

1 A bill to be entitled
 2 An act relating to dealing in stolen property; amending s.
 3 812.022, F.S.; creating an inference that certain persons
 4 accepting used property knew or should have known that the
 5 property was stolen if the property conspicuously displays
 6 specified information; specifying actions such persons may
 7 take to avoid the inference; providing exceptions
 8 providing an effective date.

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

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

15 812.022 Evidence of theft or dealing in stolen property.--

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

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

27 (a) If the name and phone number are for a business that
 28 rents property, the dealer avoids the inference by contacting

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

40 (b) This subsection does not apply to:

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

43 2. Used sports equipment that does not contain a serial
44 number, printed or recorded materials, computer software, or
45 videos or video games.

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

49 a. When a dealer is offered property for pawn or purchase
50 that contains conspicuous identifying information that includes
51 a name and phone number, or a dealer is offered property for
52 pawn or purchase that contains ownership information that is
53 affixed to the property pursuant to a written agreement with a
54 business entity or group of associated business entities, the
55 dealer will promptly contact the individual or company whose
56 name is affixed to the property by phone to confirm that the

57 | property has not been stolen. If the individual or business
58 | contacted indicates that the property has been stolen, the
59 | dealer shall not accept the property.

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

69 | c. If a dealer is required by law to complete and submit a
70 | transaction form to law enforcement, the dealer shall include
71 | all conspicuously displayed ownership information on the
72 | transaction form.

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