tracking application is removed
84	before the vehicle's title is transferred or the vehicle's lease
85	expires;
86	2. The new owner of the vehicle, in the case of a sale, or
87	the lessor of the vehicle, in the case of an expired lease,
88	consents in writing to the nonremoval of the tracking device or
89	tracking application; or
90	3. The owner of the vehicle at the time of the
91	installation of the tracking device or tracking application was
92	the original manufacturer of the vehicle.
93	(5) A person who violates this section commits a
94	misdemeanor of the second degree, punishable as provided in s.
95	775.082 or s. 775.083.
96	Section 2. Paragraph (y) is added to subsection (1) of
97	section 493.6118, Florida Statutes, to read:
98	493.6118 Grounds for disciplinary action
99	(1) The following constitute grounds for which
100	disciplinary action specified in subsection (2) may be taken by
101	the department against any licensee, agency, or applicant
102	regulated by this chapter, or any unlicensed person engaged in
103	activities regulated under this chapter.
104	(y) Installation of a tracking device or tracking
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Section	3.	This	act	shall	take	effect	October	1,	2015.

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