

1 A bill to be entitled
 2 An act relating to lost and abandoned property;
 3 amending s. 705.103, F.S.; revising the timeframes
 4 within which law enforcement officers must provide
 5 certain notices to owners of certain abandoned or lost
 6 properties; providing an effective date.

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

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

12 705.103 Procedure for abandoned or lost property.—

13 (2)(a)1. Whenever a law enforcement officer ascertains
 14 that:

15 a. An article of lost or abandoned property other than a
 16 derelict vessel or a vessel declared a public nuisance pursuant
 17 to s. 327.73(1)(aa) is present on public property and is of such
 18 nature that it cannot be easily removed, the officer shall cause
 19 a notice to be placed upon such article in substantially the
 20 following form:

21
 22 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
 23 PROPERTY. This property, to wit: ...(setting forth brief
 24 description)... is unlawfully upon public property known as
 25 ...(setting forth brief description of location)... and must be

26 removed within 5 days; otherwise, it will be removed and
 27 disposed of pursuant to chapter 705, Florida Statutes. The owner
 28 will be liable for the costs of removal, storage, and
 29 publication of notice. Dated this: ...(setting forth the date of
 30 posting of notice)..., signed: ...(setting forth name, title,
 31 address, and telephone number of law enforcement officer)....
 32

33 b. A derelict vessel or a vessel declared a public
 34 nuisance pursuant to s. 327.73(1)(aa) is present on the waters
 35 of this state, the officer shall cause a notice to be placed
 36 upon such vessel in substantially the following form:
 37

38 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
 39 VESSEL. This vessel, to wit: ...(setting forth brief description
 40 of location)... has been determined to be ...(derelict or a
 41 public nuisance)... and is unlawfully upon the waters of this
 42 state ...(setting forth brief description of location)... and
 43 must be removed within 21 days; otherwise, it will be removed
 44 and disposed of pursuant to chapter 705, Florida Statutes. The
 45 owner and other interested parties have the right to a hearing
 46 to challenge the determination that this vessel is derelict or
 47 otherwise in violation of the law. Please contact ...(contact
 48 information for person who can arrange for a hearing in
 49 accordance with this section).... The owner or the party
 50 determined to be legally responsible for the vessel being upon

51 | the waters of this state in a derelict condition or as a public
 52 | nuisance will be liable for the costs of removal, destruction,
 53 | and disposal if this vessel is not removed by the owner. Dated
 54 | this: ...(setting forth the date of posting of notice)...,
 55 | signed: ...(setting forth name, title, address, and telephone
 56 | number of law enforcement officer)....

57 |
 58 | 2. The notices required under subparagraph 1. may not be
 59 | less than 8 inches by 10 inches and must be sufficiently
 60 | weatherproof to withstand normal exposure to the elements. In
 61 | addition to posting, the law enforcement officer shall make a
 62 | reasonable effort to ascertain the name and address of the
 63 | owner. If such is reasonably available to the officer, she or he
 64 | shall mail a copy of such notice to the owner on ~~or before~~ the
 65 | date of posting or as soon thereafter as is practical. If the
 66 | property is a motor vehicle as defined in s. 320.01(1) or a
 67 | vessel as defined in s. 327.02, the law enforcement agency shall
 68 | contact the Department of Highway Safety and Motor Vehicles in
 69 | order to determine the name and address of the owner and any
 70 | person who has filed a lien on the vehicle or vessel as provided
 71 | in s. 319.27(2) or (3) or s. 328.15. On receipt of this
 72 | information, the law enforcement agency shall mail a copy of the
 73 | notice by certified mail, return receipt requested, to the owner
 74 | and to the lienholder, if any, except that a law enforcement
 75 | officer who has issued a citation for a violation of s. 823.11

76 to the owner of a derelict vessel is not required to mail a copy
77 of the notice by certified mail, return receipt requested, to
78 the owner. For a derelict vessel or a vessel declared a public
79 nuisance pursuant to s. 327.73(1)(aa), the mailed notice must
80 inform the owner or responsible party that he or she has a right
81 to a hearing to dispute the determination that the vessel is
82 derelict or otherwise in violation of the law. If a request for
83 a hearing is made, a state agency shall follow the processes as
84 set forth in s. 120.569. Local governmental entities shall
85 follow the processes set forth in s. 120.569, except that a
86 local judge, magistrate, or code enforcement officer may be
87 designated to conduct such a hearing. If, at the end of 5 days
88 after posting the notice in sub-subparagraph 1.a., or at the end
89 of 21 days after posting the notice in sub-subparagraph 1.b.,
90 and mailing such notice, if required, the owner or any person
91 interested in the lost or abandoned article or articles
92 described has not removed the article or articles from public
93 property or shown reasonable cause for failure to do so, and, in
94 the case of a derelict vessel or a vessel declared a public
95 nuisance pursuant to s. 327.73(1)(aa), has not requested a
96 hearing in accordance with this section, the following shall
97 apply:

98 a. For abandoned property other than a derelict vessel or
99 a vessel declared a public nuisance pursuant to s.
100 327.73(1)(aa), the law enforcement agency may retain any or all

101 of the property for its own use or for use by the state or unit
 102 of local government, trade such property to another unit of
 103 local government or state agency, donate the property to a
 104 charitable organization, sell the property, or notify the
 105 appropriate refuse removal service.

106 b. For a derelict vessel or a vessel declared a public
 107 nuisance pursuant to s. 327.73(1)(aa), the law enforcement
 108 agency or its designee may:

109 (I) Remove the vessel from the waters of this state and
 110 destroy and dispose of the vessel or authorize another
 111 governmental entity or its designee to do so; or

112 (II) Authorize the vessel's use as an artificial reef in
 113 accordance with s. 379.249 if all necessary federal, state, and
 114 local authorizations are received.

115
 116 A law enforcement agency or its designee may also take action as
 117 described in this sub-subparagraph if, following a hearing
 118 pursuant to this section, the judge, magistrate, administrative
 119 law judge, or hearing officer has determined the vessel to be
 120 derelict as provided in s. 823.11 or otherwise in violation of
 121 the law in accordance with s. 327.73(1)(aa) and a final order
 122 has been entered or the case is otherwise closed.

123 Section 2. This act shall take effect July 1, 2024.