

§ 121-52. Acquisition of title to loaned property.

(a) A museum or archives repository may acquire the title to documented property loaned to the museum or archives repository if (i) the term of the loan has expired and at least seven years have passed without written or other contact between the lender and the museum or archives repository or (ii) the term of the loan does not have an expiration date but at least seven years have passed without written or other contact between the lender and the museum or archives repository since the loan was made.

(b) To acquire title to property under this section, the museum or archives repository shall first send a notice by certified mail to the lender's last known address. The notice must include all of the following:

- (1) The lender's name and last known address.
- (2) A brief and general description of the property.
- (3) A statement that the term of the loan has been terminated.
- (4) The date or approximate date, if known, when the owner loaned the property to the museum or archives repository.
- (5) The name, address, and telephone number of the museum or archives repository representative to contact for more information or to claim ownership.
- (6) A statement that outlines the schedule and requirements for the museum or archives repository to acquire title under this section.

(c) If a valid claim to the property is not received by the museum or archives repository within 30 days from the date the notice was mailed, or if the museum or archives repository does not have an address for the lender, the museum or archives repository shall comply with the following:

- (1) If the property has an estimated value in excess of \$10,000, the museum or archives repository shall make a reasonable effort to locate and inform the owner, the owner's heirs or successors and publish a notice for no less than 365 consecutive days on an official Internet Web site created by the Department of Natural and Cultural Resources for such purpose.
- (2) If the property has an estimated value that is less than or equal to \$10,000, the museum or archives repository shall make a reasonable effort to locate and inform the owner, the owner's heirs or successors and publish a notice for no less than 180 consecutive days on an official Internet Web site created by the Department of Natural and Cultural Resources for such purpose.
- (3) The notices required by subdivisions (1) and (2) of this subsection shall include all of the following:
 - a. The information described in subdivisions (1) through (5) of subsection (b) of this section.
 - b. A digital image of the property and any documentation executed by the parties.
 - c. The date that the notice was posted.
 - d. The date that the notice will be removed from the museum or archives repository's official Internet Web site and a statement that the museum or archives repository will acquire title to the loaned property if a valid claim to the property is not received by the museum or archives repository within 45 days of that date.

(d) If the requirements of this section are satisfied and if a valid claim to the loaned property is received by the museum or archives repository within 45 days after the date of the last publication of the notice required by subsection (c) of this section, the Department of Natural and Cultural Resources shall have 45 days to determine whether the claim is valid and

that the claimant is the legal owner of the artifact. If the Department determines that the claim is valid and that the claimant is the legal owner of the artifact, the Department shall return the artifact to the owner at the owner's expense.

(e) If the requirements of this section are satisfied and if a valid claim to the loaned property is not received by the museum or archives repository within 45 days after the date of the last publication of the notice required by subsection (c) of this section, the museum or archives repository acquires the title to the property on the forty-sixth day after the date of the last publication of the notice under subsection (c) of this section. Upon acquiring title, the museum or archives repository shall own the property free and clear from all claims of ownership. (2015-218, s. 2; 2015-241, s. 14.30(c).)