

CS/HB 401 – Tracking Devices and Applications

This bill amends s. 934.425, F.S., expanding the types of activities prohibited for tracking devices or tracking applications, and increasing the penalty for such actions. Only the installation of tracking devices is prohibited under current law, whereas this bill also prohibits the placement or use of these devices on the property of another person without that person's consent. Additionally, it would now be prohibited for someone to "use 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." Finally, the current 2nd degree misdemeanor for committing these acts is elevated to an **unranked, 3rd degree felony (Level 1 by default)**.

In FY 22-23, the incarceration rate for a Level 1, 3rd degree felony was 9.5%.

Per FDLE, there were 33 arrests under s. 934.425, F.S., 5 guilty/convicted charges, and 2 adjudications withheld. While these are not large numbers, it is not known how these changes to statutory language would expand the pool of potential offenders.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: House