

By Senator Harrell

31-00628A-24

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1 A bill to be entitled
2 An act relating to self-service storage facility
3 liens; amending s. 83.806, F.S.; revising written
4 notice requirements relating to the satisfaction of an
5 owner's lien; revising publication requirements
6 relating to advertising the sale or other disposition
7 of self-service storage facilities; amending s.
8 83.808, F.S.; requiring that rental agreements
9 authorize tenants to designate an optional alternate
10 contact for purposes of providing specified notice;
11 specifying that designating an alternate contact does
12 not give such person an interest in the contents
13 stored at a self-service storage facility or in a
14 self-contained storage unit; providing an effective
15 date.

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

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19 Section 1. Subsections (1) and (4) of section 83.806,
20 Florida Statutes, are amended 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 (1) The tenant must ~~shall~~ be notified by written notice
24 delivered in person, by e-mail, or by first-class mail with a
25 certificate of mailing to the tenant's last known address and
26 the last known address of the alternate contact person
27 designated by the tenant under the rental agreement, if any, and
28 conspicuously posted at the self-service storage facility or on
29 the self-contained storage unit. If the owner sends notice of a

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30 pending sale of property to the tenant's and the alternate
31 contact person's last known e-mail address and does not receive
32 a response, return receipt, or delivery confirmation from the
33 same e-mail address, the owner must send notice of the sale to
34 the tenant and the alternate contact person by first-class mail
35 with a certificate of mailing to the tenant's and the alternate
36 contact person's last known address before proceeding with the
37 sale.

38 (4) After the expiration of the time given in the notice,
39 an advertisement of the sale or other disposition must ~~shall~~ be
40 published once a week, for a full day, for 2 consecutive weeks
41 in a newspaper of general circulation in the area in which ~~where~~
42 the self-service storage facility or self-contained storage unit
43 is located or on a public website that customarily conducts or
44 advertises personal property auctions.

45 (a) A lien sale may be conducted on a public website that
46 customarily conducts personal property auctions. The facility or
47 unit owner is not required to hold a license to post property
48 for online sale. ~~Inasmuch~~ As any sale may involve property of
49 more than one tenant, a single advertisement may be used to
50 dispose of property at any one sale.

51 (b) The advertisement must ~~shall~~ include:

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

55 2. The address of the self-service storage facility or the
56 address at which ~~where~~ the self-contained storage unit is
57 located and the name of the tenant.

58 3. The time, place, and manner of the sale or other

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59 disposition. The sale or other disposition shall take place at
60 least 15 days after ~~the first~~ publication.

61 (c) If there is no newspaper of general circulation in the
62 area in which ~~where~~ the self-service storage facility or self-
63 contained storage unit is located and the owner does not publish
64 the advertisement on a public website that customarily conducts
65 or advertises personal property auctions, the advertisement must
66 ~~shall~~ be posted at least 10 days before the date of the sale or
67 other disposition in at least three conspicuous places in the
68 neighborhood in which ~~where~~ the self-service storage facility or
69 self-contained storage unit is located.

70 Section 2. Subsection (4) is added to section 83.808,
71 Florida Statutes, to read:

72 83.808 Contracts.—

73 (4) A rental agreement must contain a provision that
74 authorizes the tenant to designate an optional alternate contact
75 person. The alternate contact person may be contacted only for
76 purposes of providing notice under s. 83.806(1) or as otherwise
77 authorized by the rental agreement. Designating an alternate
78 contact person does not give such person an interest in the
79 contents stored at the self-service storage facility or in the
80 self-contained storage unit.

81 Section 3. This act shall take effect July 1, 2024.