

By the Committees on Rules; and Judiciary; and Senator Perry

595-03064-17

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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; amending s.
17 713.78, F.S.; conforming a provision to changes made
18 by the act; providing an effective date.

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

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

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

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

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30 general circulation in the area where the self-service storage
31 facility or self-contained storage unit is located.

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

39 (b)-(a) The advertisement shall include:

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

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

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

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

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

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

74 83.808 Contracts.—

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

86 Section 3. Subsection (2) of section 713.78, Florida
87 Statutes, is amended to read:

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88 713.78 Liens for recovering, towing, or storing vehicles
89 and vessels.—

90 (2) Whenever a person regularly engaged in the business of
91 transporting vehicles or vessels by wrecker, tow truck, or car
92 carrier recovers, removes, or stores a vehicle or vessel upon
93 instructions from:

94 (a) The owner thereof;

95 (b) The owner or lessor, or a person authorized by the
96 owner or lessor, of property on which such vehicle or vessel is
97 wrongfully parked, and the removal is done in compliance with s.
98 715.07;

99 (c) The landlord or a person authorized by the landlord,
100 when such motor vehicle or vessel remained on the premises after
101 the tenancy terminated and the removal is done in compliance
102 with s. 83.806 or s. 715.104; or

103 (d) Any law enforcement agency,

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105 she or he shall have a lien on the vehicle or vessel for a
106 reasonable towing fee and for a reasonable storage fee; except
107 that no storage fee shall be charged if the vehicle is stored
108 for less than 6 hours.

109 Section 4. This act shall take effect July 1, 2017.