

By Senator Evers

2-00354-16

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A bill to be entitled
An act relating to installation of tracking devices or
tracking applications; amending s. 934.425, F.S.;
revising an exception to a prohibition on the
installation of tracking devices or applications to
specify that the exception does not apply to the
installation of such devices or applications when done
through intentionally deceptive means or when done
knowingly in the commission of a crime; deleting a
provision concerning persons engaged in private
investigation; reenacting s. 493.6118(1)(y), F.S.,
relating to grounds for disciplinary action, to
incorporate the amendment made to s. 934.425, F.S., in
a reference thereto; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (d) of subsection (4) of section
934.425, Florida Statutes, is amended to read:

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

(4) This section does not apply to:

(d) A person acting in good faith on behalf of a business
entity for a legitimate business purpose. This paragraph does
not apply to a person who, on behalf of a business entity or an
individual, installs or places an electronic tracking device or
application through intentionally deceptive means and without
consent or installs or places an electronic tracking device or
application knowingly in the commission of a crime ~~engaged in~~

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~~private investigation, as defined in s. 493.6101, on behalf of another person unless such activities would otherwise be exempt under this subsection if performed by the person engaging the private investigator.~~

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

493.6118 Grounds for disciplinary action.—

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

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

Section 3. This act shall take effect July 1, 2016.