



925560

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/02/2015	.	
	.	
	.	
	.	

---

The Committee on Criminal Justice (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 18 - 33

and insert:

Section 1. Paragraphs (a), (b), and (d) of subsection (4) of section 934.425, Florida Statutes, are amended to read:

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

(4) This section does not apply to:

(a) A law enforcement officer as defined in s. 943.10, or



925560

11 any local, state, federal, or military law enforcement agency,  
12 the Florida Department of Corrections, or the Florida Department  
13 of Juvenile Justice that lawfully installs a tracking device or  
14 tracking application on another person's property as part of a  
15 criminal investigation.

16 (b) A parent or legal guardian of a minor child who  
17 installs a tracking device or tracking application on the minor  
18 child's property if:

19 1. The parents or legal guardians are lawfully married to  
20 each other and are not separated or otherwise living apart, and  
21 either parent or legal guardian consents to the installation of  
22 the tracking device or tracking application;

23 2. The parent or legal guardian is the sole surviving  
24 parent or legal guardian of the minor child;

25 3. The parent or legal guardian has sole custody of the  
26 minor child; or

27 4. The parents or legal guardians are divorced, separated,  
28 or otherwise living apart and both consent to the installation  
29 of the tracking device or tracking application, or if a  
30 separation or divorce decree authorizes such installation.

31 (d) A person acting in good faith on behalf of a business  
32 entity for a legitimate business purpose. This paragraph does  
33 not apply to:

34 1. A person engaged in private investigation, as defined in  
35 s. 493.6101, on behalf of another person, unless any of the  
36 following circumstances apply:

37 a. Such activities would otherwise be exempt under this  
38 subsection if performed by the person engaging the private  
39 investigator;—



925560

40           b. The installation of a tracking device or tracking  
41 application on another person's property is authorized by an  
42 order issued by a court of this state;

43           c. The installation of a tracking device or tracking  
44 application is for the purpose of locating a person known to be  
45 a fugitive from justice; or

46           d. The installation of a tracking device or tracking  
47 application is for the purpose of locating lost or stolen  
48 property or locating assets that have been awarded by the court.

49           2. A private investigator who is working on behalf of a  
50 client who is subject to a no contact order or an injunction for  
51 protection, or a private investigator who knows or has reason to  
52 know that a person seeking his or her investigative services is  
53 involved in the commission of a crime or an unlawful act.

54  
55 ===== T I T L E   A M E N D M E N T =====

56 And the title is amended as follows:

57           Delete lines 4 - 11

58 and insert:

59           revising exceptions to the prohibition on installation  
60 of tracking devices or tracking applications;  
61 authorizing the Florida Department of Corrections and  
62 the Florida Department of Juvenile Justice to lawfully  
63 install a tracking device or tracking application on  
64 another person's property as part of a criminal  
65 investigation; authorizing parents or legal guardians  
66 who are separated or divorced to install a tracking  
67 device or tracking application on their minor child's  
68 property if a separation or divorce decree authorizes



925560

69       such installation; specifying circumstances in which a  
70       private investigator is authorized to or prohibited  
71       from installing a tracking device or tracking  
72       application; reenacting s. 493.6118(1)(y), F.S.,