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LEGISLATIVE ACTION

Senate	.	House
Comm: TP	.	
02/02/2016	.	
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The Committee on Regulated Industries (Stargel) recommended the following:

1 **Senate Substitute for Amendment (947448) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

9 83.806 Enforcement of lien.—An owner's lien as provided in
10 s. 83.805 may be satisfied as follows:



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11 (4) After the expiration of the time given in the notice,
12 an advertisement of the sale or other disposition shall be
13 published once a week for 2 consecutive weeks in a newspaper of
14 general circulation in the area where the self-service storage
15 facility or self-contained storage unit is located or advertised
16 for 14 calendar days on an Internet website to be developed and
17 maintained by the Chief Financial Officer. The obligation to
18 provide notice rests solely with the self-storage unit owner,
19 and the Chief Financial Officer is not liable for technical
20 failures or any other cause that may interfere with or interrupt
21 the 14 day notice period, or for the contents of, or any defects
22 in, the notice. The Chief Financial Officer shall charge the
23 owner a fee to cover the costs associated with building,
24 maintaining, and operating the website, which shall be deposited
25 into the Administrative Trust Fund. The Department of Financial
26 Services may adopt rules to provide for procedures for the
27 maintenance and operation of the site and the calculation and
28 remittance of the fee.

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

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

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



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

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

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

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

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

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

68 (b) The facility or unit owner may sell the motor vehicle



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69 or watercraft by public auction if an owner or lienholder who
70 receives notice pursuant to this paragraph does not satisfy the
71 lien. Before such a sale, the facility or unit owner must
72 contact the Department of Highway Safety and Motor Vehicles to
73 determine the existence and identity of any lienholder and the
74 name and address of the owner of the motor vehicle or
75 watercraft. Within 10 days after receipt of such information
76 concerning a lienholder and the owner of such motor vehicle or
77 watercraft, the facility or unit owner must send written notice
78 to the lienholder and to the owner by first-class mail stating
79 that:

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

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

89
90 ===== T I T L E A M E N D M E N T =====

91 And the title is amended as follows:

92 Delete everything before the enacting clause
93 and insert:

94 A bill to be entitled
95 An act relating to self-storage facilities; amending
96 s. 83.806, F.S.; providing that advertisement of a
97 sale or disposition of property may be conducted on a



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98 certain website; providing that the obligation to
99 provide notice rests on the self-storage unit owner;
100 providing that the Chief Financial Officer is not
101 liable for certain issues relating to notices or the
102 website; requiring the Chief Financial Officer to
103 charge certain fees; authorizing the Department of
104 Financial Services to adopt rules; providing that a
105 lien sale may be conducted on certain websites;
106 providing that a self-storage facility owner is not
107 required to have a license to post property for online
108 sale; deleting a required alternative form of
109 advertisement; providing limits for the maximum
110 valuation of property under certain circumstances;
111 providing options for the disposition of motor
112 vehicles or watercraft claimed to be subject to a
113 lien; requiring specified notice to lienholders and
114 owners of motor vehicles or watercraft subject to a
115 lien; providing an effective date.