

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 to commit or  
 7           facilitate the commission of dangerous crimes;  
 8           providing an effective date.

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

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

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

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

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

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

25           (c) "Tracking device" means any device whose primary

26 | purpose is to reveal its location or movement by the  
 27 | transmission of electronic signals.

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

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

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

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

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

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

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

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

48 | (a) A law enforcement officer as defined in s. 943.10, or  
 49 | any local, state, federal, or military law enforcement agency,  
 50 | that lawfully installs, places, or uses a tracking device or

51 tracking application on another person's property as part of a  
52 criminal investigation.

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

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

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

76 disabled person or his or her property is necessary to ensure  
77 the safety of the elderly person or disabled adult.

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

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

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

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

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

100 (5) (a) Except as provided in paragraph (b), a person who

101 violates this section commits a felony of the third degree,  
102 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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