

By the Committees on Judiciary; Criminal Justice; and Senator Argenziano

308-2509-04

1                                   A bill to be entitled  
2           An act relating to dealing in stolen property;  
3           amending s. 812.022, F.S.; creating an  
4           inference that a dealer in used property knew  
5           or should have known that he or she possessed  
6           stolen property if it is proved that the dealer  
7           possessed stolen property upon which a name and  
8           phone number are conspicuously displayed;  
9           providing that the dealer avoids the inference  
10          by meeting specified requirements for verifying  
11          that the property was not stolen; specifying  
12          records that constitute sufficient evidence to  
13          avoid the inference; providing exceptions to  
14          the application of the act; providing an  
15          effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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

22           812.022 Evidence of theft or dealing in stolen  
23 property.--

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

29           (5) Proof that a dealer who regularly deals in used  
30 property possesses stolen property upon which a name and phone  
31 number of a person other than the offeror of the property are

1 conspicuously displayed gives rise to an inference that the  
2 dealer possessing the property knew or should have known that  
3 the property was stolen.

4 (a) If the name and phone number are for a business  
5 that rents property, the dealer may avoid the inference by  
6 contacting the business, before accepting the property, to  
7 verify that the property was not stolen from the business. If  
8 the name and phone number are not for a business that rents  
9 property, the dealer may avoid the inference by contacting the  
10 local law enforcement agency where the dealer is located,  
11 before accepting the property, to verify that the property has  
12 not been reported stolen. An accurate written record that  
13 contains the date, time, number called, and name and place of  
14 employment of the person who verified that the property was  
15 not stolen is sufficient evidence to avoid the inference under  
16 this subsection.

17 (b) This subsection does not apply to:

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

20 2. Printed or recorded materials, computer software,  
21 videos and video games, or used sports equipment that does not  
22 contain a serial number.

23 3. A dealer that implements, in a continuous and  
24 consistent manner, a program for identification and return of  
25 stolen property which meets the following criteria:

26 a. When a dealer is offered property for pawn or  
27 purchase which contains conspicuous identifying information  
28 that includes a name and phone number, or a dealer is offered  
29 property for pawn or purchase which contains ownership  
30 information that is affixed to the property under a written  
31 agreement with a business entity or group of associated

1 business entities, the dealer must promptly contact by phone  
2 the individual or company whose name is affixed to the  
3 property to confirm that the property has not been stolen.

4 b. If the individual or company contacted indicates  
5 that the property has been stolen, the dealer must voluntarily  
6 return the property at no cost and without the necessity of a  
7 replevin action, if the property owner files the appropriate  
8 theft reports with a law enforcement agency and enters into an  
9 agreement with the dealer to actively participate in the  
10 prosecution of the person or persons who perpetrated the  
11 crime.

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

13  
14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
15 COMMITTEE SUBSTITUTE FOR  
16 CS Senate Bill 1380

17 Clarifies that a dealer in used property avoids an inference  
18 by contacting the local enforcement agency in any  
19 instances where the business is not a rental business.

20 Creates exemptions for the following:

- 21 - Non-profit, tax-exempt organizations that accept  
22 donations and do not purchase used property;  
23 - Printed or recorded materials, computer software, videos  
24 and video games, or used sports equipment that does not  
25 contain a serial number; or,  
26 - A dealer that implements, continuously and consistently,  
27 an identification and return program that incorporates  
28 specified criteria.  
29  
30  
31