



263432

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2024	.	
	.	
	.	
	.	

The Committee on Judiciary (Martin) recommended the following:

Senate Amendment

Delete lines 51 - 106
and insert:
that lawfully installs, places, or uses a tracking device or
tracking application on another person's property as part of a
criminal investigation.

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

1. The parents or legal guardians are lawfully married to



263432

12 each other and are not separated or otherwise living apart, and
13 either parent or legal guardian consents to the installation,
14 placement, or use of the tracking device or tracking
15 application;

16 2. The parent or legal guardian is the sole surviving
17 parent or legal guardian of the minor child;

18 3. The parent or legal guardian has sole custody of the
19 minor child; or

20 4. The parents or legal guardians are divorced, separated,
21 or otherwise living apart and both consent to the installation,
22 placement, or use of the tracking device or tracking
23 application.

24 (c) A caregiver of an elderly person or disabled adult, as
25 those terms are defined in s. 825.101, if the elderly person's
26 or disabled adult's treating physician certifies that the
27 installation or placement of a tracking device or tracking
28 application onto the elderly person's or disabled adult's
29 property or the use of a tracking device or tracking application
30 to determine the location or movement of the elderly person or
31 disabled person or his or her property is necessary to ensure
32 the safety of the elderly person or disabled adult.

33 (d) A person acting in good faith on behalf of a business
34 entity for a legitimate business purpose. This paragraph does
35 not apply to a person engaged in private investigation, as
36 defined in s. 493.6101, on behalf of another person unless such
37 activities would otherwise be exempt under this subsection if
38 performed by the person engaging the private investigator.

39 (e) An owner or lessee of a motor vehicle that installs,
40 places, or uses, or directs the installation, placement, or use



263432

41 of, a tracking device or tracking application on such vehicle
42 during the period of ownership or lease, provided that:

43 1. The tracking device or tracking application is removed
44 before the vehicle's title is transferred or the vehicle's lease
45 expires;

46 2. The new owner of the vehicle, in the case of a sale, or
47 the lessor of the vehicle, in the case of an expired lease,
48 consents in writing to the nonremoval of the tracking device or
49 tracking application; or

50 3. The owner of the vehicle at the time of the installation
51 or placement of the tracking device or tracking application was
52 the original manufacturer of the vehicle and the next owner of
53 the vehicle was informed of the location and how to remove the
54 device before the vehicle title is transferred.

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

58 Section 2. Paragraph (y) of subsection (1) of section
59 493.6118, Florida Statutes, is amended to read:

60 493.6118 Grounds for disciplinary action.—

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

66 (y) Installation, placement, or use of a tracking device or
67 tracking