CS/HB 1309 2018

1 2

3

5

7

9

11

12

1314

151617

18 19

20 21

222324

25

A bill to be entitled

An act relating to fraudulently obtaining or retaining personal property or equipment; amending s. 812.155, F.S.; revising the threshold amounts for certain offenses relating to hiring, leasing, or obtaining personal property or equipment with the intent to defraud and failing to return hired or leased personal property or equipment; providing an exclusion for rental purchase agreements; providing an effective date.

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

Section 1. Subsections (1), (2), and (3) of section 812.155, Florida Statutes, are amended, subsections (7) and (8) of that section are renumbered as subsections (8) and (9), respectively, and a new subsection (7) is added to that section, to read:

- 812.155 Hiring, leasing, or obtaining personal property or equipment with the intent to defraud; failing to return hired or leased personal property or equipment; rules of evidence.—
- (1) OBTAINING BY TRICK, FALSE REPRESENTATION, ETC.—
  Whoever, with the intent to defraud the owner or any person
  lawfully possessing any personal property or equipment, obtains
  the custody of the personal property or equipment by trick,

Page 1 of 3

CODING: Words stricken are deletions; words underlined are additions.

CS/HB 1309 2018

deceit, or fraudulent or willful false representation commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, unless the value of the personal property or equipment is of a value of  $\frac{$750}{400}$  or more; in that case the person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

- (2) HIRING OR LEASING WITH THE INTENT TO DEFRAUD.—Whoever, with intent to defraud the owner or any person lawfully possessing personal property or equipment of the rental thereof, hires or leases the personal property or equipment from the owner or the owner's agents or any person in lawful possession thereof commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, unless the value of the personal property or equipment is of a value of \$750 \\$300 or more; in that case the person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (3) FAILURE TO RETURN HIRED OR LEASED PERSONAL PROPERTY.— Whoever, after hiring or leasing personal property or equipment under an agreement to return the personal property to the person letting the personal property or equipment or his or her agent at the termination of the period for which it was let, shall, without the consent of the person or persons knowingly abandon or refuse to return the personal property or equipment as agreed, commits a misdemeanor of the second degree, punishable

CS/HB 1309 2018

as provided in s. 775.082 or s. 775.083, unless the value of the personal property or equipment is of a value of  $\frac{$750}{$300}$  or more; in that case the person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

51

52

53

54

55

56

57

5859

60

(7) EXCLUSION OF RENTAL PURCHASE AGREEMENTS.—This section does not apply to personal property or equipment that is the subject of a rental purchase agreement that permits the lessee to acquire ownership of the personal property or equipment.

Section 2. This act shall take effect July 1, 2018.