

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED                                           (Y/N)  
ADOPTED AS AMENDED                           (Y/N)  
ADOPTED W/O OBJECTION                       (Y/N)  
FAILED TO ADOPT                               (Y/N)  
WITHDRAWN                                      (Y/N)  
OTHER                                            

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1 Committee/Subcommittee hearing bill: Regulatory Affairs  
2 Committee

3 Representative La Rosa offered the following:

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5            **Amendment (with title amendment)**

6            Remove everything after the enacting clause and insert:

7            Section 1. Subsection (4) of section 83.806, Florida  
8 Statutes, is amended, and subsections (9) and (10) are added to  
9 that section, to read:

10           83.806 Enforcement of lien.—An owner's lien as provided in  
11 s. 83.805 may be satisfied as follows:

12           (4) After the expiration of the time given in the notice,  
13 an advertisement of the sale or other disposition shall be  
14 published once a week for 2 consecutive weeks in a newspaper of  
15 general circulation in the area where the self-service storage  
16 facility or self-contained storage unit is located or advertised  
17 for 14 calendar days on the Internet website developed by the

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18 Department of Financial Services pursuant to s. 624.307(10). The  
19 obligation to provide notice pursuant to this section shall rest  
20 solely with the owner. The Chief Financial Officer may not be  
21 held liable for technical failures or any other cause which may  
22 interfere with or interrupt the required 14 day notice or for  
23 the content of or any defects in the notice posted on the  
24 website.

25 (a) A lien sale may be conducted on a public website that  
26 customarily conducts personal property auctions. The facility or  
27 unit owner is not required to be licensed to post property  
28 online for sale pursuant to this subsection. Inasmuch as any  
29 sale may involve property of more than one tenant, a single  
30 advertisement may be used to dispose of property at any one  
31 sale.

32 (b) ~~(a)~~ The advertisement shall include:

33 1. A brief and general description of what is believed to  
34 constitute the personal property contained in the storage unit,  
35 as provided in paragraph (2) (b).

36 2. The address of the self-service storage facility or the  
37 address where the self-contained storage unit is located and the  
38 name of the tenant.

39 3. The time, place, and manner of the sale or other  
40 disposition. The sale or other disposition shall take place not  
41 sooner than 15 days after the first publication or  
42 advertisement.

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43 ~~(b) If there is no newspaper of general circulation in the~~  
44 ~~area where the self-service storage facility or self-contained~~  
45 ~~storage unit is located, the advertisement shall be posted at~~  
46 ~~least 10 days before the date of the sale or other disposition~~  
47 ~~in not fewer than three conspicuous places in the neighborhood~~  
48 ~~where the self-service storage facility or self-contained~~  
49 ~~storage unit is located.~~

50 (9) If the rental agreement contains a limit on the value  
51 of property stored in the tenant's storage space, the limit is  
52 deemed to be the maximum value of the property stored in that  
53 space.

54 (10) If a lien is claimed on property that is a motor  
55 vehicle or a watercraft and rent and other charges related to  
56 the property remain unpaid or unsatisfied for 60 days after the  
57 maturity of the obligation to pay the rent and other charges,  
58 the facility or unit owner may do one of the following:

59 (a) The facility or unit owner may have the property  
60 towed. If a motor vehicle or watercraft is towed, the facility  
61 or unit owner is not liable for the motor vehicle or watercraft  
62 or any damages to the motor vehicle or watercraft once a wrecker  
63 takes possession of the property. The wrecker taking possession  
64 must comply with all notification and sale requirements provided  
65 in s. 713.78.

66 (b) The facility or unit owner may sell the motor vehicle  
67 or watercraft by public auction if an owner or lienholder who  
68 receives notice pursuant to this paragraph does not satisfy the

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69 lien. Before the public auction, the facility or unit owner must  
70 check the Department of Highway Safety and Motor Vehicles  
71 database to determine the existence and identity of any  
72 lienholder and the name and address of the owner of the motor  
73 vehicle or watercraft. In the event that the vehicle or  
74 watercraft is not titled in Florida, the facility or unit owner  
75 must check the National Motor Vehicle Title Information System  
76 or an equivalent commercially available system to determine the  
77 state of registration and to determine the existence and  
78 identity of any lienholder and the name and address of the owner  
79 of the motor vehicle or watercraft. Within 10 days after receipt  
80 of such information concerning a lienholder and the owner of  
81 such motor vehicle or watercraft, the facility or unit owner  
82 must send written notice to the lienholder and to the owner by  
83 certified mail stating that:

- 84 1. Such motor vehicle or watercraft is being held by the  
85 facility or unit owner;
- 86 2. A lien has attached;
- 87 3. Payment must be made within 30 days after notification  
88 to satisfy the lien and take possession of the motor vehicle or  
89 watercraft; and
- 90 4. The facility or unit owner may sell the motor vehicle  
91 or watercraft by public auction if the lien is not satisfied.

92 (c) If an owner identified as part of a search conducted  
93 pursuant to paragraph (b) is the same as the tenant in default  
94 who has been notified pursuant to subsection (1), the facility

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95 or unit owner may send written notice to the owner by first  
96 class mail to satisfy the notice requirements under paragraph  
97 (b).

98 Section 2. Subsection (10) is added to section 624.307,  
99 Florida Statutes, to read:

100 624.307 General powers; duties.—

101 (10) (a) The department and the Chief Financial Officer,  
102 shall develop, operate, and maintain an Internet website for the  
103 purpose of providing public notice of the sale of property  
104 belonging to a tenant of a self-service storage facility, as  
105 defined in part III of ch. 83.

106 (b) The website must, at a minimum, include information  
107 concerning the identity of the tenant; the location of the  
108 property; the type of property subject to sale; and the time,  
109 place, and manner of sale.

110 (c) The department shall establish by rule a fee for the  
111 service of posting notice of the sale of property on behalf of a  
112 self-service storage facility owner. The fee must cover the cost  
113 of building, maintaining, and operating the website and shall be  
114 deposited into the Department of Financial Services  
115 Administrative Trust Fund.

116 (d) The department may adopt rules for the administration,  
117 operation, and maintenance of the website.

118 Section 3. This act shall take effect July 1, 2016.

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**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to self-service storage facilities;  
amending s. 83.806, F.S.; providing that advertisement  
of a sale or disposition of property may be advertised  
on a website developed by the Department of Financial  
Services; providing that the Chief Financial Officer  
may not be held liable in specified circumstances;  
providing that a lien sale may be conducted on certain  
websites; providing that a self-service storage  
facility owner is not required to have a license to  
post property for online sale; deleting a required  
alternative form of advertisement; providing limits  
for the maximum valuation of property under certain  
circumstances; providing options for the disposition  
of motor vehicles or watercraft claimed to be subject  
to a lien; requiring specified notice to lienholders  
and owners of motor vehicles or watercraft subject to  
a lien; amending s. 624.307, F.S.; requiring the  
department and Chief Financial Officer to develop,  
operate, and maintain an Internet website to provide  
public notice of the sale of property belonging to a  
tenant of a self-service storage facility; providing  
guidelines for the website; requiring the department  
to establish a fee for deposit into the department's

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Bill No. CS/HB 559 (2016)

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147 | Administrative Trust Fund; providing rulemaking  
148 | authority; providing an effective date.