

By the Committee on Criminal Justice; and Senator Evers

591-01036-16

2016298c1

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 revising exceptions to the prohibition on installation  
5 of tracking devices or tracking applications;  
6 authorizing the Florida Department of Corrections and  
7 the Florida Department of Juvenile Justice to lawfully  
8 install a tracking device or tracking application on  
9 another person's property as part of a criminal  
10 investigation; authorizing parents or legal guardians  
11 who are separated or divorced to install a tracking  
12 device or tracking application on their minor child's  
13 property if a separation or divorce decree authorizes  
14 such installation; specifying circumstances in which a  
15 private investigator is authorized to or prohibited  
16 from installing a tracking device or tracking  
17 application; reenacting s. 493.6118(1)(y), F.S.,  
18 relating to grounds for disciplinary action, to  
19 incorporate the amendment made to s. 934.425, F.S., in  
20 a reference thereto; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. Paragraphs (a), (b), and (d) of subsection (4)  
25 of section 934.425, Florida Statutes, are amended to read:

26 934.425 Installation of tracking devices or tracking  
27 applications; exceptions; penalties.—

28 (4) This section does not apply to:

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

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30 any local, state, federal, or military law enforcement agency,  
31 the Florida Department of Corrections, or the Florida Department  
32 of Juvenile Justice that lawfully installs a tracking device or  
33 tracking application on another person's property as part of a  
34 criminal investigation.

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

38 1. The parents or legal guardians are lawfully married to  
39 each other and are not separated or otherwise living apart, and  
40 either parent or legal guardian consents to the installation of  
41 the tracking device or tracking application;

42 2. The parent or legal guardian is the sole surviving  
43 parent or legal guardian of the minor child;

44 3. The parent or legal guardian has sole custody of the  
45 minor child; or

46 4. The parents or legal guardians are divorced, separated,  
47 or otherwise living apart and both consent to the installation  
48 of the tracking device or tracking application, or if a  
49 separation or divorce decree authorizes such installation.

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

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

56 a. Such activities would otherwise be exempt under this  
57 subsection if performed by the person engaging the private  
58 investigator;-

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

62       c. The installation of a tracking device or tracking  
63 application is for the purpose of locating a person known to be  
64 a fugitive from justice; or

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

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

73       Section 2. For the purpose of incorporating the amendment  
74 made by this act to section 934.425, Florida Statutes, in a  
75 reference thereto, paragraph (y) of subsection (1) of section  
76 493.6118, Florida Statutes, is reenacted to read:

77       493.6118 Grounds for disciplinary action.—

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

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

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