

1 A bill to be entitled
 2 An act relating to lost or abandoned property; amending s.
 3 705.101, F.S.; revising the definition of the term "lost
 4 property"; defining the term "private property"; amending
 5 s. 705.103, F.S.; amending procedures for lost or
 6 abandoned property to include lost or abandoned property
 7 found on private property; providing an effective date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Subsection (2) of section 705.101, Florida
 12 Statutes, is amended, and subsection (7) is added to said
 13 section, to read:

14 705.101 Definitions.--As used in this chapter:

15 (2) "Lost property" means all tangible personal property
 16 which does not have an identifiable owner and which has been
 17 misaid on public or private property, upon a public conveyance,
 18 on premises used at the time for business purposes, or in parks,
 19 places of amusement, public recreation areas, or other places
 20 open to the public in a substantially operable, functioning
 21 condition or which has an apparent intrinsic value to the
 22 rightful owner.

23 (7) "Private property" means any property that belongs
 24 absolutely to an individual and over which he or she has the
 25 exclusive right of disposition. Private property also means
 26 property of a specific, fixed, and tangible nature, capable of
 27 being possessed and transmitted to another, such as houses,
 28 lands, and chattels.

29 Section 2. Subsections (1) and (2) of section 705.103,
 30 Florida Statutes, are amended to read:

31 705.103 Procedure for abandoned or lost property.--

32 (1) Whenever a law enforcement officer ascertains that an
 33 article of lost or abandoned property is present on public or
 34 private property and is of such nature that it can be easily
 35 removed, the officer shall take such article into custody and
 36 shall make a reasonable attempt to ascertain the rightful owner
 37 or lienholder pursuant to the provisions of this section.

38 (2) Whenever a law enforcement officer ascertains that an
 39 article of lost or abandoned property is present on public or
 40 private property and is of such nature that it cannot be easily
 41 removed, the officer shall cause a notice to be placed upon such
 42 article in substantially the following form:

43
 44 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
 45 PROPERTY. This property, to wit: (setting forth brief
 46 description) is unlawfully upon public or private property
 47 known as (setting forth brief description of location) and
 48 must be removed within 5 days; otherwise, it will be removed and
 49 disposed of pursuant to chapter 705, Florida Statutes. The owner
 50 will be liable for the costs of removal, storage, and
 51 publication of notice. Dated this: (setting forth the date of
 52 posting of notice) , signed: (setting forth name, title,
 53 address, and telephone number of law enforcement officer) .

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 55 Such notice shall be not less than 8 inches by 10 inches and
 56 shall be sufficiently weatherproof to withstand normal exposure

57 | to the elements. In addition to posting, the law enforcement
58 | officer shall make a reasonable effort to ascertain the name and
59 | address of the owner. If such is reasonably available to the
60 | officer, she or he shall mail a copy of such notice to the owner
61 | on or before the date of posting. If the property is a motor
62 | vehicle as defined in s. 320.01(1) or a vessel as defined in s.
63 | 327.02, the law enforcement agency shall contact the Department
64 | of Highway Safety and Motor Vehicles in order to determine the
65 | name and address of the owner and any person who has filed a
66 | lien on the vehicle or vessel as provided in s. 319.27(2) or (3)
67 | or s. 328.15(1). On receipt of this information, the law
68 | enforcement agency shall mail a copy of the notice by certified
69 | mail, return receipt requested, to the owner and to the
70 | lienholder, if any. If, at the end of 5 days after posting the
71 | notice and mailing such notice, if required, the owner or any
72 | person interested in the lost or abandoned article or articles
73 | described has not removed the article or articles from public or
74 | private property or shown reasonable cause for failure to do so,
75 | the following shall apply:

76 | (a) For abandoned property, the law enforcement agency may
77 | retain any or all of the property for its own use or for use by
78 | the state or unit of local government, trade such property to
79 | another unit of local government or state agency, donate the
80 | property to a charitable organization, sell the property, or
81 | notify the appropriate refuse removal service.

82 | (b) For lost property, the officer shall take custody and
83 | the agency shall retain custody of the property for 90 days. The
84 | agency shall publish notice of the intended disposition of the

85 property, as provided in this section, during the first 45 days
86 of this time period.

87 1. If the agency elects to retain the property for use by
88 the unit of government, donate the property to a charitable
89 organization, surrender such property to the finder, sell the
90 property, or trade the property to another unit of local
91 government or state agency, notice of such election shall be
92 given by an advertisement published once a week for 2
93 consecutive weeks in a newspaper of general circulation in the
94 county where the property was found if the value of the property
95 is more than \$100. If the value of the property is \$100 or less,
96 notice shall be given by posting a description of the property
97 at the law enforcement agency where the property was turned in.
98 The notice must be posted for not less than 2 consecutive weeks
99 in a public place designated by the law enforcement agency. The
100 notice must describe the property in a manner reasonably
101 adequate to permit the rightful owner of the property to claim
102 it.

103 2. If the agency elects to sell the property, it must do
104 so at public sale by competitive bidding. Notice of the time and
105 place of the sale shall be given by an advertisement of the sale
106 published once a week for 2 consecutive weeks in a newspaper of
107 general circulation in the county where the sale is to be held.
108 The notice shall include a statement that the sale shall be
109 subject to any and all liens. The sale must be held at the
110 nearest suitable place to that where the lost or abandoned
111 property is held or stored. The advertisement must include a
112 description of the goods and the time and place of the sale. The

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113 sale may take place no earlier than 10 days after the final
114 publication. If there is no newspaper of general circulation in
115 the county where the sale is to be held, the advertisement shall
116 be posted at the door of the courthouse and at three other
117 public places in the county at least 10 days prior to sale.
118 Notice of the agency's intended disposition shall describe the
119 property in a manner reasonably adequate to permit the rightful
120 owner of the property to identify it.

121 Section 3. This act shall take effect upon becoming a law.