

By Senator Legg

17-00927-16

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1                   A bill to be entitled  
2           An act relating to failure to return hired or leased  
3           personal property or equipment; amending s. 812.155,  
4           F.S.; deleting provisions providing criminal penalties  
5           for failure to return hired or leased personal  
6           property or equipment in certain circumstances;  
7           conforming provisions; providing an effective date.

8  
9   Be It Enacted by the Legislature of the State of Florida:

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11           Section 1. Subsections (3) and (4) of section 812.155,  
12           Florida Statutes, are amended and subsections (5) through (8) of  
13           that section are redesignated as subsections (4) through (7),  
14           respectively, to read:

15           812.155 Hiring, leasing, or obtaining personal property or  
16           equipment with the intent to defraud; ~~failing to return hired or~~  
17           ~~leased personal property or equipment;~~ rules of evidence.-

18           ~~(3) FAILURE TO RETURN HIRED OR LEASED PERSONAL PROPERTY.-~~  
19           ~~Whoever, after hiring or leasing personal property or equipment~~  
20           ~~under an agreement to return the personal property to the person~~  
21           ~~letting the personal property or equipment or his or her agent~~  
22           ~~at the termination of the period for which it was let, shall,~~  
23           ~~without the consent of the person or persons knowingly abandon~~  
24           ~~or refuse to return the personal property or equipment as~~  
25           ~~agreed, commits a misdemeanor of the second degree, punishable~~  
26           ~~as provided in s. 775.082 or s. 775.083, unless the value of the~~  
27           ~~personal property or equipment is of a value of \$300 or more; in~~  
28           ~~that case the person commits a felony of the third degree,~~  
29           ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

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30        (3)~~(4)~~ EVIDENCE.-

31        ~~(a)~~ In a prosecution under this section, obtaining the  
32 property or equipment under false pretenses; absconding without  
33 payment; or removing or attempting to remove the property or  
34 equipment from the county without the express written consent of  
35 the lessor, is evidence of fraudulent intent.

36        ~~(b)~~ In a prosecution under subsection ~~(3)~~, failure to  
37 redeliver the property or equipment within 5 days after  
38 receiving the demand for return from a courier service with  
39 tracking capability or by certified mail, return receipt  
40 requested, or within 5 days after delivery by the courier  
41 service or return receipt from the certified mailing of the  
42 demand for return, is prima facie evidence of abandonment or  
43 refusal to redeliver the property or equipment. Notice mailed by  
44 certified mail, return receipt requested, or delivery by courier  
45 with tracking capability to the address given by the renter at  
46 the time of rental is sufficient and equivalent to notice having  
47 been received by the renter, should the notice be returned  
48 undelivered.

49        ~~(c)~~ In a prosecution under subsection ~~(3)~~, failure to pay  
50 any amount due which is incurred as the result of the failure to  
51 redeliver property or equipment after the rental period expires,  
52 and after the demand for return is made, is prima facie evidence  
53 of abandonment or refusal to redeliver the property or  
54 equipment. Amounts due include unpaid rental for the time period  
55 during which the property or equipment was not returned and  
56 include the lesser of the cost of repairing or replacing the  
57 property or equipment if it has been damaged.

58        Section 2. This act shall take effect July 1, 2016.