

1                                   A bill to be entitled  
 2           An act relating to installation of tracking devices or  
 3           tracking applications; amending s. 934.425, F.S.;  
 4           authorizing certain persons, business entities, and  
 5           private investigators to install tracking devices or  
 6           tracking applications under certain circumstances;  
 7           deleting a provision concerning persons engaging  
 8           private investigators; reenacting s. 493.6118(1)(y),  
 9           F.S., relating to grounds for disciplinary action, to  
 10          incorporate the amendment made to s. 934.425, F.S., in  
 11          a reference thereto; providing an effective date.

12  
 13   Be It Enacted by the Legislature of the State of Florida:  
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15           Section 1. Paragraph (d) of subsection (4) of section  
 16   934.425, Florida Statutes, is amended to read:

17           934.425 Installation of tracking devices or tracking  
 18   applications; exceptions; penalties.—

19           (4) This section does not apply to:

20           (d) A person acting in good faith on behalf of a business  
 21   entity for a legitimate business purpose. This paragraph does  
 22   not apply to a person engaged in private investigation, as  
 23   defined in s. 493.6101, on behalf of another person, except  
 24   that:

25           1. A person or business entity that is exempt under  
 26   paragraph (b), paragraph (c), or paragraph (e) may hire a

27 private investigator to install a tracking device or tracking  
28 application consistent with the applicable exemption.

29 2. A private investigator may install a tracking device or  
30 tracking application pursuant to a lawful court order unless  
31 ~~such activities would otherwise be exempt under this subsection~~  
32 ~~if performed by the person engaging the private investigator.~~

33 Section 2. For the purpose of incorporating the amendment  
34 made by this act to section 934.425, Florida Statutes, in a  
35 reference thereto, paragraph (y) of subsection (1) of section  
36 493.6118, Florida Statutes, is reenacted to read:

37 493.6118 Grounds for disciplinary action.—

38 (1) The following constitute grounds for which  
39 disciplinary action specified in subsection (2) may be taken by  
40 the department against any licensee, agency, or applicant  
41 regulated by this chapter, or any unlicensed person engaged in  
42 activities regulated under this chapter.

43 (y) Installation of a tracking device or tracking  
44 application in violation of s. 934.425.

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