

STORAGE NAME: h1501a.leps

DATE: April 16, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LAW ENFORCEMENT AND PUBLIC SAFETY
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1501

RELATING TO: Lost Property/Notice of Disposal

SPONSOR(S): Representative Kosmas

STATUTE(S) AFFECTED: s. 705.103, F.S.

COMPANION BILL(S): CS/SB 1862

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) LAW ENFORCEMENT AND PUBLIC SAFETY YEAS 7 NAYS 0
- (2) GOVERNMENTAL RULES & REGULATIONS
- (3)
- (4)
- (5)

I. SUMMARY:

This bill would change the procedure for the retention or disposition of lost property valued at \$100 or less. It provides that a law enforcement agency may provide notice of its intent to dispose of lost property valued at \$100 or less, by posting a description of the property at the address of the law enforcement agency where the property was turned in.

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II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The law currently requires that an agency taking custody of lost property retain the property for 90 days and publish notice of the intended disposition of the property during the first 45 days of the 90-day retention period.

In the event the agency elects to retain the property for use by a unit of government, donate the property to a charitable organization, surrender the property to the finder, sell the property, or trade the property to another governmental unit, the agency must publicly advertise the lost property in a newspaper of general circulation in the county where the property was found. The agency is also required to post the ad once a week for two consecutive weeks.

B. EFFECT OF PROPOSED CHANGES:

The proposed legislation is directed at lost or unclaimed property valued \$100 or less and will negate the need for placing an advertisement in a newspaper of general circulation in the county where the property was found. Items of greater value will follow the same procedures as before.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

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(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not applicable.

(2) what is the cost of such responsibility at the new level/agency?

Not applicable.

(3) how is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

Not applicable.

- (2) Who makes the decisions?

Not applicable.

- (3) Are private alternatives permitted?

Not applicable.

- (4) Are families required to participate in a program?

Not applicable.

- (5) Are families penalized for not participating in a program?

Not applicable.

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

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(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

D. SECTION-BY-SECTION RESEARCH:

Section 1: Amends Section 705.102(2)(b)1, Florida Statutes, to provide that for property valued at \$100 or less, notice of disposal may be accomplished by posting a description of the property at the law enforcement agency where the property was turned in.

Section 2: Provides for an effective date.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

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2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

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V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 15, 1997, the Committee on Law Enforcement and Public Safety adopted an amendment, which provided that for property valued at \$100 or less, "notice must be posted not less than 2 consecutive weeks in a public place designated by a law enforcement agency." The notice must describe the property in a manner reasonably adequate to permit the rightful owner of the property to claim it.

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND PUBLIC SAFETY:

Prepared by:

Legislative Research Director:

Kurt E. Ahrendt

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