Committee on Criminal Justice

CS/SB 758 — Tracking Devices and Applications

by Judiciary Committee and Senator Martin

The bill amends s. 934.425, F.S., to prohibit a person from knowingly:

- 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.

The bill expands the scope of prohibited conduct to capture those persons who do not install a tracking device or tracking application on another person's property themselves, but who place or use such a device or application to determine the location or movement of another person or another person's property without that person's consent.

The bill increases the penalty for a violation of this section from a second degree misdemeanor to a third degree felony.

The bill expands the exceptions in s. 934.425, F.S., to include an exception for placement or use of a tracking device or tracking application, under certain circumstances, by:

- Law enforcement officers, or any local, state, federal, or military law enforcement agency;
- A parent or legal guardian of a minor;
- A caregiver of an elderly person or disabled adult; and
- An owner or lessee of a motor vehicle.

The bill amends s. 493.6118, F.S., to provide that use of a tracking device or tracking application is grounds for which disciplinary action may be taken by the Department of Agriculture and Consumer Services against any licensee, agency, or applicant regulated by ch. 493, F.S., or any unlicensed person engaged in activities regulated by ch. 493, F.S.

Chapter 493, F.S., relates to private investigative, private security, and repossession services.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.

Vote: Senate 37-0; House 113-0