



612458

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/30/2015	.	
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The Committee on Criminal Justice (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

934.425 Installation of tracking devices or tracking
applications; exceptions; penalties.—

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

(a) "Business entity" means any form of corporation,



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11 partnership, association, cooperative, joint venture, business
12 trust, or sole proprietorship that conducts business in this
13 state.

14 (b) "Person" means an individual and does not mean a
15 business entity.

16 (c) "Tracking application" means any software program whose
17 primary purpose is to track or identify the location or movement
18 of an individual.

19 (d) "Tracking device" means any device whose primary
20 purpose is to reveal its location or movement by the
21 transmission of electronic signals.

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

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

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

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

34 (4) This section does not apply to:

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



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40 (b) A parent or legal guardian of a minor child that
41 installs a tracking device or tracking application on the minor
42 child's property if:

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

47 2. The parent or legal guardian is the sole surviving
48 parent or legal guardian of the minor child;

49 3. The parent or legal guardian has sole custody of the
50 minor child; or

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

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

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

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

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

66
67 ===== T I T L E A M E N D M E N T =====

68 And the title is amended as follows:



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69 Delete everything before the enacting clause
70 and insert:

71 A bill to be entitled
72 An act relating to tracking devices or tracking
73 applications; creating s. 934.425, F.S.; defining
74 terms; prohibiting the installation of a tracking
75 device or tracking application without a person's
76 consent; creating a presumption that consent is
77 revoked upon initiation of specified proceedings;
78 providing exceptions to the prohibition on
79 installation of tracking devices or tracking
80 applications; providing criminal penalties; providing
81 an effective date.