The Committee on Criminal Justice (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 934.425, Florida Statutes, is created to read:

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

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

(a) “Business entity” means any form of corporation,
partnership, association, cooperative, joint venture, business trust, or sole proprietorship that conducts business in this state.

(b) “Person” means an individual and does not mean a business entity.

(c) “Tracking application” means any software program whose primary purpose is to track or identify the location or movement of an individual.

(d) “Tracking device” means any device whose primary purpose is to reveal its location or movement by the transmission of electronic signals.

(2) Except as provided in subsection (4), a person may not knowingly install a tracking device or tracking application on another person’s property without the other person’s consent.

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

(a) 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

(b) 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, s. 741.315, s. 784.046, or s. 784.0485.

(4) This section does not apply to:

(a) A law enforcement officer as defined in s. 943.10, or any local, state, federal, or military law enforcement agency, that lawfully installs a tracking device or tracking application on another person’s property as part of a criminal investigation.
(b) A parent or legal guardian of a minor child that installs a tracking device or tracking application on the minor child’s property if:

1. 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 of the tracking device or tracking application;

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

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

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

(c) A caregiver of an elderly person or disabled adult, as those terms are defined in s. 825.101, if the elderly person’s or disabled adult’s treating physician certifies that the installation of a tracking device or tracking application onto the elderly person’s or disabled adult’s property is necessary to ensure the safety of the elderly person or disabled adult.

(d) A person acting in good faith on behalf of a business entity for a legitimate business purpose.

(5) A person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. This act shall take effect October 1, 2015.

And the title is amended as follows:
Delete everything before the enacting clause

and insert:

A bill to be entitled
An act relating to tracking devices or tracking applications; creating s. 934.425, F.S.; defining terms; prohibiting the installation of a tracking device or tracking application without a person’s consent; creating a presumption that consent is revoked upon initiation of specified proceedings; providing exceptions to the prohibition on installation of tracking devices or tracking applications; providing criminal penalties; providing an effective date.