

HB 599

2004
CS

CHAMBER ACTION

1 The Committee on Public Safety & Crime Prevention recommends the
2 following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to dealing in stolen property; amending s.
8 812.022, F.S.; creating an inference that certain persons
9 accepting used property knew or should have known that the
10 property was stolen if the property conspicuously displays
11 specified information; specifying actions such persons may
12 take to avoid the inference; providing exceptions
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsection (2) of section 812.022, Florida
18 Statutes, is amended, and subsection (5) is added to said
19 section, to read:

20 812.022 Evidence of theft or dealing in stolen property.--

21 (2) Except as provided in subsection (5), proof of
22 possession of property recently stolen, unless satisfactorily
23 explained, gives rise to an inference that the person in

HB 599

2004
CS

24 possession of the property knew or should have known that the
25 property had been stolen.

26 (5) Proof that a dealer who regularly deals in used
27 property possesses stolen property upon which a name and phone
28 number of a person other than the offeror of the property are
29 conspicuously displayed gives rise to an inference that the
30 dealer possessing the property knew or should have known that
31 the property was stolen.

32 (a) If the name and phone number are for a business that
33 rents property, the dealer avoids the inference by contacting
34 such business, prior to accepting the property, to verify that
35 the property was not stolen from such business. If the name and
36 phone number are not for a business that rents property, the
37 dealer avoids the inference by contacting the local law
38 enforcement agency in the jurisdiction where the dealer is
39 located, prior to accepting the property, to verify that the
40 property has not been reported stolen. An accurate written
41 record, which contains the number called, the date and time of
42 such call, and the name and place of employment of the person
43 who verified that the property was not stolen, is sufficient
44 evidence to avoid the inference pursuant to this subsection.

45 (b) This subsection does not apply to:

46 1. Nonprofit, tax-exempt organizations that accept
47 donations and do not purchase used property.

48 2. Used sports equipment that does not contain a serial
49 number, printed or recorded materials, computer software, or
50 videos or video games.

HB 599

2004
CS

51 3. A dealer who implements, in a continuous and consistent
52 manner, a program for identification and return of stolen
53 property that meets the following criteria:

54 a. When a dealer is offered property for pawn or purchase
55 that contains conspicuous identifying information that includes
56 a name and phone number, or a dealer is offered property for
57 pawn or purchase that contains ownership information that is
58 affixed to the property pursuant to a written agreement with a
59 business entity or group of associated business entities, the
60 dealer will promptly contact the individual or company whose
61 name is affixed to the property by phone to confirm that the
62 property has not been stolen. If the individual or business
63 contacted indicates that the property has been stolen, the
64 dealer shall not accept the property.

65 b. If the dealer is unable to verify whether the property
66 is stolen from the individual or business, and if the dealer
67 accepts the property that is later determined to have been
68 stolen,, the dealer will voluntarily return the property at no
69 cost and without the necessity of a replevin action, if the
70 property owner files the appropriate theft reports with law
71 enforcement and enters into an agreement with the dealer to
72 actively participate in the prosecution of the person or persons
73 who perpetrated the crime.

74 c. If a dealer is required by law to complete and submit a
75 transaction form to law enforcement, the dealer shall include
76 all conspicuously displayed ownership information on the
77 transaction form.

78 Section 2. This act shall take effect July 1, 2004.