

property), paragraph A. of part II. of the Tampa Police Department's Standard Operating Procedure 322.2 states:

"It is the joint policy of the Tampa Police Department and the Hillsborough County State Attorney's Office that there will be no report, investigation, or prosecution for these incidents unless the lessor obtains certain information and performs certain acts to assist."

Paragraph D. of part V. states:

9. The Hillsborough County State Attorney's Office has promulgated a policy requiring that the complainant must have taken certain actions to establish that the lessee has failed to redeliver the vehicle with the intent to defraud. The complainant must be able to positively identify the suspect and to have documented the suspect's name, DOB, height, weight, driver's license or other official identification bearing identification number, home address and telephone number, and business address and telephone number. *The vehicle rental agency is also required to make a photocopy of the driver's license or other official photograph bearing identification of the person who is renting a vehicle.* (emphasis added)

10. If the complainant is unable to supply the listed information about the suspect, he will be informed that this is a civil matter and advised to make contact with a private attorney.

The National Crime Information Center (NCIC) is a computerized index of criminal justice information (i.e., criminal record history information, fugitives, stolen properties, missing persons). It is available to federal, state, and local law enforcement, and other criminal justice agencies and is operational 24 hours a day, 365 days a year. Its purpose is to assist authorized agencies in criminal justice and related law enforcement objectives, such as apprehending fugitives, locating missing persons, locating and returning stolen property, as well as in the protection of the law enforcement officers encountering the individuals described in the system.

The NCIC Operating Manual Vehicle File, section 1.2 reads:

1. A stolen vehicle may be entered if a theft report has been made. The entering agency must maintain the entry in an up-to-date status. The agency holding the theft report should enter the record. An agency in the state of registry may enter a record for a vehicle stolen in another state only after an inquiry, conducted after a reasonable period of time, discloses no record has been entered in NCIC 2000 by the agency holding the theft report. In this instance, the agency in the state of registry must enter the identity of the agency holding the theft report in the Miscellaneous (MIS) Field.

2. A loaned, rented, or leased vehicle that has not been returned may not be entered in the file unless an official police theft report is made or a filed complaint results in the issuance of a warrant charging embezzlement, theft, etc.

The Florida Crime Information Center (FCIC) provides Florida's criminal justice agencies with access to on-line information about criminals and criminal activity. It also serves as the link to criminal justice information in other states and the federal government.

The FCIC Operating Manual, section 11-3 reads:

Stolen Vehicles - A vehicle taken without the owner's consent and for which a theft report has been filed. The entering agency must keep the entry up-to-date. A loaned, rented, or leased vehicle that has not been returned may not be entered in the file unless an official police theft report is made or a filed complaint results in the issuance of a warrant charging embezzlement, theft, etc.

The Florida Department of Law Enforcement (FDLE) reports that currently there are only three items required by statute to be entered into FCIC and NCIC. These required items are person-related:

- 1) Missing juveniles,
- 2) Writs of bodily attachment in connection with a court-ordered support obligation, and
- 3) Violence injunctions (domestic, repeat, dating, and sexual.)

III. Effect of Proposed Changes:

The bill stipulates when a vehicle rental agency files a report to a law enforcement agency indicating a renter has not returned a rental vehicle as per the rental agreement, the agency must accept the report and enter it into the National Crime Information System and the Florida Crime Information System. Law enforcement would not be able to request any information that is not required by this bill in order to accept a report of a hired stolen vehicle.

FDLE reports that law enforcement agencies would be required by statute to enter a "not returned" vehicle, but would not be required to enter a vehicle reported stolen by a private citizen.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill appears to be exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact is indeterminate. Local law enforcement agencies will likely experience an increase in the number of reports filed related to the failure to redeliver a hired vehicle.

VI. Technical Deficiencies:

None.

VII. Related Issues:

This bill could benefit vehicle rental agencies.

This bill may create an unfunded workload as entry of any type of record requires resources by local agencies to enter, complete second party verification, validate, maintain, and remove from FCIC and NCIC.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on March 25, 2008:

- Law enforcement may not require any information that is not required by this bill in order to accept a report of a hired stolen vehicle.

B. Amendments:

None.