

Florida

Department of Highway Safety and Motor Vehicles

Division of Motorist Services

PROCEDURE	SUBJECT:		
TL-29	TRANSFER OF A CERTIFICATE OF TITLE FOR LOST OR ABANDONED PROPERTY OR UNCLAIMED EVIDENCE BY A LAW ENFORCEMENT AGENCY		
DESCRIPTION AND USE:			
<p>THIS PROCEDURE PROVIDES INFORMATION AND INSTRUCTIONS TO ASSIST TAX COLLECTOR EMPLOYEES, LICENSE PLATE AGENCY EMPLOYEES, AND THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES IN TRANSFERRING OF A CERTIFICATE OF TITLE INVOLVING LOST OR ABANDONED PROPERTY OR UNCLAIMED EVIDENCE BY A LAW ENFORCEMENT AGENCY.</p>			
<p>I. PROVISIONS OF LAW:</p> <p><u>Section 705.103, Florida Statutes, provides a procedure for law enforcement agencies regarding abandoned or lost property. When a law enforcement officer ascertains that an article of lost or abandoned property is present on public property and cannot be easily removed, the officer shall place a notice on the vehicle and mail a copy of the notice to the owner on or before the date of posting. If, at the end of 5 days after posting the notice and mailing a copy to the owner and lienholder (if applicable), the owner or person interested in the lost or abandoned property has not removed the property from public property or shown reasonable cause for failure to do so, the following shall apply:</u></p> <p><u>For abandoned property, the law enforcement agency may retain any or all of the property for its own use or for use by the state or unit of local government, trade such property to another unit of local government or state agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service. For lost property, the officer shall take custody and the agency shall retain custody of the property for 90 days. The agency shall publish notice of the intended disposition of the property, as provided in this section, during the first 45 days of this time period. The law enforcement agency may retain the property for use by the unit of government, trade such property to another unit of local government or state agency, donate the property to a charitable organization, surrender the property to the finder, or sell the property.</u></p> <p><u>Section 705.105, Florida Statutes, provides a procedure for law enforcement agencies regarding unclaimed evidence. The agency may elect to:</u></p> <ul style="list-style-type: none"> • <u>retain the property for an agency's own use</u> • <u>transfer the property to another unit of state or local government</u> • <u>donate the property to a charitable organization</u> • <u>sell the property at public sale, pursuant to the provisions of s. 705.103</u> <p style="padding-left: 20px;">or,</p> <ul style="list-style-type: none"> • <u>if the property is not of appreciable value, the agency may elect to destroy it.</u> 			
<i>Revision(s) to this Procedure: Revised and clarified the entire procedure.</i>			
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	10/01/89	01/12/04	TL-29-01

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Section 50.011, Florida Statutes, provides that a newspaper which is printed and published periodically once a week (or more often) is considered to be in general circulation.

Section 50.031, Florida Statutes, provides that a newspaper of "general circulation" is a newspaper (business) that (at the time of publication) has been in existence for at least one (1) year.

II. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:

A. **If the law enforcement agency elects to SELL AT PUBLIC SALE, a motor vehicle or mobile home, as LOST PROPERTY OR UNCLAIMED EVIDENCE, the applicant must submit the following documentation to the tax collector's office:**

1. If the motor vehicle or mobile home is titled in Florida:

a. A form HSMV 82040, Application for Certificate of Title with/without **Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the applicant.**

b. A copy of the notice **(which was physically posted/placed on the vehicle by the law enforcement officer), that was mailed certified, return receipt requested, to the owner and lienholder (if applicable), on or before the date of posting. The original or certified copy of the post office return receipt card for the certified mail, or the returned, unclaimed, unopened, certified letter, must also be submitted.**

The notice physically placed on the vehicle and mailed to the owner and all persons interested in the motor vehicle or mobile home should be in substantially the following form or contain this same information:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY.

This Property, to wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to Chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage and publication of notice.

Dated this: setting forth the date of posting of notice

Signed: (setting forth name, title, address and telephone number of law enforcement officer).

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- c. A copy of the newspaper advertisement showing the name of the newspaper and the date the advertisement was published. The advertisement must include a complete description of the motor vehicle or mobile home including the make, year, and vehicle identification number, **date, time and location of the sale and state that the sale shall be subject to any and all liens.**

NOTE: The advertisement must be published once a week for two consecutive weeks in a newspaper of general circulation in the county where the sale is to be held. **The sale must be held at the nearest suitable place where the lost property is held or stored.** If there is no newspaper of general circulation in the county where the sale is to be held, the advertisement shall be posted at the door of the courthouse and at three other public places in the county at least 10 days prior to the sale. Notice of the agency's intended disposition shall describe the property in a manner reasonably adequate to permit the rightful owner of the property to identify it.

- d. **A bill of sale on original letterhead stationery from the law enforcement agency to the purchaser, which provides a complete description of the motor vehicle or mobile home including the make, year and vehicle identification number and states the sale is subject to any and all liens.**
- e. Lien satisfaction(s), for any lien(s), as shown on the motor vehicle records of this or any other state, if applicable.
- f. Florida sales tax or **specify sales tax information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.**
- g. The Florida license plate transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for mobile homes.
- h. Title fees.

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2. If the motor vehicle or mobile home is titled out of state:

- a. A form HSMV 82042, Vehicle Identification Number and Odometer Verification, accurately completed by the applicant(s) with the vehicle identification number verified by one of the four officials shown on the lower portion of the form.

Form HSMV 82040, Application for Certificate of Title with/without Registration, may be used in lieu of the above listed form.

Verification is not required on any mobile home; any trailer or semi-trailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.

- b. Verification of title and lien status issued by the Motor Vehicle Division in the state where the motor vehicle or mobile home was last registered. The verification must contain a description of the motor vehicle or mobile home including year, make and vehicle identification number. Verification may be one of the following:

1. A computer generated printout from the out-of-state motor vehicle division.
2. A letter on letterhead stationery from the out-of-state motor vehicle division.
3. **A photocopy of the current out-of-state certificate of title.**
4. **A copy of the teletype printout or a statement which shows the ownership information, lien status and the name of the law enforcement agency who provided the verification information.**

- c. When the state where the motor vehicle or mobile home was previously registered is unknown, submit a notarized **or perjury clause** affidavit signed by an authorized representative of the law enforcement agency stating that fact.

- d. All items listed in Section II, A, 1, a-h.

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B. If the law enforcement agency elects to RETAIN, DONATE, SURRENDER TO THE FINDER OR TRADE a motor vehicle as LOST PROPERTY, the applicant or agency must submit the following documentation to the tax collector's office:

1. If the motor vehicle or mobile home is titled in Florida:

a. A form HSMV 82040, Application for Certificate of Title with/without Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the applicant or an authorized representative of the law enforcement agency applying for title.

b. A copy of the notice (which was physically posted/placed on the vehicle by the law enforcement officer), that was mailed certified, return receipt requested, to the owner and lienholder (if applicable), on or before the date of posting. The original or certified copy of the post office return receipt card for the certified mail, or the returned, unclaimed, unopened, certified letter, must also be submitted.

The notice physically placed on the vehicle and mailed to the owner and all persons interested in the motor vehicle or mobile home should be in substantially the following form or contain this same information:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY.

This Property, to wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to Chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage and publication of notice.

Dated this: setting forth the date of posting of notice

Signed: (setting forth name, title, address and telephone number of law enforcement officer).

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- c.** If the value of the motor vehicle or mobile home is over \$100, a copy of the newspaper advertisement showing the name of the newspaper and the date the advertisement was published. The advertisement must include a complete description of the motor vehicle or mobile home including the make, year, and vehicle identification number and state the choice of the law enforcement agency (whether they wish to retain, donate, surrender or trade).

NOTE: The advertisement must be published once a week for two consecutive weeks in a newspaper of general circulation in the county where the property was found.

OR

If the value of the motor vehicle or mobile home is \$100 or less, notice must be given by posting a description of the property at the law enforcement agency where the property was turned in. The notice must be posted for two consecutive weeks in a public place designated by the law enforcement agency. The notice must describe the property in a manner reasonably adequate to permit the rightful owner of the property to claim it.

- d.** If applicable, a statement on original letterhead stationery from the law enforcement agency to the applicant, which provides a complete description of the motor vehicle or mobile home including the make, year and vehicle identification number; specifies that the vehicle is being surrendered, traded to another unit of local government or state agency, or donated to the applicant and is subject to any and all liens.
- e.** Lien satisfaction(s), for any lien(s), as shown on the motor vehicle records of this or any other state, if applicable.
- f.** Florida sales tax or specify sales tax information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.

NOTE: If the agency is applying for title, they should show "Retaining pursuant to s. 705.103, Florida Statutes," in the sales tax area on the form HSMV 82040 or 82041.

- g.** The Florida license plate transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for mobile homes.
- h.** Title fees.

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2. If the motor vehicle or mobile home is titled out of state:

a. A form HSMV 82042, Vehicle Identification Number and Odometer Verification, accurately completed by the applicant(s) with the vehicle identification number verified by one of the four officials shown on the lower portion of the form.

Form HSMV 82040, Application for Certificate of Title with/without Registration, may be used in lieu of the above listed form.

Verification is not required on any mobile home; any trailer or semi-trailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.

b. Verification of title and lien status issued by the Motor Vehicle Division in the state where the motor vehicle or mobile home was last registered. The verification must contain a description of the motor vehicle or mobile home including year, make and vehicle identification number. Verification may be one of the following:

1. A computer generated printout from the out-of-state motor vehicle division.

2. A letter on letterhead stationery from the out-of-state motor vehicle division.

3. A photocopy of the current out-of-state certificate of title.

4. A copy of the teletype printout or a statement which shows the ownership information, lien status and the name of the law enforcement agency who provided the verification information.

c. When the state where the motor vehicle or mobile home was previously registered is unknown, submit a notarized or perjury clause affidavit signed by an authorized representative of the law enforcement agency stating that fact.

d. All items listed in Section II, B, 1, a-h.

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C. If the law enforcement agency elects to **RETAIN, TRADE, DONATE OR SELL a motor vehicle or mobile home as ABANDONED property, the purchaser or agency must submit the following documentation to the tax collector's office:**

1. If motor vehicle or mobile home is titled in Florida:
 - a. A form HSMV 82040, Application for Certificate of Title with/without Registration, **or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the applicant or an authorized representative of the law enforcement agency applying for title.**
 - b. A copy of the notice **(which was physically posted/placed on the vehicle by the law enforcement officer), that was mailed certified, return receipt requested, to the owner and lienholder (if applicable), on or before the date of posting. The original or certified copy of the post office return receipt card for the certified mail, or the returned, unclaimed, unopened, certified letter, must also be submitted.**

The notice physically placed on the vehicle and mailed to the owner and all persons interested in the motor vehicle or mobile home should be in substantially the following form or contain this same information:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY.

This Property, to wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to Chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage and publication of notice.

Dated this: setting forth the date of posting of notice

Signed: (setting forth name, title, address and telephone number of law enforcement officer).

- c. **A notarized or perjury clause affidavit from the law enforcement agency which states that the property constitutes abandoned property according to the definition provided in s. 705.101 (3), Florida Statutes. The affidavit must also provide a complete description of the motor vehicle or mobile home including the make, year and vehicle identification number and state the disposition of the property (such as, the agency is retaining, trading, donating or selling the property).**

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- d. If sold, a bill of sale on original letterhead stationery from the law enforcement agency to the purchaser, which provides a complete description of the motor vehicle or mobile home including the make, year and vehicle identification number and states the sale is subject to any and all liens.
- e. Lien satisfaction(s), for any lien(s), as shown on the motor vehicle records of this or any other state, if applicable.
- f. Florida sales tax or specify sales tax information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.

NOTE: If the agency is applying for title, they should show "Retaining pursuant to s. 705.103, Florida Statutes," in the sales tax area on the form HSMV 82040 or 82041.

- g. The Florida license plate transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for mobile homes.
 - h. Title fees.
2. If the motor vehicle or mobile home is titled out of state:
- a. A form HSMV 82042, Vehicle Identification Number and Odometer Verification, accurately completed by the applicant(s) with the vehicle identification number verified by one of the four officials shown on the lower portion of the form.

Form HSMV 82040, Application for Certificate of Title with/without Registration, may be used in lieu of the above listed form.

Verification is not required on any mobile home; any trailer or semi-trailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.

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<p style="margin-left: 40px;">b. Verification of title and lien status issued by the Motor Vehicle Division in the state where the motor vehicle or mobile home was last registered. The verification must contain a complete description of the motor vehicle or mobile home including year, make and vehicle identification number. Verification may be one of the following:</p> <ol style="list-style-type: none">1. A computer generated printout from the out-of-state motor vehicle division.2. A letter on letterhead stationery from the out-of-state motor vehicle division.3. <u>A photocopy of the current out-of-state certificate of title.</u>4. <u>A copy of the teletype printout or a statement which shows the ownership information, lien status and the name of the law enforcement agency who provided the verification information.</u> <p style="margin-left: 40px;">c. When the state where the motor vehicle or mobile home was previously registered is unknown, submit a notarized <u>or perjury clause</u> affidavit signed by an authorized representative of the law enforcement agency stating that fact.</p> <p style="margin-left: 40px;">d. All items listed in Section II, <u>C, 1, a-h.</u></p> <p><u>D.</u> If the law enforcement agency elects to <u>RETAIN, TRANSFER OR DONATE the motor vehicle or mobile home as UNCLAIMED EVIDENCE, the applicant or agency must submit the following documentation to the tax collector's office:</u></p> <ol style="list-style-type: none">1. If the motor vehicle or mobile home is titled in Florida:<ol style="list-style-type: none">a. A form HSMV 82040, Application for Certificate of Title with/without Registration, <u>or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the applicant or agency.</u>b. <u>A notarized or perjury clause affidavit from the law enforcement agency which states that the property constitutes unclaimed evidence according to the definition provided in Section 705.101(6), Florida Statutes, and the related proceedings have been over for a period of at least 60 days. The affidavit must also provides a complete description of the motor vehicle or mobile home including the make, year and vehicle identification number and state the disposition of the evidence (such as, the agency is retaining, transferring to another unit of government, or donating the property).</u>	
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<p style="margin-left: 40px;">c. <u>If transferred to another unit of state or local government, a bill of sale on original letterhead stationery from the law enforcement agency to the government agency, which provides a complete description of the motor vehicle or mobile home including the make, year and vehicle identification number and states the sale is subject to any and all liens.</u></p> <p style="margin-left: 40px;">d. Lien satisfaction(s), for any lien(s), as shown on the motor vehicle records of this or any other state, if applicable.</p> <p style="margin-left: 40px;">e. Florida sales tax or <u>specify sales tax information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.</u></p> <p><u>NOTE: If the agency is applying for title, they should show "Retaining pursuant to s. 705.105, Florida Statutes," in the sales tax area on the form HSMV 82040 or 82041.</u></p> <p style="margin-left: 40px;">f. The Florida license plate transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for mobile homes.</p> <p style="margin-left: 40px;">g. Title fees.</p> <p>2. If the motor vehicle or mobile home is titled out of state:</p> <p style="margin-left: 40px;">a. A form HSMV 82042, Vehicle Identification Number and Odometer Verification, accurately completed by the applicant(s) with the vehicle identification number verified by one of the four officials shown on the lower portion of the form. <u>Form HSMV 82040, Application for Certificate of Title with/without Registration, may be used in lieu of the above listed form.</u> Verification is not required on any mobile home; any trailer or semi-trailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.</p> <p style="margin-left: 40px;">b. All items listed in Section II, <u>D, 1, a-g.</u></p>	
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III. MISCELLANEOUS:

- A. When a licensed motor vehicle dealer or an individual purchases a motor vehicle or mobile home obtained by operation of law, a certificate of title must be issued in the dealer's or individual's name before the motor vehicle or mobile home can be sold.
- B. If any unclaimed evidence (motor vehicle or mobile home) is not of appreciable value, the law enforcement agency may elect to destroy it. The agency would NOT be required to obtain a certificate of title in their name prior to destroying the motor vehicle or mobile home.**
- C. Since most abandoned property (motor vehicle or mobile home) is not of appreciable value, the law enforcement agency may elect to notify the appropriate refuse removal service. The agency would NOT be required to obtain a certificate of title in their name prior to having the motor vehicle or mobile home removed and destroyed.**
- D. A documentation check list "Law Enforcement Selling Lost Property or Unclaimed Evidence at Public Sale" is attached to this procedure as Exhibit A.**
- E. A documentation check list "Law Enforcement Retaining, Donating, Surrendering or Trading Lost Property" is attached to this procedure as Exhibit B.**
- F. A documentation check list "Law Enforcement Retaining, Trading, Donating, or Selling Abandoned Property" is attached to this procedure as Exhibit C.**
- G. A documentation check list "Law Enforcement Retaining, Transferring or Donating Unclaimed Evidence" is attached to this procedure as Exhibit D.**
- H. A "Definitions" page is attached to this procedure as Exhibit E.**
- I. Section 705.102, Florida Statutes, is attached as Exhibit F.**
- J. Section 705.103, Florida Statutes, is attached as Exhibit G.**
- K. Section 705.104-105, Florida Statutes, is attached as Exhibit H.**
- L.** See Forms Appendix for a sample of the HSMV forms referred to in this procedure.

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EXHIBIT A

LAW ENFORCEMENT "SELLING LOST PROPERTY
OR UNCLAIMED EVIDENCE AT PUBLIC SALE" CHECK LIST

FORMS:

FLORIDA RECORD

OUT-OF-STATE RECORD

_____ HSMV 82040 or 82041

_____ HSMV 82040 or 82041

_____ HSMV 82042, or the VIN
verification section on form HSMV
82040, (if applicable).

_____ Verification of title/lien status or
an affidavit stating the previous
state is "UNKNOWN."

_____ A copy of the notice sent to the owner and lienholder (if applicable) along with the
original or certified copy of the post office return receipt card for the certified mail,
or the returned, unclaimed, unopened, certified letter.

_____ A copy of the newspaper advertisement.

_____ The bill of sale on the original letterhead stationery from the law enforcement
agency to the purchaser.

_____ Lien satisfaction(s), if applicable.

_____ Florida sales tax or specify the sales tax information on the form HSMV 82040 or
82041.

_____ A license plate number, non-use affidavit or mobile home or RP decal.

_____ Title fees.

EXHIBIT B

LAW ENFORCEMENT "RETAINING, DONATING, SURRENDERING TO FINDER
OR TRADING LOST PROPERTY" CHECK LIST

FORMS

FLORIDA RECORD

OUT-OF-STATE RECORD

_____ HSMV 82040 or 82041

_____ HSMV 82040 or 82041

_____ HSMV 82042, or the VIN
verification section on form HSMV
82040, (if applicable).

_____ Verification of title/lien status or
an affidavit stating the previous
state is "UNKNOWN."

_____ A copy of the notice sent to the owner and lienholder (if applicable) along with the
original or certified copy of the post office return receipt card for the certified mail,
or the returned, unclaimed, unopened, certified letter.

_____ A copy of the newspaper advertisement (if value is over \$100).

Or,

A copy of the posted notice (if value is \$100 or less).

_____ If applicable, a statement on original letterhead stationery from the law
enforcement agency to the applicant, which provides a complete description of the
motor vehicle or mobile home including the make, year and vehicle identification
number; specifies that the vehicle is being surrendered, traded to another unit of
local government or state agency, or donated to the applicant and is subject to any
and all liens.

_____ Lien satisfaction(s), if applicable.

_____ Florida sales tax or specify the sales tax information on the form HSMV 82040 or
82041.

_____ A license plate number, non-use affidavit or mobile home or RP decal.

_____ Title fees.

EXHIBIT C

LAW ENFORCEMENT "RETAINING, TRADING, DONATING, OR
SELLING ABANDONED PROPERTY" CHECK LIST

FORMS:

FLORIDA RECORD

OUT-OF-STATE RECORD

_____ HSMV 82040 or 82041

_____ HSMV 82040 or 82041

_____ HSMV 82042, or the VIN
verification section on form HSMV
82040, (if applicable).

_____ Verification of title/lien status or
an affidavit stating the previous
state is "UNKNOWN."

_____ A copy of the notice sent to the owner and lienholder (if applicable) along with the
original or certified copy of the post office return receipt card for the certified mail,
or the returned, unclaimed, unopened, certified letter.

_____ A notarized/perjury clause affidavit from the law enforcement agency stating the
following:

_____ The property (must include a complete description) constitutes
abandoned property according to the definition provided in s.
705.101(3), Florida Statutes.

_____ The agency is retaining, trading, donating or selling the property.

_____ If sold, the bill of sale on the original letterhead stationery from the law enforcement
agency to the purchaser.

_____ Lien satisfaction(s), if applicable.

_____ Florida sales tax or specify the sales tax information on the form HSMV 82040 or
82041.

_____ A license plate number, non-use affidavit or mobile home or RP decal.

_____ Title fees.

NOTE: Since most abandoned property (motor vehicle or mobile home) is not of
appreciable value, the law enforcement agency may elect to notify the appropriate
refuse removal service. The agency would NOT be required to obtain a certificate
of title in their name prior to having the motor vehicle or mobile home removed
and destroyed.

EXHIBIT D

**LAW ENFORCEMENT "RETAINING, TRANSFERRING OR
DONATING UNCLAIMED EVIDENCE" CHECK LIST**

FORMS:

FLORIDA RECORD

OUT-OF-STATE RECORD

_____ **HSMV 82040 or 82041**

_____ **HSMV 82040 or 82041**

_____ **HSMV 82042, or the VIN
verification section on form HSMV
82040, (if applicable).**

_____ **A notarized/perjury clause affidavit from the law enforcement agency stating the
following:**

_____ **The property (must include a complete description) constitutes
unclaimed evidence according to the definition provided in s.
705.101(6), Florida Statutes and the related proceedings have been
over for a period of at least 60 days.**

_____ **The agency is retaining, transferring to another unit of
government or donating the property.**

_____ **If transferred to another unit of state or local government, the bill of sale on the
original letterhead stationery from the law enforcement agency to the purchaser.**

_____ **Lien satisfaction(s), if applicable.**

_____ **Florida sales tax or specify the sales tax information on the form HSMV 82040 or
82041.**

_____ **A license plate number, non-use affidavit or mobile home or RP decal.**

_____ **Title fees.**

**NOTE: If a motor vehicle or mobile home is not of appreciable value, the law enforcement agency
may elect to destroy it. The agency would NOT be required to obtain a certificate of title
in their name prior to destroying the motor vehicle or mobile home.**

EXHIBIT E

DEFINITIONS:

ABANDONED PROPERTY

All tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner.

LAW ENFORCEMENT OFFICER

Any person who is elected, appointed, or employed full time by any sheriff, any municipality, or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

LOCAL GOVERNMENT

The board of county commissioners of a county or the commission or council of any municipality in the county.

LOST PROPERTY

All tangible personal property which does not have an identifiable owner and which has been mislaid on public property, upon a public conveyance, on premises used at the time for business purposes, or in parks, places of amusement, public recreation areas, or other places open to the public in a substantially operable, functioning condition or which has an apparent intrinsic value to the rightful owner.

PUBLIC PROPERTY

Lands and improvements owned by the Federal Government, the state, the county, or a municipality and includes sovereignty submerged lands located adjacent to the county or municipality, buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, right-of-way and other similar property.

UNCLAIMED EVIDENCE

Any tangible personal property, including cash, NOT included within the definition of "contraband article," as provided in s. [932.701\(2\)](#), which was seized by a law enforcement agency, was intended for use in a criminal or quasi-criminal proceeding, and is retained by the law enforcement agency or the clerk of the county or circuit court for 60 days after the final disposition of the proceeding and to which no claim of ownership has been made.

EXHIBIT F

705.102 Reporting lost or abandoned property.—

- (1) Whenever any person finds any lost or abandoned property, such person shall report the description and location of the property to a law enforcement officer.
- (2) The law enforcement officer taking the report shall ascertain whether the person reporting the property wishes to make a claim to it if the rightful owner cannot be identified or located. If the person does wish to make such claim, he or she shall deposit with the law enforcement agency a reasonable sum sufficient to cover the agency's cost for transportation, storage, and publication of notice. This sum shall be reimbursed to the finder by the rightful owner should he or she identify and reclaim the property.
- (3) It is unlawful for any person who finds any lost or abandoned property to appropriate the same to his or her own use or to refuse to deliver the same when required.
- (4) Any person who unlawfully appropriates such lost or abandoned property to his or her own use or refuses to deliver such property when required commits theft as defined in s. [812.014](#), punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

History.--s. 2, ch. 87-82; s. 4, ch. 92-79; s. 790, ch. 97-102.

EXHIBIT G

705.103 Procedure for abandoned or lost property.--

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

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

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

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

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

(b) For lost property, the officer shall take custody and the agency shall retain custody of the property for 90 days. The agency shall publish notice of the intended disposition of the property, as provided in this section, during the first 45 days of this time period.

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

EXHIBIT G (page 2, cont.)

2. If the agency elects to sell the property, it must do so at public sale by competitive bidding. Notice of the time and place of the sale shall be given by an advertisement of the sale published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the sale is to be held. The notice shall include a statement that the sale shall be subject to any and all liens. The sale must be held at the nearest suitable place to that where the lost or abandoned property is held or stored. The advertisement must include a description of the goods and the time and place of the sale. The sale may take place no earlier than 10 days after the final publication. If there is no newspaper of general circulation in the county where the sale is to be held, the advertisement shall be posted at the door of the courthouse and at three other public places in the county at least 10 days prior to sale. Notice of the agency's intended disposition shall describe the property in a manner reasonably adequate to permit the rightful owner of the property to identify it.

(3) If the property is sold at public sale pursuant to subparagraph (2)(b)2., the agency shall deduct from the proceeds the costs of transportation, storage, and publication of notice, and any balance of proceeds shall be deposited into an interest-bearing account not later than 30 days after the date of the sale and held there for 1 year. The agency shall provide a bill of sale clearly stating that the sale is subject to any and all liens. The rightful owner of the property may claim the balance of the proceeds within 1 year from the date of the above stated deposit by making application to the agency. If no rightful owner comes forward with a claim to the property within the designated year, the balance of the proceeds shall be deposited into the State School Fund.

(4) The owner of any abandoned or lost property who, after notice as provided in this section, does not remove such property within the specified period shall be liable to the law enforcement agency for all costs of removal, storage, and destruction of such property, less any salvage value obtained by disposal of the property. Upon final disposition of the property, the law enforcement officer shall notify the owner, if known, of the amount owed. In the case of an abandoned boat or motor vehicle, any person who neglects or refuses to pay such amount is not entitled to be issued a certificate of registration for such boat or motor vehicle, or any other boat or motor vehicle, until such costs have been paid. The law enforcement officer shall supply the Department of Highway Safety and Motor Vehicles with a list of persons whose boat registration privileges or whose motor vehicle privileges have been revoked under this subsection. Neither the department nor any other person acting as agent thereof shall issue a certificate of registration to a person whose boat or motor vehicle registration privileges have been revoked, as provided by this subsection, until such costs have been paid.

(5) Whoever opposes, obstructs, or resists any law enforcement officer or any person authorized by the law enforcement officer in the discharge of her or his duties as provided in this section upon conviction is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) Any law enforcement officer or any person authorized by the law enforcement officer is immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property while in the discharge of duties imposed by this section.

(7) The rightful owner shall be liable for the law enforcement agency's costs for transportation and storage of lost or abandoned property and the agency's cost for publication of notice of disposition of lost property. If the rightful owner does not pay such costs within 30 days of making claim to the property, title to the property shall vest in the law enforcement agency.

History.--s. 3, ch. 87-82; s. 1, ch. 90-307; s. 12, ch. 94-241; s. 471, ch. 94-356; s. 1, ch. 97-51; s. 791, ch. 97-102; s. 29, ch. 2000-197.

EXHIBIT H

705.104 Title to lost or abandoned property.—

(1) Title to lost or abandoned property is hereby vested in the finder upon the expiration of the 90-day custodial time period specified in s. [705.103](#)(2)(b), provided the notice requirements of s. [705.103](#) have been met, unless the rightful owner or a lienholder claims the property within that time.

(2) Employees of any state, county, or municipal agency shall be deemed agents of such governmental entity, and lost or abandoned property found by them during the course of their official duties shall be turned in to the proper person or department designated to receive such property by the governmental entity. Such property shall be subject to the provisions of this chapter, after which, if unclaimed by the rightful owner, the title to such property shall be vested in the state, county, or municipality and not in the employee.

(3) Employees of public transportation systems shall be deemed agents of such transportation systems, and lost or abandoned property found on public conveyances, in depots, or in garages of a transportation system shall be turned in to the proper person or department designated to receive such property by the transportation systems. Such property shall be subject to the provisions of this section, after which, if unclaimed by the rightful owner, the title to such property shall be vested in the transportation system and not in the employee.

History.--s. 4, ch. 87-82; s. 2, ch. 90-307.

705.105 Procedure regarding unclaimed evidence.—

(1) Title to unclaimed evidence or unclaimed tangible personal property lawfully seized pursuant to a lawful investigation in the custody of the court or clerk of the court from a criminal proceeding or seized as evidence by and in the custody of a law enforcement agency shall vest permanently in the law enforcement agency 60 days after the conclusion of the proceeding.

(a) If the property is of appreciable value, the agency may elect to:

1. Retain the property for the agency's own use;
2. Transfer the property to another unit of state or local government;
3. Donate the property to a charitable organization;
4. Sell the property at public sale, pursuant to the provisions of s. [705.103](#).

(b) If the property is not of appreciable value, the law enforcement agency may elect to destroy it.

(2) Nothing in this section shall be construed to repeal or supersede the provisions of s. [790.08](#) relating to the disposition of weapons and firearms.

History.--s. 5, ch. 87-82; s. 5, ch. 90-113.