

By Representative Kosmas

1 A bill to be entitled
2 An act relating to lost property; amending s.
3 705.103, F.S.; providing procedure for notice
4 of disposal by a law enforcement agency of
5 certain lost property; providing an effective
6 date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (2) of section 705.103, Florida
11 Statutes, is amended to read:

12 705.103 Procedure for abandoned or lost property.--

13 (2) Whenever a law enforcement officer ascertains that
14 an article of lost or abandoned property is present on public
15 property and is of such nature that it cannot be easily
16 removed, the officer shall cause a notice to be placed upon
17 such article in substantially the following form:

18
19 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
20 PROPERTY. This property, to wit: ...(setting forth brief
21 description)... is unlawfully upon public property known as
22 ...(setting forth brief description of location)... and must
23 be removed within 5 days; otherwise, it will be removed and
24 disposed of pursuant to chapter 705, Florida Statutes. The
25 owner will be liable for the costs of removal, storage, and
26 publication of notice. Dated this: ...(setting forth the date
27 of posting of notice)..., signed: ...(setting forth name,
28 title, address, and telephone number of law enforcement
29 officer)....

30
31

1 Such notice shall be not less than 8 inches by 10 inches and
2 shall be sufficiently weatherproof to withstand normal
3 exposure to the elements. In addition to posting, the law
4 enforcement officer shall make a reasonable effort to
5 ascertain the name and address of the owner. If such is
6 reasonably available to the officer, he shall mail a copy of
7 such notice to the owner on or before the date of posting. If
8 the property is a motor vehicle as defined in s. 320.01(1) or
9 a vessel as defined in s. 327.02, the law enforcement agency
10 shall contact the Department of Highway Safety and Motor
11 Vehicles or the Department of Environmental Protection,
12 respectively, in order to determine the name and address of
13 the owner and any person who has filed a lien on the vehicle
14 or vessel as provided in s. 319.27(2) or (3) or s. 328.15(1).
15 On receipt of this information, the law enforcement agency
16 shall mail a copy of the notice by certified mail, return
17 receipt requested, to the owner and to the lienholder, if any.
18 If, at the end of 5 days after posting the notice and mailing
19 such notice, if required, the owner or any person interested
20 in the lost or abandoned article or articles described has not
21 removed the article or articles from public property or shown
22 reasonable cause for failure to do so, the following shall
23 apply:

24 (a) For abandoned property, the law enforcement agency
25 may retain any or all of the property for its own use or for
26 use by the state or unit of local government, trade such
27 property to another unit of local government or state agency,
28 donate the property to a charitable organization, sell the
29 property, or notify the appropriate refuse removal service.

30 (b) For lost property, the officer shall take custody
31 and the agency shall retain custody of the property for 90

1 days. The agency shall publish notice of the intended
2 disposition of the property, as provided in this section,
3 during the first 45 days of this time period.

4 1. If the agency elects to retain the property for use
5 by the unit of government, donate the property to a charitable
6 organization, surrender such property to the finder, sell the
7 property, or trade the property to another unit of local
8 government or state agency, notice of such election shall be
9 given by an advertisement published once a week for 2
10 consecutive weeks in a newspaper of general circulation in the
11 county where the property was found if the value of the
12 property is more than \$100. If the value of the property is
13 \$100 or less, notice shall be given by posting a description
14 of the property at the law enforcement agency where the
15 property was turned in.

16 2. If the agency elects to sell the property, it must
17 do so at public sale by competitive bidding. Notice of the
18 time and place of the sale shall be given by an advertisement
19 of the sale published once a week for 2 consecutive weeks in a
20 newspaper of general circulation in the county where the sale
21 is to be held. The notice shall include a statement that the
22 sale shall be subject to any and all liens. The sale must be
23 held at the nearest suitable place to that where the lost or
24 abandoned property is held or stored. The advertisement must
25 include a description of the goods and the time and place of
26 the sale. The sale may take place no earlier than 10 days
27 after the final publication. If there is no newspaper of
28 general circulation in the county where the sale is to be
29 held, the advertisement shall be posted at the door of the
30 courthouse and at three other public places in the county at
31 least 10 days prior to sale. Notice of the agency's intended

1 disposition shall describe the property in a manner reasonably
2 adequate to permit the rightful owner of the property to
3 identify it.

4 Section 2. This act shall take effect July 1, 1997.

5

6 *****

7 SENATE SUMMARY

8 Provides that a law enforcement agency may provide notice
9 of its intent to dispose of lost property valued at \$100
10 or less by posting a description of the property at the
11 address of the law enforcement agency where the property
12 was turned in.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31