

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 851 Lost or Abandoned Personal Property
SPONSOR(S): Agriculture & Property Rights Subcommittee; Olszewski
TIED BILLS: **IDEN./SIM. BILLS:** SB 1052

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Property Rights Subcommittee	13 Y, 0 N, As CS	Thompson	Smith
2) Civil Justice & Claims Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

Current law governing the collection, storage and disposition of abandoned or lost tangible personal property located on public property sets forth procedures for persons and law enforcement to follow in order to locate the rightful owner. The law provides exceptions for certain facilities such as institutions of higher learning and public airports.

The bill adds theme parks, entertainment complexes, zoos, museums, aquariums, public food service establishments, and public lodging establishments to the list of facilities that are exempt from the existing collection, storage and disposition guidelines if the operators comply with the proposed alternative disposition guidelines.

The bill does not appear to have a fiscal impact on state or local government.

The bill provides an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapter 705, F.S., governs the collection, storage and disposition of abandoned or lost tangible personal property located on public property. When a person finds lost or abandoned property they are required to report the finding to a law enforcement officer.¹ 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.² 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.³ 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.⁴ Failure to report a finding of lost or abandoned property to law enforcement is considered theft.⁵

The collection, storage and disposition provisions do not apply to the State University System or a public-use international airport.⁶ The law provides separate disposal requirements for property found on the premises of the State University System,⁷ Florida College System,⁸ or public-use airports.⁹ In addition, the law sets forth a procedure for handling the abandonment of animals by their owner.¹⁰

Effect of Proposed Changes

The bill adds additional exceptions and disposition guidelines to the law governing the collection, storage and disposition of abandoned or lost tangible personal property. These guidelines are voluntary and contingent upon an election of compliance by the operator of the facility. The bill exempts the following facilities if the operator elects to comply with the proposed guidelines:

- Premises located within a theme park or entertainment complex, as the term is defined in s. 509.013(9), F.S.;¹¹
- Premises operated as a zoo, a museum, or an aquarium; and
- Premises of a public food service establishment or public lodging establishment licensed under part I of ch. 509, F.S.

The voluntary alternative disposition guidelines for these additional facilities requires persons controlling any premises located within the facility to deliver the lost or abandoned property to the facility operator, who must take charge of the property and make a record of the date it was found. If the property is not claimed by the owner within 30 days after it is found, or a longer period of time as deemed appropriate by the facility operator, the facility operator is required to dispose of the property or donate it to a charitable institution that is exempt from federal income tax under s. 501(c)(3) of the

¹ s. 705.102(1), F.S.

² s. 705.102(2), F.S.

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

⁴ *Id.*

⁵ s. 705.102(4), F.S.

⁶ s. 705.17, F.S.

⁷ s. 705.18, F.S.

⁸ *Id.*

⁹ ss. 705.182-184, F.S.

¹⁰ s. 705.19, F.S.

¹¹ s. 509.013(9), F.S., defines “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.

Internal Revenue Code for sale or disposal as it deems appropriate. The rightful owner of the property is authorized to reclaim the property at any time before the disposition, sale, or donation of the property in accordance with these guidelines and the established policies and procedures of the facility operator.

B. SECTION DIRECTORY:

Section 1 Amends s. 705.17, F.S.; relating to exceptions.

Section 2 Creates s. 705.185, F.S.; relating to the disposal of personal property lost or abandoned on the premises of certain facilities.

Section 3 Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 23, 2018, the Agriculture & Property Rights Subcommittee adopted one amendment to HB 851 and reported the bill favorably as a committee substitute. The amendment includes public food service establishments and public lodging establishments to the list of facilities that may opt out of the provisions under ss. 705.101-106, F.S., relating to lost or abandoned property.

This analysis is drafted to the CS as reported favorably by the Agriculture & Property Rights Subcommittee.