

By Senator Artiles

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1                   A bill to be entitled  
2           An act relating to self-storage; amending s. 83.806,  
3           F.S.; providing that a lien sale may be conducted on  
4           certain websites; providing that a self-storage  
5           facility owner is not required to have a license to  
6           post property for online sale; providing limits for  
7           the maximum valuation of property under certain  
8           circumstances; providing options for the disposition  
9           of motor vehicles or watercraft claimed to be subject  
10          to a lien; requiring a facility or unit owner to  
11          verify specified information before selling a motor  
12          vehicle or watercraft by public auction; requiring  
13          specified notice to lienholders and owners of motor  
14          vehicles or watercraft subject to a lien; amending s.  
15          83.808, F.S.; authorizing an owner to impose and  
16          collect a late fee from a tenant under certain  
17          circumstances; specifying that late fees in a  
18          specified amount are deemed reasonable and do not  
19          constitute a penalty; authorizing an owner to charge  
20          the tenant certain reasonable expenses incurred in  
21          rent collection or lien enforcement; providing an  
22          effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26           Section 1. Subsection (4) of section 83.806, Florida  
27           Statutes, is amended, and subsections (9) and (10) are added to  
28           that section, to read:

29           83.806 Enforcement of lien.—An owner's lien as provided in  
30           s. 83.805 may be satisfied as follows:

31           (4) After the expiration of the time given in the notice,  
32           an advertisement of the sale or other disposition shall be

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33 published once a week for 2 consecutive weeks in a newspaper of  
34 general circulation in the area where the self-service storage  
35 facility or self-contained storage unit is located.

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

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

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

47 2. The address of the self-service storage facility or the  
48 address where the self-contained storage unit is located and the  
49 name of the tenant.

50 3. The time, place, and manner of the sale or other  
51 disposition. The sale or other disposition shall take place not  
52 sooner than 15 days after the first publication.

53 (c) ~~(b)~~ If there is no newspaper of general circulation in  
54 the area where the self-service storage facility or self-  
55 contained storage unit is located, the advertisement shall be  
56 posted at least 10 days before the date of the sale or other  
57 disposition in not fewer than three conspicuous places in the  
58 neighborhood where the self-service storage facility or self-  
59 contained storage unit is located.

60 (9) If the rental agreement contains a limit on the value  
61 of property stored in the tenant's storage space, the limit is

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62 deemed to be the maximum value of the property stored in that  
63 space.

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

69 (a) The facility or unit owner may have the property towed.  
70 If a motor vehicle or watercraft is towed, the facility or unit  
71 owner is not liable for the motor vehicle or watercraft or any  
72 damages to the motor vehicle or watercraft once a wrecker  
73 operator takes possession of the property. The wrecker operator  
74 taking possession must comply with all notification and sale  
75 requirements provided in s. 713.78.

76 (b) The facility or unit owner may sell the motor vehicle  
77 or watercraft by public auction if a lienholder or an owner of  
78 the motor vehicle or watercraft who receives notice pursuant to  
79 this paragraph does not satisfy the lien. Before the public  
80 auction, the facility or unit owner must check the Department of  
81 Highway Safety and Motor Vehicles database to determine the  
82 existence and identity of any lienholder and the name and  
83 address of the owner of the motor vehicle or watercraft. If the  
84 vehicle or watercraft is not titled in Florida, the facility or  
85 unit owner must check the National Motor Vehicle Title  
86 Information System or an equivalent commercially available  
87 system to determine the state of registration and to determine  
88 the existence and identity of any lienholder and the name and  
89 address of the owner of the motor vehicle or watercraft. Within  
90 10 days after receipt of such information concerning a

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91 lienholder and the owner of such motor vehicle or watercraft,  
92 the facility or unit owner must send written notice to the  
93 lienholder and to the owner of the motor vehicle or watercraft  
94 by certified mail stating that:

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

97 2. A lien has attached;

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

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

103 (c) If an owner of the motor vehicle or watercraft  
104 identified as part of a search conducted pursuant to paragraph  
105 (b) is the same as the tenant in default who has been notified  
106 pursuant to subsection (1), the facility or unit owner may send  
107 written notice to the owner by first-class mail to satisfy the  
108 notice requirements under paragraph (b).

109 Section 2. Subsection (3) is added to section 83.808,  
110 Florida Statutes, to read:

111 83.808 Contracts.—

112 (3) A reasonable late fee may be imposed and collected by a  
113 facility or unit owner for each period that a tenant does not  
114 pay rent when due under the rental agreement; however, the fee  
115 may be imposed and collected only if the amount of the late fee  
116 and the conditions for imposing such fee are stated in the  
117 rental agreement or in an addendum to that agreement. For  
118 purposes of this subsection, a late fee of \$20 or 20 percent of  
119 the monthly rent, whichever is greater, is reasonable. Such late

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120 fee does not constitute a penalty. In addition to the late fee,  
121 any reasonable expense incurred by an owner as a result of rent  
122 collection or lien enforcement may be charged to the lessee.

123 Section 3. This act shall take effect July 1, 2017.