

1 A bill to be entitled
2 An act relating to self-service storage facilities;
3 amending s. 83.806, F.S.; providing that a lien sale
4 may be conducted on certain websites; providing that a
5 facility or unit owner is not required to hold a
6 license to post property for online sale; limiting the
7 maximum value of certain 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 specified notice to lienholders
11 and owners of motor vehicles or watercraft subject to
12 a lien; amending s. 83.808, F.S.; authorizing a
13 facility or unit owner to charge a tenant certain fees
14 under certain conditions; providing an effective date.

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

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

21 83.806 Enforcement of lien.—An owner's lien as provided in
22 s. 83.805 may be satisfied as follows:

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

26 | general circulation in the area where the self-service storage
27 | facility or self-contained storage unit is located.

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

34 | (b)~~(a)~~ The advertisement shall include:

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

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

41 | 3. The time, place, and manner of the sale or other
42 | disposition. The sale or other disposition shall take place at
43 | least ~~not sooner than~~ 15 days after the first publication.

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

51 (9) If the rental agreement contains a limit on the value
52 of property stored in the tenant's storage space, the limit is
53 deemed to be the maximum value of the property stored in such
54 space.

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

60 1. Have the property towed. If a motor vehicle or
61 watercraft is towed, the facility or unit owner is not liable
62 for the motor vehicle or watercraft or any damages to the motor
63 vehicle or watercraft once a wrecker takes possession of the
64 property. The wrecker taking possession of the property must
65 comply with all notification and sale requirements provided in
66 s. 713.78.

67 2. Sell the motor vehicle or watercraft by public auction
68 if an owner or lienholder who receives notice pursuant to this
69 subparagraph does not satisfy the lien. Before the public
70 auction, the facility or unit owner must check the Department of
71 Highway Safety and Motor Vehicles database to determine the
72 existence and identity of any lienholder and the name and
73 address of the owner of the motor vehicle or watercraft. If the
74 motor vehicle or watercraft is not titled in this state, the
75 facility or unit owner must check the National Motor Vehicle

76 Title Information System or an equivalent commercially available
77 system to determine the state of the motor vehicle's or
78 watercraft's registration, the existence and identity of any
79 lienholder, and the name and address of any owner of the motor
80 vehicle or watercraft. Within 10 days after receipt of such
81 information, the facility or unit owner must send written
82 notice, by certified mail, to the lienholder and the owner
83 stating that:

84 a. Such motor vehicle or watercraft is being held by the
85 facility or unit owner;

86 b. A lien has attached to such motor vehicle or
87 watercraft;

88 c. Payment must be made within 30 days after notification
89 to satisfy such lien and take possession of such motor vehicle
90 or watercraft; and

91 d. The facility or unit owner may sell such motor vehicle
92 or watercraft by public auction if such lien is not satisfied.

93 (b) If the owner identified pursuant to subparagraph (a)2.
94 is the same as the tenant notified pursuant to subsection (1),
95 the facility or unit owner may send written notice, by first-
96 class mail, to the owner to satisfy the notice requirements in
97 subparagraph (a)2.

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

100 83.808 Contracts.—

101 (3) A facility or unit owner may charge a tenant a
102 reasonable late fee for each period that he or she does not pay
103 rent due under the rental agreement. The amount of the late fee
104 and the conditions for imposing such fee must be stated in the
105 rental agreement or in an addendum to such agreement. For
106 purposes of this subsection, a late fee of \$20, or 20 percent of
107 the monthly rent, whichever is greater, is reasonable and does
108 not constitute a penalty. In addition to late fees, a facility
109 or unit owner may also charge a tenant a reasonable fee for any
110 expenses incurred as a result of rent collection or lien
111 enforcement.

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