

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 1008

INTRODUCER: Senator Storms

SUBJECT: Failure to Redeliver Hired Vehicles

DATE: February 28, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable</u>
2.	_____	_____	<u>CJ</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 1008 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. A photo of the renter is not required to be included in the report.

This bill substantially amends s. 817.52, F.S.

II. Present Situation:

Under s. 817.52, F.S., any person failing to return a rented vehicle in accordance with the rental agreement, may be charged with a third degree felony if the lessor does not give prior permission and the person had the intent to defraud, abandon, or willfully refuse to redeliver the vehicle.

At least one law enforcement agency considers the failure to redeliver a rental vehicle as a breach of contract. In reference to the failure to redeliver a rental vehicle (or other rental 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 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.

III. Effect of Proposed Changes:

Senate Bill 1008 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. A photo of the renter is not required to be included in the report.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

At least one local police department (Tampa) will likely experience an increase in the number of reports filed related to the failure to redeliver a hired vehicle.

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:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.