

1 A bill to be entitled
 2 An act relating to the use of tracking devices or
 3 applications to commit dangerous crimes; amending s.
 4 934.425, F.S.; providing enhanced criminal penalties
 5 for the installation, placement, or use of tracking
 6 devices or tracking applications in the commission of
 7 dangerous crimes; providing an effective date.

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 9 Be It Enacted by the Legislature of the State of Florida:

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 11 **Section 1. Subsection (5) of section 934.425, Florida**
 12 **Statutes, is amended, and subsections (1) through (4) of that**
 13 **section are republished, to read:**

14 934.425 Installation or use of tracking devices or
 15 tracking applications; exceptions; penalties.—

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

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

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

24 (c) "Tracking device" means any device whose primary
 25 purpose is to reveal its location or movement by the

26 | transmission of electronic signals.

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

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

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

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

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

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

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

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

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

51 criminal investigation.

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

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

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

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

64 4. The parents or legal guardians are divorced, separated,
65 or otherwise living apart and both consent to the installation,
66 placement, or use of the tracking device or tracking
67 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 or the use of a tracking device or tracking application
74 to determine the location or movement of the elderly person or
75 disabled person or his or her property is necessary to ensure

76 | the safety of the elderly person or disabled adult.

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

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

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

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

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

99 | (5) (a) Except as provided in paragraph (b), a person who
100 | violates this section commits a felony of the third degree,

101 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

102 (b) A person who violates this section in furtherance of a
103 dangerous crime, as defined in s. 907.041(5)(a), commits a
104 felony of the second degree, punishable as provided in s.
105 775.082, s. 775.083, or s. 775.084.

106 **Section 2.** This act shall take effect October 1, 2025.