

1 A bill to be entitled
 2 An act relating to tracking devices or tracking
 3 applications; creating s. 934.425, F.S.; providing
 4 definitions; prohibiting the installation of a
 5 tracking device or tracking application without the
 6 person's consent; creating a presumption that consent
 7 is revoked upon initiation of specified proceedings;
 8 providing exceptions; providing criminal penalties;
 9 providing an effective date.

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

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

15 934.425 Installation of tracking devices or tracking
 16 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 install a tracking device or tracking application on
32 another person's property without the other person's consent.

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

35 (a) The consenting person and the person to whom consent
36 was given are lawfully married and one person files a petition
37 for dissolution of marriage from the other; or

38 (b) The consenting person or the person to whom consent
39 was given files an injunction for protection against the other
40 person pursuant to s. 741.30, s. 741.315, s. 784.046, or s.
41 784.0485.

42 (4) This section does not apply to:

43 (a) A law enforcement officer as defined in s. 943.10, or
44 any local, state, federal, or military law enforcement agency,
45 that lawfully installs a tracking device or tracking application
46 on another person's property as part of a criminal
47 investigation.

48 (b) A parent or legal guardian of a minor child who
49 installs a tracking device or tracking application on the minor
50 child's property if:

51 1. The parents or legal guardians are lawfully married to
52 each other and are not separated or otherwise living apart, and

53 either parent or legal guardian consents to the installation of
 54 the tracking device or tracking application;

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

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

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

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

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

70 (5) A person who violates this section commits a
 71 misdemeanor of the second degree, punishable as provided in s.
 72 775.082 or s. 775.083.

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