

26 | purpose is to reveal its location or movement by the
 27 | transmission of electronic signals.

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

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

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

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

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

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

43 | (b) The consenting person or the person to whom consent
 44 | was given files an injunction for protection against the other
 45 | person pursuant to s. 741.30, s. 741.315, s. 784.046, or s.
 46 | 784.0485.

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

48 | (a) A law enforcement officer as defined in s. 943.10, or
 49 | any local, state, federal, or military law enforcement agency,
 50 | that lawfully installs, places, or uses a tracking device or

51 tracking application on another person's property as part of a
52 criminal investigation.

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

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

61 2. The parent or legal guardian is the sole surviving
62 parent or legal guardian of the minor child;

63 3. The parent or legal guardian has sole custody of the
64 minor child; or

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

69 (c) A caregiver of an elderly person or disabled adult, as
70 those terms are defined in s. 825.101, if the elderly person's
71 or disabled adult's treating physician certifies that the
72 installation or placement of a tracking device or tracking
73 application onto the elderly person's or disabled adult's
74 property or the use of a tracking device or tracking application
75 to determine the location or movement of the elderly person or

76 | disabled adult or his or her property is necessary to ensure the
 77 | safety of the elderly person or disabled adult.

78 | (d) A person acting in good faith on behalf of a business
 79 | entity for a legitimate business purpose. This paragraph does
 80 | not apply to a person engaged in private investigation, as
 81 | defined in s. 493.6101, on behalf of another person unless such
 82 | activities would otherwise be exempt under this subsection if
 83 | performed by the person engaging the private investigator.

84 | (e) An owner or lessee of a motor vehicle that installs,
 85 | places, or uses, or directs the installation, placement, or use
 86 | of, a tracking device or tracking application on such vehicle
 87 | during the period of ownership or lease, provided that:

88 | 1. The tracking device or tracking application is removed
 89 | before the vehicle's title is transferred or the vehicle's lease
 90 | expires;

91 | 2. The new owner of the vehicle, in the case of a sale, or
 92 | the lessor of the vehicle, in the case of an expired lease,
 93 | consents in writing to the nonremoval of the tracking device or
 94 | tracking application; or

95 | 3. The owner of the vehicle at the time of the
 96 | installation or placement of the tracking device or tracking
 97 | application was the original manufacturer of the vehicle.

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

CS/HB 401

2024

101 Section 2. Paragraph (y) of subsection (1) of section
102 493.6118, Florida Statutes, is amended to read:

103 493.6118 Grounds for disciplinary action.—

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

109 (y) Installation, placement, or use of a tracking device
110 or tracking application in violation of s. 934.425.

111 Section 3. This act shall take effect October 1, 2024.