SECTION 22 – UNCLAIMED PROPERTY

Overview

Local governments are required to comply with the unclaimed-property provisions of Chapter 717, Florida Statutes, the Florida Disposition of Abandoned Personal Property Act. Governments should identify the requirements applicable to them because penalties may be imposed for noncompliance.

Requirements

Section 717.113, Florida Statutes, provides that intangible property held for the apparent owner by a court, government or governmental subdivision or agency, public corporation, or public authority that has not been claimed for more than one year after becoming payable or distributable is presumed abandoned, subject to the exceptions in the statute. Section 717.101, Florida Statutes, provides definitions used throughout Chapter 717.

Sections 717.117 and 717.119, Florida Statutes, govern holder due diligence, reporting, and delivery of abandoned property to the Florida Department of Financial Services (DFS). Property that has reached the applicable dormancy period is not deemed abandoned for reporting or remittance until the holder completes the due diligence required by Section 717.117 and receives no indication of interest from the apparent owner or authorized representative. Reports are generally due before May 1 for the preceding calendar year.

For property valued at $50 or more, Section 717.117(2), Florida Statutes, requires the holder to use due diligence to locate and notify the apparent owner. The required first notice generally must be sent at least 90 days, but not more than 180 days, before the report is filed, using the notice method permitted by the statute and current DFS instructions.

If the value of the property is greater than $1,000, Section 717.117(3), Florida Statutes, requires a second written notice by certified United States mail, return receipt requested, at least 60 days before filing the report, when the holder has a mailing address that is not known to be inaccurate. Required notices must contain the information prescribed by Section 717.117 and current DFS guidance.

Recordkeeping

- Governments should maintain records for each unclaimed-property type sufficient to identify amounts, owners, last known addresses, identifying information, due-diligence activity, reporting, and remittance. Records should be retained for the period required by Section 717.1311, Florida Statutes, and the applicable records-retention schedule.
- Governments should review outstanding checks and other potentially abandoned property before the applicable dormancy period expires, document owner-contact and reissuance activity, and follow current Chapter 717 and DFS requirements when determining whether property must be reported and remitted

Bureau of Unclaimed Property

The Division of Unclaimed Property within DFS administers Chapter 717, Florida Statutes. Its website provides reporting instructions, forms, contact information, and other guidance. Governments should use the current DFS Unclaimed Property Reporting Instructions when preparing reports and remittances.

Abandoned or Lost Tangible Personal Property

Section 705.103, Florida Statutes, prescribes the procedures required for abandoned or lost tangible personal property present on public property, such as impounded or abandoned vehicles. After performing a series of required procedures, the state or local government can retain the property, trade it to another state or local government, donate it to a charitable organization, sell it, or notify the appropriate refuse removal service.

Helpful Suggestion

It is also prudent practice for governments to periodically check the Bureau of Unclaimed Property's website for unclaimed property that the State may be holding for the local government itself to claim.

References

- Section 705.103, Florida Statutes – Procedure for abandoned or lost tangible property. Official link
- Sections 717.101, 717.113, 717.115, 717.117, and 717.119, Florida Statutes – Definitions, public-agency property, wages, reporting, and remittance. Official link
- Florida Department of Financial Services – Division of Unclaimed Property. Official link