

14.10 FAILURE TO RETURN [HIRED] [LEASED] PROPERTY

§ 812.155(3), Fla. Stat.

To prove the crime of Failure to Return [Hired] [Leased] Property, the State must prove the following four elements beyond a reasonable doubt:

1. (Defendant) [hired] [leased] personal property [or equipment] from (victim) [or (victim’s agent)].
2. As part of the [hiring] [leasing], (defendant) agreed to return the property [or equipment] to (victim) [or (victim’s agent)] at the end of the period for which the property [or equipment] was [hired] [leased].
3. (Defendant) knowingly [abandoned] [refused to return] the property [or equipment] as agreed.
4. (Defendant) **did so without the consent of** (victim) [or (victim’s agent)].

Enhancement. Give if applicable.

If you find the defendant guilty of Failure to Return Hired or Leased Property, you must also determine whether the State proved beyond a reasonable doubt that the value of the property [or equipment] was \$300 or more.

Give if applicable. § 812.012(10), Fla. Stat.

“Value” means the market value of the property at the time and place of the offense, or if that value cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the offense. If the exact value of the property cannot be ascertained, you should attempt to determine a minimum value. If you cannot determine the minimum value, you must find the value was less than \$300.

Lesser Included Offenses

FAILURE TO RETURN HIRED OR LEASED PROPERTY — 812.155(3)			
CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04(1)	5.1

Comment

See § 812.155(6), Fla. Stat. for the notice that is required in the leasing agreement which is a prerequisite to prosecution.

This instruction was adopted in 2014.