



820280

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
01/25/2012	.	
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The Committee on Criminal Justice (Dean) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 75 - 121  
and insert:

(b) In a prosecution under subsection (3), failure to redeliver the property or equipment within 5 days after receiving the demand for return from a courier service with tracking capability or by certified mail, return receipt requested ~~receipt of~~, or within 5 days after delivery by the courier service or return receipt from the certified mailing of the demand for return, is prima facie evidence of abandonment or refusal to redeliver the property or equipment. Notice mailed by



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13 certified mail, return receipt requested, or delivery by courier  
14 with tracking capability to the address given by the renter at  
15 the time of rental is ~~shall be deemed~~ sufficient and equivalent  
16 to notice having been received by the renter, should the notice  
17 be returned undelivered.

18 (c) In a prosecution under subsection (3), failure to pay  
19 any amount due which is incurred as the result of the failure to  
20 redeliver property or equipment after the rental period expires,  
21 and after the demand for return is made, is prima facie evidence  
22 of abandonment or refusal to redeliver the property or  
23 equipment. Amounts due include unpaid rental for the time period  
24 during which the property or equipment was not returned and  
25 include the lesser of the cost of repairing or replacing the  
26 property or equipment if it has been damaged.

27 (5) DEMAND FOR RETURN.—Demand for return of overdue  
28 property or equipment and for payment of amounts due may be made  
29 in person, by hand delivery, ~~or~~ by certified mail, return  
30 receipt requested, or by courier service with tracking  
31 capability, addressed to the lessee's address shown in the  
32 rental contract.

33 (6) NOTICE REQUIRED.—As a prerequisite to prosecution under  
34 this section, the following statement must be contained in the  
35 agreement under which the owner or person lawfully possessing  
36 the property or equipment has relinquished its custody, or in an  
37 addendum to that agreement, and the statement must be initialed  
38 by the person hiring or leasing the rental property or  
39 equipment:

40  
41 Failure to return rental property or equipment upon



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42 expiration of the rental period and failure to pay all  
43 amounts due (including costs for damage to the  
44 property or equipment) are evidence of abandonment or  
45 refusal to redeliver the property, punishable in  
46 accordance with section 812.155, Florida Statutes.

47 (7) POSSESSION BY OTHERS NOT A DEFENSE.—Possession of  
48 personal property or equipment by a third party is not a defense  
49 to failure to return the property or equipment.

50 (8) REPORTING VEHICLE AS STOLEN.—A lessor of a vehicle that  
51 is not returned at the conclusion of the lease who satisfies the  
52 requirements of this section regarding the vehicle is entitled  
53 to report the vehicle as stolen to a law enforcement agency and  
54 have the vehicle listed as stolen on any local or national  
55 registry of such vehicles.

56  
57 ===== T I T L E A M E N D M E N T =====

58 And the title is amended as follows:

59 Delete lines 5 - 22

60 and insert:

61 a prosecution for failing to redeliver property or  
62 equipment within a specified time after receiving the  
63 demand for return from a courier service with tracking  
64 capability or by certified mail, return receipt  
65 requested, or within a specified time after delivery  
66 by the courier service or return receipt from the  
67 certified mailing of the demand for return, is prima  
68 facie evidence of abandonment or refusal to redeliver  
69 the property or equipment; providing that notice  
70 mailed by delivery by courier with tracking capability



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71 to the address given by the renter at the time of the  
72 rental is sufficient and equivalent to notice having  
73 been received by the renter, if the notice is returned  
74 undelivered; providing that in a prosecution for  
75 failing to pay any amount due which is incurred as the  
76 result of the failure to redeliver property or  
77 equipment after the rental period expires, and after  
78 the demand for return is made, is prima facie evidence  
79 of abandonment or refusal to redeliver the property or  
80 equipment; providing that a demand for return of  
81 overdue property or equipment and for payment of  
82 amounts due may be made by courier service with  
83 tracking capability; providing that possession of  
84 personal property or equipment by a third party is not  
85 a defense to failure to return the property or  
86 equipment; providing that a lessor of a vehicle that  
87 is not returned at the conclusion of a lease is  
88 entitled to report the vehicle as stolen to a law  
89 enforcement agency and have the vehicle listed as  
90 stolen on any local or national registry of such  
91 vehicles;