

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: CS/SB 1052

INTRODUCER: Commerce and Tourism Committee and Senators Young and Hutson

SUBJECT: Lost or Abandoned Property

DATE: January 16, 2018

REVISED: \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------|
| 1. | Little  | McKay          | CM        | Fav/CS |
| 2. |         |                | BI        |        |
| 3. |         |                | RC        |        |

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1052 allows theme parks and entertainment complexes, public food service establishments, and public lodging establishments to dispose of or donate personal property recovered on its premises.

Current law requires these facilities to report lost or abandoned property to a law enforcement officer. Under the bill, these facilities may opt to require any lost or abandoned property found on its premises to be delivered to the owner or operator of the facility, who must take charge of the property and maintain a record of the date the property is received. After the property remains unclaimed for a period of at least 30 days, the bill directs the owner or operator to dispose of or donate the property to a charitable institution.

The bill also provides that the rightful owner of the property is entitled to reclaim the property at any time before its disposition, sale, or donation.

The bill takes effect on July 1, 2018.

## II. Present Situation:

### Procedures for Handling Lost or Abandoned Property

Chapter 705, F.S., requires individuals who find lost or abandoned property to report the description and location of the property to a law enforcement officer.<sup>1</sup> The officer must allow the finder of the property an opportunity to make a claim to recover the property if the rightful owner is not identified or located.<sup>2</sup> If a claim is made, current law directs the title of the unclaimed property to vest in the finder of the property after a 90-day custodial time period. If a claim is not made, the title of the unclaimed property may vest in the law enforcement officer or agency, so long as specified notice requirements are met.<sup>3</sup>

### *Exceptions*

Personal property that is lost or abandoned on certain school campuses and airports within the state are exempt from having to report the property to law enforcement officers.<sup>4</sup> Instead, the handling of lost or abandoned property occurs internally, with a designated individual taking charge of the property, making a record of the date the property is found, and waiting 30 days before retaining, trading, donating, selling, or disposing of the property.<sup>5</sup>

## III. Effect of Proposed Changes:

The bill allows the following facilities to opt out of the provisions under ss. 705.101-106, F.S., requiring lost or abandoned property to be reported to a law enforcement officer:

- A theme park or entertainment complex as defined in s. 503.013(9), F.S.,<sup>6</sup> or operated as a zoo, a museum, or an aquarium; and
- A public food service establishment<sup>7</sup> or a public lodging establishment<sup>8</sup> licensed under part I of ch. 509, F.S.

Under the bill, facilities that opt out of reporting lost or abandoned property to a law enforcement officer must instead:

- Ensure that lost or abandoned personal property found on any premises within the facility is delivered to the owner or operator of the premises;
- Require the owner or operator to take charge of the lost or abandoned property and maintain a record of the date the property was found; and
- Require the owner or operator to dispose of or donate the property if the property remains unclaimed for a period of 30 days or longer.

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<sup>1</sup> Section 705.102, F.S.

<sup>2</sup> *Id.*

<sup>3</sup> See s. 705.103, F.S., providing specific procedural requirements for abandoned property and lost property before its disposition, donation, or sale.

<sup>4</sup> See ss. 705.17-705.184, F.S.

<sup>5</sup> Sections 705.18 and 705.182, F.S.

<sup>6</sup> Section 509.013(9), F.S., defines a “theme park or entertainment complex” as “a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually.”

<sup>7</sup> See s. 509.013(5), F.S.

<sup>8</sup> See s. 509.013(4) and s. 509.242, F.S.

The bill specifies the owner or operator of the premises may donate the property to a charitable institution that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code for its sale or disposal.

The bill also provides that the rightful owner of the property is entitled to reclaim the property at any time before its disposition, sale, or donation.

The bill takes effect on July 1, 2018.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill substantially amends section 705.17 of the Florida Statutes.  
The bill creates section 705.185 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Commerce and Tourism on January 16, 2018:**

The bill is amended to allow public food service establishments and public lodging establishments to opt out of the provisions under ss. 705.101-106, F.S.

- B. **Amendments:**

None.