

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee
3 Representative Van Zant offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 101-125 and insert:

7 The plaintiff is entitled to the summary procedure provided in
8 s. 51.011. Upon the receipt of the complaint a petition for a
9 writ by a secondhand dealer, the secondhand dealer shall hold
10 the property at issue until the court determines the respective
11 interests of the parties.

12 (4) In addition to the civil complaint ~~petition~~ for return
13 remedy, the state may file a motion as part of a pending
14 criminal case related to the property. The criminal court has
15 jurisdiction to determine ownership, ~~to~~ order return or other
16 disposition of the property, and ~~to~~ order ~~any~~ appropriate
17 restitution to any person. Such order shall be entered upon

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18 hearing after proper notice has been given to the secondhand
19 dealer, the victim, and the defendant in the criminal case.

20 (5) A secondhand dealer commits a noncriminal violation,
21 punishable pursuant to s. 775.083 by a fine of up to \$2,500, if
22 all of the following occur:

23 (a) An owner or a lienor makes a written demand for return
24 of the property and provides proof of ownership or proof of the
25 right of possession to the secondhand dealer at least 5 calendar
26 days before filing a replevin action.

27 (b) The secondhand dealer knows or should have known based
28 on the proof provided under paragraph (a) that the property
29 belongs to the owner or lienor.

30 (c) The secondhand dealer fails to return the property and
31 does not file an action for interpleader to determine
32 conflicting claims to the property.

33 (d) The owner or lienor prevails in the replevin action
34 against the secondhand dealer.

35
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37 **T I T L E A M E N D M E N T**

38 Remove line 11 and insert:
39 providing that a plaintiff in a replevin action is