

By Senator Martin

33-01375-24

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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; conforming  
8       provisions to changes made by the act; amending s.  
9       493.6118, F.S.; conforming a provision to changes made  
10      by the act; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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

16       934.425 Installation or use of tracking devices or tracking  
17       applications; exceptions; penalties.-

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

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

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

26       (c) "Tracking device" means any device whose primary  
27       purpose is to reveal its location or movement by the  
28       transmission of electronic signals.

29       (d) "Person" means an individual but does not include a

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30 business entity.

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

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

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

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

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

44 (b) The consenting person or the person to whom consent was  
45 given files an injunction for protection against the other  
46 person pursuant to s. 741.30, s. 741.315, s. 784.046, or s.  
47 784.0485.

48 (4) This section does not apply to:

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

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

57 1. The parents or legal guardians are lawfully married to  
58 each other and are not separated or otherwise living apart, and

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59 either parent or legal guardian consents to the installation or  
60 placement of the tracking device or tracking 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 or placement of the tracking device or tracking application.

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

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

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

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

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

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

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

98           Section 2. Paragraph (y) of subsection (1) of section  
99 493.6118, Florida Statutes, is amended to read:

100           493.6118 Grounds for disciplinary action.—

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

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

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