

1                                   A bill to be entitled  
 2           An act relating to self-service storage facilities;  
 3           amending s. 83.806, F.S.; providing that advertisement  
 4           of a sale or disposition of property may be advertised  
 5           on certain websites; providing that a lien sale may be  
 6           conducted on certain websites; providing that a self-  
 7           service storage facility owner is not required to have  
 8           a license to post property for online sale; deleting a  
 9           required alternative form of advertisement; providing  
 10          limits for the maximum valuation of property under  
 11          certain circumstances; providing options for the  
 12          disposition of motor vehicles or watercraft claimed to  
 13          be subject to a lien; requiring specified notice to  
 14          lienholders and owners of motor vehicles or watercraft  
 15          subject to a lien; providing an effective date.

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 17   Be It Enacted by the Legislature of the State of Florida:

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

22           83.806 Enforcement of lien.—An owner's lien as provided in  
 23   s. 83.805 may be satisfied as follows:

24           (4) After the expiration of the time given in the notice,  
 25   an advertisement of the sale or other disposition shall be  
 26   published once a week for 2 consecutive weeks in a newspaper of

27 | general circulation in the area where the self-service storage  
28 | facility or self-contained storage unit is located or advertised  
29 | for 2 consecutive weeks on an Internet website accessible to the  
30 | public.

31 | (a) A lien sale may be conducted on a public website that  
32 | customarily conducts personal property auctions. The facility or  
33 | unit owner is not required to be licensed to post property  
34 | online for sale pursuant to this subsection. Inasmuch as any  
35 | sale may involve property of more than one tenant, a single  
36 | advertisement may be used to dispose of property at any one  
37 | sale.

38 | (b)-(a) The advertisement shall include:

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

42 | 2. The address of the self-service storage facility or the  
43 | address where the self-contained storage unit is located and the  
44 | name of the tenant.

45 | 3. The time, place, and manner of the sale or other  
46 | disposition. The sale or other disposition shall take place not  
47 | sooner than 15 days after the first publication or  
48 | advertisement.

49 | ~~(b) If there is no newspaper of general circulation in the~~  
50 | ~~area where the self-service storage facility or self-contained~~  
51 | ~~storage unit is located, the advertisement shall be posted at~~  
52 | ~~least 10 days before the date of the sale or other disposition~~

53 ~~in not fewer than three conspicuous places in the neighborhood~~  
54 ~~where the self-service storage facility or self-contained~~  
55 ~~storage unit is located.~~

56 (9) If the rental agreement contains a limit on the value  
57 of property stored in the tenant's storage space, the limit is  
58 deemed to be the maximum value of the property stored in that  
59 space.

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

65 (a) The facility or unit owner may have the property  
66 towed. If a motor vehicle or watercraft is towed, the facility  
67 or unit owner is not liable for the motor vehicle or watercraft  
68 or any damages to the motor vehicle or watercraft once a tower  
69 takes possession of the property.

70 (b) The facility or unit owner may sell the motor vehicle  
71 or watercraft by public auction if an owner or lienholder who  
72 receives notice pursuant to this paragraph does not satisfy the  
73 lien. Before the public auction, the facility or unit owner must  
74 contact the Department of Highway Safety and Motor Vehicles to  
75 determine the existence and identity of any lienholder and the  
76 name and address of the owner of the motor vehicle or  
77 watercraft. Within 10 days after receipt of such information  
78 concerning a lienholder and the owner of such motor vehicle or

79 watercraft, the facility or unit owner must send written notice  
80 to the lienholder and to the owner by first-class mail stating  
81 that:

82 1. Such motor vehicle or watercraft is being held by the  
83 facility or unit owner;

84 2. A lien has attached;

85 3. Payment must be made within 30 days after notification  
86 to satisfy the lien and take possession of the motor vehicle or  
87 watercraft; and

88 4. The facility or unit owner may sell the motor vehicle  
89 or watercraft by public auction if the lien is not satisfied.

90 Section 2. This act shall take effect July 1, 2016.