

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/HB 663](#)

TITLE: Use of Tracking Devices or Applications to Commit Dangerous Crimes

SPONSOR(S): Esposito

COMPANION BILL: [CS/SB 1168](#) (Leek)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Criminal Justice](#)

16 Y, 0 N, As CS



[Judiciary](#)

21 Y, 0 N

SUMMARY

Effect of the Bill:

The bill increases the penalty for unlawfully installing, placing, or using a tracking device or tracking application from a third degree felony to a second degree felony if a person installs, places, or uses such device or application to commit a dangerous crime or to facilitate the commission of a dangerous crime.

Fiscal or Economic Impact:

The bill may have an indeterminate positive prison bed impact by increasing the penalty for specified offenses related to the unlawful installation, placement, or use of a tracking device or tracking application which may result in increased prison admissions and offenders being sentenced to longer terms of incarceration.

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ANALYSIS

EFFECT OF THE BILL:

The bill increases the penalty for installing or placing a tracking device or tracking application on another person's property without that person's consent, or using a tracking device or tracking application to determine the location or movement of another person or another person's property without that person's consent from a third degree felony¹ to a second degree felony² if a person [installs, places, or uses](#) such device or application to commit a [dangerous crime](#) or to facilitate the commission of a dangerous crime, as defined in [s. 907.041\(5\)\(a\), F.S.](#) (Section [1](#))

The effective date of the bill is October 1, 2025. (Section [2](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate positive prison bed impact by increasing the penalty for specified offenses related to the unlawful installation, placement, or use of a tracking device or tracking application which may result in increased prison admissions and offenders being sentenced to longer terms of incarceration.

¹ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. [Ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.](#)

² A second degree felony is punishable by up to 15 years in prison and a \$10,000 fine. [Ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.](#)

STORAGE NAME: h0663c.JDC

DATE: 3/26/2025

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Unlawful Installation, Placement, or Use of a Tracking Device or Application](#)

Unless exempted, a person commits a third degree felony under [s. 934.425, F.S.](#) if he or she knowingly installs or places a tracking device³ or tracking application⁴ on another person's property without that person's consent, or uses a tracking device or tracking application to determine the location or movement of another person or another person's property without that person's consent.

Section [934.425, F.S.](#), specifies that the prohibition does not apply to:

- A law enforcement officer as defined in [s. 943.10, F.S.](#), or any local, state, federal, or military law enforcement agency, that lawfully installs, places, or uses a tracking device or tracking application on another person's property as part of a criminal investigation;
- 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:
 - The parents or legal guardians are lawfully married to each other and are not separated or otherwise living apart, and either parent or legal guardian consents to the installation, placement, or use of the tracking device or tracking application;
 - The parent or legal guardian is the sole surviving parent or legal guardian of the minor child;
 - The parent or legal guardian has sole custody of the minor child; or
 - The parents or legal guardians are divorced, separated, or otherwise living apart and both consent to the installation, placement, or use of the tracking device or tracking application;
- A caregiver of an elderly person or disabled adult, as those terms are defined in [s. 825.101, F.S.](#), if the elderly person's or disabled adult's treating physician certifies that the installation or placement of a tracking device or tracking application onto the elderly person's or disabled adult's property or use of a tracking device or tracking application to determine the location or movement of an elderly person or disabled adult is necessary to ensure the safety of the elderly person or disabled adult;
- A person acting in good faith on behalf of a business entity for a legitimate business purpose, except for persons engaged in private investigation, as defined in [s. 493.6101, F.S.](#);⁵ or
- An owner or lessee of a motor vehicle that installs, places, or uses, or directs the installation, placement, or use of, a tracking device or tracking application on such vehicle during the period of ownership or lease, provided that:
 - The tracking device or tracking application is removed before the vehicle's title is transferred or the vehicle's lease expires;
 - The new owner or lessor of the vehicle consents in writing for the tracking device or tracking application to remain installed; or
 - The owner of the vehicle at the time of the installation or placement of the tracking device or tracking application was the original manufacturer of the vehicle and the next owner of the vehicle was informed of the location and how to remove the device before the vehicle title is transferred.⁶

Additionally, [s. 934.425, F.S.](#), specifies that a person's consent to be tracked is presumed to be revoked if:

³ A "tracking device" means any device whose primary purpose is to track or identify the location or movement of an individual. [S. 934.425\(1\)\(c\), F.S.](#)

⁴ A "tracking application" means any software program whose primary purpose is to track or identify the location or movement of an individual. [S. 934.425\(1\)\(b\), F.S.](#)

⁵ "Private investigation" means the investigation by a person or persons for the purpose of obtaining information with reference to any of the following matters: crime or wrong done or threatened against the United States or any state or territory of the United States, when operating under express written authority of the governmental official responsible for such investigation; to identify habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or groups of persons; the credibility of witnesses or other persons; the whereabouts of missing persons, owners of unclaimed property or escheated property, or heirs to estates; the location or recovery of lost or stolen property; the causes and origin of, or responsibility for, fires, libels, slanders, losses, accidents, damage, or injuries to real or personal property; or the business of securing evidence to be used before investigating committees or boards of award or arbitration or in the trial of civil or criminal cases and the preparation thereof. [S. 493.6101\(17\), F.S.](#)

⁶ [S. 934.425\(4\)\(a-e\), F.S.](#)

- The consenting person and the person to whom consent was given are lawfully married and one person files a petition for dissolution of marriage from the other; or
- The consenting person or the person to whom consent was given files an injunction for protection against the other person pursuant to [s. 741.30, F.S.](#), relating to domestic violence, [s. 741.315, F.S.](#), relating to foreign protection orders, [s. 784.046, F.S.](#), relating to repeat violence, sexual violence, or dating violence, or [s. 784.0485, F.S.](#), relating to stalking.⁷

Dangerous Crimes

Under [s. 907.041\(5\)\(a\), F.S.](#), a “dangerous crime” means any of the following:

- Arson;
- Aggravated assault;
- Aggravated battery;
- Illegal use of explosives;
- Child abuse or aggravated child abuse;
- Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult;
- Aircraft piracy;
- Kidnapping;
- Homicide;
- Manslaughter, including DUI manslaughter and BUI manslaughter;
- Sexual battery;
- Robbery;
- Carjacking;
- Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years;
- Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority;
- Burglary of a dwelling;
- Stalking and aggravated stalking;
- Act of domestic violence as defined in [s. 741.28, F.S.](#);
- Home invasion robbery;
- Act of terrorism as defined in [s. 775.30, F.S.](#);
- Manufacturing any substances in violation of chapter 893;
- Attempting or conspiring to commit any such crime;
- Human trafficking;
- Trafficking in any controlled substance described in [s. 893.135\(1\)\(c\)4., F.S.](#);
- Extortion in violation of [s. 836.05, F.S.](#); and
- Written threats to kill in violation of [s. 836.10, F.S.](#)

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/SB 758	Overdorf	Martin	Became law on October 1, 2024.

⁷ S. [934.425\(3\)\(a-b\), F.S.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	16 Y, 0 N, As CS	3/12/2025	Hall	Butcher
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none">Clarified that the bill applies to a person who unlawfully installs, places, or uses a tracking device or tracking application to commit a dangerous crime or to facilitate the commission of a dangerous crime.			
Judiciary Committee	21 Y, 0 N	3/26/2025	Kramer	Butcher

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
