

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 a website developed by the Department of Financial  
6           Services and the Chief Financial Officer; limiting the  
7           liability of the Chief Financial Officer; providing  
8           that a lien sale may be conducted on certain websites;  
9           providing that a self-service storage facility owner  
10          is not required to have a license to post property for  
11          online sale; deleting a required alternative form of  
12          advertisement; providing limits for the maximum  
13          valuation of property under certain circumstances;  
14          providing options for the disposition of motor  
15          vehicles or watercraft claimed to be subject to a  
16          lien; requiring specified notice to lienholders and  
17          owners of motor vehicles or watercraft subject to a  
18          lien; amending s. 624.307, F.S.; requiring the  
19          department and the Chief Financial Officer to develop,  
20          operate, and maintain an Internet website to provide  
21          public notice of the sale of property belonging to a  
22          tenant of a self-service storage facility; providing  
23          requirements for the website; providing for the  
24          establishment and deposit of fees to cover the cost of  
25          the website; providing rulemaking authority; providing  
26          an effective date.

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

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

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

(4) After the expiration of the time given in the notice, an advertisement of the sale or other disposition shall be published once a week for 2 consecutive weeks in a newspaper of general circulation in the area where the self-service storage facility or self-contained storage unit is located or advertised for 14 consecutive days on the Internet website developed pursuant to s. 624.307(10). Responsibility for providing notice pursuant to this section rests solely with the owner. The Chief Financial Officer is not liable for technical failures or any other cause that may interfere with or interrupt the required 14-day notice or for the content of or any defects in the notice posted on the website.

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

53 sale.

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

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

58 2. The address of the self-service storage facility or the  
59 address where the self-contained storage unit is located and the  
60 name of the tenant.

61 3. The time, place, and manner of the sale or other  
62 disposition. The sale or other disposition shall take place not  
63 sooner than 15 days after the first publication or  
64 advertisement.

65 ~~(b) If there is no newspaper of general circulation in the~~  
66 ~~area where the self-service storage facility or self-contained~~  
67 ~~storage unit is located, the advertisement shall be posted at~~  
68 ~~least 10 days before the date of the sale or other disposition~~  
69 ~~in not fewer than three conspicuous places in the neighborhood~~  
70 ~~where the self-service storage facility or self-contained~~  
71 ~~storage unit is located.~~

72 (9) If the rental agreement contains a limit on the value  
73 of property stored in the tenant's storage space, the limit is  
74 deemed to be the maximum value of the property stored in that  
75 space.

76 (10) If a lien is claimed on property that is a motor  
77 vehicle or a watercraft and rent and other charges related to  
78 the property remain unpaid or unsatisfied for 60 days after the

79 maturity of the obligation to pay the rent and other charges,  
80 the facility or unit owner may do one of the following:

81 (a) The facility or unit owner may have the property  
82 towed. If a motor vehicle or watercraft is towed, the facility  
83 or unit owner is not liable for the motor vehicle or watercraft  
84 or any damages to the motor vehicle or watercraft once a wrecker  
85 takes possession of the property. Such wrecker must comply with  
86 all notification and sale requirements of s. 713.78.

87 (b) The facility or unit owner may sell the motor vehicle  
88 or watercraft by public auction if an owner or lienholder who  
89 receives notice pursuant to this paragraph does not satisfy the  
90 lien. Before the public auction, the facility or unit owner must  
91 search the Department of Highway Safety and Motor Vehicles'  
92 database to determine the existence and identity of any  
93 lienholder and the name and address of the owner of the motor  
94 vehicle or watercraft. If the motor vehicle or watercraft is not  
95 titled in this state, the facility or unit owner must search the  
96 National Motor Vehicle Title Information System or an equivalent  
97 commercially available system to determine the state of  
98 registration, the existence and identity of any lienholder, and  
99 the name and address of the owner of the motor vehicle or  
100 watercraft. Within 10 days after receipt of such information,  
101 the facility or unit owner must send written notice to the  
102 lienholder and the owner, by certified mail, stating that:

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

105        2. A lien has attached;

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

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

111        (c) If an owner identified as part of a search conducted  
 112 pursuant to paragraph (b) is the same as the tenant in default  
 113 who has been notified pursuant to subsection (1), the facility  
 114 or unit owner may send written notice to the owner by first-  
 115 class mail to satisfy the notice requirements of paragraph (b).

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

118        624.307 General powers; duties.—

119        (10) (a) The department and the Chief Financial Officer  
 120 shall develop, operate, and maintain an Internet website to  
 121 provide public notice of the sale of property belonging to a  
 122 tenant of a self-service storage facility, as defined in s.  
 123 83.803.

124        (b) The website must, at a minimum, include information  
 125 concerning the identity of the tenant, the location of the  
 126 property, the type of property subject to sale, and the time,  
 127 place, and manner of sale.

128        (c) The department shall establish by rule a fee for the  
 129 service of posting notice of the sale of property on behalf of a  
 130 self-service storage facility owner. The fee must cover the cost

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131 of building, maintaining, and operating the website and shall be  
132 deposited into the Department of Financial Services  
133 Administrative Trust Fund.

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

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