

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|---------------|-------|
| ADOPTED | <u> </u> | (Y/N) |
| ADOPTED AS AMENDED | <u> </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u> </u> | (Y/N) |
| FAILED TO ADOPT | <u> </u> | (Y/N) |
| WITHDRAWN | <u> </u> | (Y/N) |
| OTHER | <u> </u> | |

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Overdorf offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 49-95 and insert:

7 that lawfully installs, places, or uses a tracking device or
 8 tracking application on another person's property as part of a
 9 criminal investigation.

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

13 1. The parents or legal guardians are lawfully married to
 14 each other and are not separated or otherwise living apart, and
 15 either parent or legal guardian consents to the installation,

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16 placement, or use of the tracking device or tracking
17 application;

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

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

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

26 (c) A caregiver of an elderly person or disabled adult, as
27 those terms are defined in s. 825.101, if the elderly person's
28 or disabled adult's treating physician certifies that the
29 installation or placement of a tracking device or tracking
30 application onto the elderly person's or disabled adult's
31 property or the use of a tracking device or tracking application
32 to determine the location or movement of the elderly person or
33 disabled person or his or her property is necessary to ensure
34 the safety of the elderly person or disabled adult.

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

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

45 1. The tracking device or tracking application is removed
46 before the vehicle's title is transferred or the vehicle's lease
47 expires;

48 2. The new owner of the vehicle, in the case of a sale, or
49 the lessor of the vehicle, in the case of an expired lease,
50 consents in writing to the nonremoval of the tracking device or
51 tracking application; or

52 3. The owner of the vehicle at the time of the
53 installation or placement of the tracking device or tracking
54 application was the original manufacturer of the vehicle.

55 (5) A person who violates this section commits a felony
56 ~~misdemeanor~~ of the third ~~second~~ degree, punishable as provided
57 in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

58 Section 2. Paragraph (y) of subsection (1) of section
59 493.6118, Florida Statutes, is amended to read:

60 493.6118 Grounds for disciplinary action.—

61 (1) The following constitute grounds for which
62 disciplinary action specified in subsection (2) may be taken by
63 the department against any licensee, agency, or applicant
64 regulated by this chapter, or any unlicensed person engaged in
65 activities regulated under this chapter:

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66 (y) Installation, placement, or use of a tracking device
67 or tracking application in violation of s. 934.425.

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T I T L E A M E N D M E N T

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Remove line 7 and insert:

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consent; providing criminal penalties, amending s. 493.6118,

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F.S.; conforming a provision to changes made by the act;

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providing an