

By Representatives Argenziano, Culp, Crow, Heyman, Putnam
and Dockery

1 A bill to be entitled
2 An act relating to offenses involving intent to
3 defraud persons who hire or lease personal
4 property or equipment; amending s. 812.155,
5 F.S., relating to the offenses of obtaining
6 personal property or equipment by trick or
7 false representation, hiring or leasing with
8 intent to defraud, and failure to redeliver
9 hired or leased personal property; removing
10 provisions relating to the inference of
11 fraudulent intent for purposes of prosecution
12 of such offenses; providing that certain acts
13 involving obtaining equipment under false
14 pretenses, absconding without payment, or
15 removing or attempting to remove property
16 without express written consent constitute
17 prima facie evidence of such fraudulent intent;
18 specifying circumstances under which failure
19 upon demand to redeliver property or equipment
20 or to pay amounts due for full rental period,
21 including certain damage costs, constitutes
22 such fraudulent intent; providing an effective
23 date.

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

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27 Section 1. Section 812.155, Florida Statutes, is
28 amended to read:

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30 812.155 Hiring, leasing, or obtaining personal
31 property or equipment with the intent to defraud; failing to

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1 return hired or leased personal property or equipment; rules
2 of evidence.--

3 (1) OBTAINING BY TRICK, FALSE REPRESENTATION,
4 ETC.--Whoever, with the intent to defraud the owner or any
5 person lawfully possessing any personal property or equipment,
6 obtains the custody of such personal property or equipment by
7 trick, deceit, or fraudulent or willful false representation
8 shall be guilty of a misdemeanor of the second degree,
9 punishable as provided in s. 775.082 or s. 775.083, unless the
10 value of the personal property or equipment is of a value of
11 \$300 or more; in that event the violation constitutes a felony
12 of the third degree, punishable as provided in s. 775.082, s.
13 775.083, or s. 775.084.

14 (2) HIRING OR LEASING WITH THE INTENT TO
15 DEFRAUD.--Whoever, with intent to defraud the owner or any
16 person lawfully possessing any personal property or equipment
17 of the rental thereof, hires or leases said personal property
18 or equipment from such owner or such owner's agents or any
19 person in lawful possession thereof shall, upon conviction, be
20 guilty of a misdemeanor of the second degree, punishable as
21 provided in s. 775.082 or s. 775.083, unless the value of the
22 personal property or equipment is of a value of \$300 or more;
23 in that event the violation constitutes a felony of the third
24 degree, punishable as provided in s. 775.082, s. 775.083, or
25 s. 775.084.

26 (3) FAILURE TO REDELIVER HIRED OR LEASED PERSONAL
27 PROPERTY.--Whoever, after hiring or leasing any personal
28 property or equipment under an agreement to redeliver the same
29 to the person letting such personal property or equipment or
30 his agent at the termination of the period for which it was
31 let, shall, without the consent of such person or persons and

1 with the intent to defraud, abandon or willfully refuse to
2 redeliver such personal property or equipment as agreed,
3 shall, upon conviction, be guilty of a misdemeanor of the
4 second degree, punishable as provided in s. 775.082 or s.
5 775.083, unless the value of the personal property or
6 equipment is of a value of \$300 or more; in that event the
7 violation constitutes a felony of the third degree, punishable
8 as provided in s. 775.082, s. 775.083, or s. 775.084.

9 (4) EVIDENCE OF FRAUDULENT INTENT.--

10 (a) In prosecutions under this section, obtaining
11 ~~fraudulent intent may be inferred from proof that~~ the property
12 or equipment under ~~was obtained by~~ false pretenses; by
13 absconding without payment or offering to pay any outstanding
14 balance; or ~~by surreptitiously~~ removing or attempting to
15 remove the property or equipment from the county, without the
16 express written consent of the lessor, shall be prima facie
17 evidence of such fraudulent intent.

18 (b) In prosecutions under subsection (3), failure to
19 redeliver the property or equipment upon demand made in person
20 or by certified mail shall be prima facie evidence of such
21 fraudulent intent.

22 (c) In prosecutions under subsection (2), failure to
23 pay any amounts due for the full rental period, including
24 reasonable costs for damage to the property or equipment, upon
25 demand made in person or by certified mail shall be prima
26 facie evidence of such fraudulent intent.

27 ~~(b) Fraudulent intent may be inferred from proof of~~
28 ~~the failure to make payment or redeliver upon demand made~~
29 ~~either in person or by certified mail. This inference may be~~
30 ~~made only when there is no dispute as to the amount owed.~~

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