

By the Committees on Rules; and Criminal Justice; and Senator Evers

595-04084-16

2016298c2

1 A bill to be entitled

2 An act relating to installation of tracking devices or  
3 tracking applications; amending s. 934.425, F.S.;  
4 revising exceptions to a prohibition on the  
5 installation of tracking devices or tracking  
6 applications to specify that the exception applies  
7 only to private investigators under certain  
8 circumstances; deleting a provision concerning persons  
9 engaged in private investigation; reenacting s.  
10 493.6118(1)(y), F.S., relating to grounds for  
11 disciplinary action, to incorporate the amendment made  
12 to s. 934.425, F.S., in a reference thereto; providing  
13 an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Paragraph (d) of subsection (4) of section  
18 934.425, Florida Statutes, is amended to read:

19 934.425 Installation of tracking devices or tracking  
20 applications; exceptions; penalties.—

21 (4) This section does not apply to:

22 (d) A person acting in good faith on behalf of a business  
23 entity for a legitimate business purpose. This paragraph does  
24 not apply to a person engaged in private investigation, as  
25 defined in s. 493.6101, on behalf of another person, except  
26 that:

27 1. A person or business entity that is exempt under  
28 paragraph (b), paragraph (c), or paragraph (e) may hire a  
29 private investigator to install a tracking device or tracking  
30 application consistent with the applicable exemption.

31 2. A private investigator may install a tracking device or

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32 tracking application pursuant to a lawful court order unless  
33 ~~such activities would otherwise be exempt under this subsection~~  
34 ~~if performed by the person engaging the private investigator.~~

35 Section 2. For the purpose of incorporating the amendment  
36 made by this act to section 934.425, Florida Statutes, in a  
37 reference thereto, paragraph (y) of subsection (1) of section  
38 493.6118, Florida Statutes, is reenacted to read:

39 493.6118 Grounds for disciplinary action.—

40 (1) The following constitute grounds for which disciplinary  
41 action specified in subsection (2) may be taken by the  
42 department against any licensee, agency, or applicant regulated  
43 by this chapter, or any unlicensed person engaged in activities  
44 regulated under this chapter.

45 (y) Installation of a tracking device or tracking  
46 application in violation of s. 934.425.

47 Section 3. This act shall take effect October 1, 2016.