

By the Committee on Judiciary; and Senator Artiles

590-01724-17

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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; amending s. 83.808, F.S.; authorizing an
11 owner to impose and collect a late fee from a tenant
12 under certain circumstances; specifying that late fees
13 in a specified amount are deemed reasonable and do not
14 constitute a penalty; authorizing an owner to charge
15 the tenant certain reasonable expenses incurred in
16 rent collection or lien enforcement; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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

24 83.806 Enforcement of lien.—An owner's lien as provided in
25 s. 83.805 may be satisfied as follows:

26 (4) After the expiration of the time given in the notice,
27 an advertisement of the sale or other disposition shall be
28 published once a week for 2 consecutive weeks in a newspaper of
29 general circulation in the area where the self-service storage
30 facility or self-contained storage unit is located.

31 (a) A lien sale may be conducted on a public website that
32 customarily conducts personal property auctions. The facility or

590-01724-17

2017264c1

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.

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

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

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

590-01724-17

2017264c1

62 maturity of the obligation to pay the rent and other charges,
63 the facility or unit owner may sell the property pursuant to
64 this section or have the property towed. If a motor vehicle or
65 watercraft is towed, the facility or unit owner is not liable
66 for the motor vehicle or watercraft or any damage to the motor
67 vehicle or watercraft once a wrecker operator takes possession
68 of the property. The wrecker operator taking possession must
69 comply with all notification and sale requirements provided in
70 s. 713.78.

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

73 83.808 Contracts.—

74 (3) A reasonable late fee may be imposed and collected by a
75 facility or unit owner for each period that a tenant does not
76 pay rent when due under the rental agreement; however, the fee
77 may be imposed and collected only if the amount of the late fee
78 and the conditions for imposing such fee are stated in the
79 rental agreement or in an addendum to that agreement. For
80 purposes of this subsection, a late fee of \$20 or 20 percent of
81 the monthly rent, whichever is greater, is reasonable. Such late
82 fee does not constitute a penalty. In addition to the late fee,
83 any reasonable expense incurred by an owner as a result of rent
84 collection or lien enforcement may be charged to the lessee.

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