

1 A bill to be entitled
 2 An act relating to tracking devices and applications;
 3 amending s. 934.425, F.S.; prohibiting the placement
 4 or use of a tracking device or tracking application to
 5 determine the location or movement of another person
 6 or another person's property without that person's
 7 consent; providing criminal penalties; providing an
 8 effective date.

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

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 12 Section 1. Section 934.425, Florida Statutes, is amended
 13 to read:

14 934.425 Installation or use of tracking devices or
 15 tracking applications; exceptions; penalties.—

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

17 (a) "Business entity" means any form of corporation,
 18 partnership, association, cooperative, joint venture, business
 19 trust, or sole proprietorship that conducts business in this
 20 state.

21 (b) "Tracking application" means any software program
 22 whose primary purpose is to track or identify the location or
 23 movement of an individual.

24 (c) "Tracking device" means any device whose primary
 25 purpose is to reveal its location or movement by the

26 | transmission of electronic signals.

27 | (d) "Person" means an individual but does not include a
28 | business entity.

29 | (2) Except as provided in subsection (4), a person may not
30 | knowingly:

31 | (a) Install or place a tracking device or tracking
32 | application on another person's property without that ~~the other~~
33 | person's consent; or

34 | (b) Use a tracking device or tracking application to
35 | determine the location or movement of another person or another
36 | person's property without that person's consent.

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

39 | (a) The consenting person and the person to whom consent
40 | was given are lawfully married and one person files a petition
41 | for dissolution of marriage from the other; or

42 | (b) The consenting person or the person to whom consent
43 | was given files an injunction for protection against the other
44 | person pursuant to s. 741.30, s. 741.315, s. 784.046, or s.
45 | 784.0485.

46 | (4) This section does not apply to:

47 | (a) A law enforcement officer as defined in s. 943.10, or
48 | any local, state, federal, or military law enforcement agency,
49 | that lawfully installs or places a tracking device or tracking
50 | application on another person's property as part of a criminal

51 investigation.

52 (b) A parent or legal guardian of a minor child who
53 installs or places a tracking device or tracking application on
54 the minor child's property if:

55 1. The parents or legal guardians are lawfully married to
56 each other and are not separated or otherwise living apart, and
57 either parent or legal guardian consents to the installation or
58 placement of the tracking device or tracking application;

59 2. The parent or legal guardian is the sole surviving
60 parent or legal guardian of the minor child;

61 3. The parent or legal guardian has sole custody of the
62 minor child; or

63 4. The parents or legal guardians are divorced, separated,
64 or otherwise living apart and both consent to the installation
65 or placement of the tracking device or tracking application.

66 (c) A caregiver of an elderly person or disabled adult, as
67 those terms are defined in s. 825.101, if the elderly person's
68 or disabled adult's treating physician certifies that the
69 installation or placement of a tracking device or tracking
70 application onto the elderly person's or disabled adult's
71 property is necessary to ensure the safety of the elderly person
72 or disabled adult.

73 (d) A person acting in good faith on behalf of a business
74 entity for a legitimate business purpose. This paragraph does
75 not apply to a person engaged in private investigation, as

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

79 (e) An owner or lessee of a motor vehicle that installs or
80 places, or directs the installation or placement of, a tracking
81 device or tracking application on such vehicle during the period
82 of ownership or lease, provided that:

83 1. The tracking device or tracking application is removed
84 before the vehicle's title is transferred or the vehicle's lease
85 expires;

86 2. The new owner of the vehicle, in the case of a sale, or
87 the lessor of the vehicle, in the case of an expired lease,
88 consents in writing to the nonremoval of the tracking device or
89 tracking application; or

90 3. The owner of the vehicle at the time of the
91 installation or placement of the tracking device or tracking
92 application was the original manufacturer of the vehicle.

93 (5) A person who violates this section commits a felony
94 ~~misdemeanor~~ of the third ~~second~~ degree, punishable as provided
95 in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

96 Section 2. This act shall take effect October 1, 2024.