

By the Committee on Judiciary; and Senator Martin

590-02626-24

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

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

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

17 934.425 Installation or use of tracking devices or tracking
18 applications; exceptions; penalties.—

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

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

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

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

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30 (d) "Person" means an individual but does not include a
31 business entity.

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

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

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

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

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

45 (b) The consenting person or the person to whom consent was
46 given files an injunction for protection against the other
47 person pursuant to s. 741.30, s. 741.315, s. 784.046, or s.
48 784.0485.

49 (4) This section does not apply to:

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

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

58 1. The parents or legal guardians are lawfully married to

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59 each other and are not separated or otherwise living apart, and
60 either parent or legal guardian consents to the installation,
61 placement, or use of the tracking device or tracking
62 application;

63 2. The parent or legal guardian is the sole surviving
64 parent or legal guardian of the minor child;

65 3. The parent or legal guardian has sole custody of the
66 minor child; or

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

71 (c) A caregiver of an elderly person or disabled adult, as
72 those terms are defined in s. 825.101, if the elderly person's
73 or disabled adult's treating physician certifies that the
74 installation or placement of a tracking device or tracking
75 application onto the elderly person's or disabled adult's
76 property or the use of a tracking device or tracking application
77 to determine the location or movement of the elderly person or
78 disabled person or his or her property is necessary to ensure
79 the safety of the elderly person or disabled adult.

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

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

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

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

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

97 3. The owner of the vehicle at the time of the installation
98 or placement of the tracking device or tracking application was
99 the original manufacturer of the vehicle and the next owner of
100 the vehicle was informed of the location and how to remove the
101 device before the vehicle title is transferred.

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

105 Section 2. Paragraph (y) of subsection (1) of section
106 493.6118, Florida Statutes, is amended to read:

107 493.6118 Grounds for disciplinary action.—

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

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

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