

By the Committee on Criminal Justice; and Senator Argenziano

307-2049-04

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A bill to be entitled  
An act relating to dealing in stolen property;  
amending s. 812.022, F.S.; creating an  
inference that a dealer in used property knew  
or should have known that he or she possessed  
stolen property if it is proved that the dealer  
possessed stolen property upon which a name and  
phone number are conspicuously displayed;  
providing that the dealer avoids the inference  
by meeting specified requirements for verifying  
that the property was not stolen; specifying  
records that constitute sufficient evidence to  
avoid the inference; providing an effective  
date.

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

Section 1. Subsection (2) of section 812.022, Florida  
Statutes, is amended, and subsection (5) is added to that  
section, to read:

812.022 Evidence of theft or dealing in stolen  
property.--

(2) Except as provided in subsection (5), proof of  
possession of property recently stolen, unless satisfactorily  
explained, gives rise to an inference that the person in  
possession of the property knew or should have known that the  
property had been stolen.

(5) Proof that a dealer who regularly deals in used  
property possesses stolen property upon which a name and phone  
number of a person other than the offeror of the property are  
conspicuously displayed gives rise to an inference that the

1 dealer possessing the property knew or should have known that  
2 the property was stolen. If the name and phone number are for  
3 a business that rents property, the dealer avoids the  
4 inference by contacting such business, prior to accepting the  
5 property, to verify that such business owns the property and  
6 that the property was not stolen from such business. If such  
7 business does not own the property, or the name and phone  
8 number on the property are for a person other than such  
9 business, the dealer avoids the inference by contacting the  
10 local law enforcement agency where the dealer is located,  
11 prior to accepting the property, to verify that the property  
12 has not been reported stolen. An accurate written record,  
13 which contains the date, time, number called, and name and  
14 place of employment of the person who verified that the  
15 property was not stolen, is sufficient evidence to avoid the  
16 inference.

17           Section 2. This act shall take effect July 1, 2004.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1380

- Provides that proof that a dealer who regularly deals in used property possesses stolen property upon which a name and phone number of a person other than the offeror of the property are conspicuously displayed gives rise to the inference that the dealer possessing the property knew or should have known that the property was stolen.
- Provides that if the name and phone number are for a business that rents property, the dealer avoids the inference by contacting the rental business, prior to accepting the property, to verify that the business owns the property and the property was not stolen from that business.
- Provides that if the rental business does not own the property, or the name and phone number on the property are for a person other than the rental business, the dealer avoids the inference by contacting the local law enforcement agency where the dealer is located, prior to accepting the property, to verify that the property has not been reported stolen.