

By the Committee on Judiciary; and Senator Harrell

590-02631-24

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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; requiring rental
15 agreements to include a warning that states, if the
16 property is advertised for sale or other disposition,
17 a description of the property will be published in the
18 advertisement; making technical changes; providing an
19 effective date.

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

22
23 Section 1. Subsections (1), (2), and (4) of section 83.806,
24 Florida Statutes, are amended 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 (1) The tenant must ~~shall~~ be notified by written notice
28 delivered in person, by e-mail, or by first-class mail with a
29 certificate of mailing to the tenant's last known address and

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30 the last known address of the alternate contact person
31 designated by the tenant under the rental agreement, if any, and
32 conspicuously posted at the self-service storage facility or on
33 the self-contained storage unit. If the owner sends notice of a
34 pending sale of property to the tenant's and the alternate
35 contact person's last known e-mail address and does not receive
36 a response, return receipt, or delivery confirmation from the
37 same e-mail address, the owner must send notice of the sale to
38 the tenant and the alternate contact person by first-class mail
39 with a certificate of mailing to the tenant's and the alternate
40 contact person's last known address before proceeding with the
41 sale.

42 (2) The notice shall include:

43 (a) An itemized statement of the owner's claim, showing the
44 sum due at the time of the notice and the date when the sum
45 became due.

46 (b) The same description, or a reasonably similar
47 description, of the personal property as provided in the rental
48 agreement.

49 (c) A demand for payment within a specified time not less
50 than 14 days after delivery of the notice.

51 (d) A conspicuous statement that, unless the claim is paid
52 within the time stated in the notice, the personal property will
53 be advertised for sale or other disposition and will be sold or
54 otherwise disposed of at a specified time and place.

55 (e) If the advertisement for sale will be published on a
56 public website that customarily conducts or advertises personal
57 property auctions, the name of the website on which the
58 advertisement will be published.

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59 (f) The name, street address, and telephone number of the
60 owner whom the tenant may contact to respond to the notice.

61 (4) After the expiration of the time given in the notice,
62 an advertisement of the sale or other disposition must ~~shall~~ be
63 published once a week for 2 consecutive weeks in a newspaper of
64 general circulation in the area in which ~~where~~ the self-service
65 storage facility or self-contained storage unit is located or
66 for 7 consecutive full days on a public website that customarily
67 conducts or advertises personal property auctions.

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

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

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

78 2. The address of the self-service storage facility or the
79 address at which ~~where~~ the self-contained storage unit is
80 located and the name of the tenant.

81 3. The time, place, and manner of the sale or other
82 disposition. The sale or other disposition shall take place at
83 least 15 days after the first publication.

84 (c) If there is no newspaper of general circulation in the
85 area in which ~~where~~ the self-service storage facility or self-
86 contained storage unit is located and the owner does not publish
87 the advertisement on a public website that customarily conducts

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88 or advertises personal property auctions, the advertisement must
89 ~~shall~~ be posted at least 10 days before the date of the sale or
90 other disposition in at least three conspicuous places in the
91 neighborhood in which ~~where~~ the self-service storage facility or
92 self-contained storage unit is located.

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

95 83.808 Contracts.—

96 (4) A rental agreement must contain the following:

97 (a) A provision authorizing the tenant to designate an
98 optional alternate contact person, which person may be contacted
99 only for purposes of providing notice under s. 83.806(1) or as
100 otherwise authorized by the rental agreement. Designating an
101 alternate contact person does not give such person an interest
102 in the contents stored at the self-service storage facility or
103 in the self-contained storage unit.

104 (b) A warning that, if the property is advertised for sale
105 or other disposition, a description of what is believed to
106 constitute the personal property contained in the storage unit
107 will be published in the advertisement.

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