

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 386

INTRODUCER: Senator Harrell

SUBJECT: Self-storage Spaces

DATE: March 18, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	Pre-meeting
2.			RI	
3.			RC	

I. Summary:

SB 386 amends the Self-storage Facility Act. The Act controls the relationship and contracts between tenants and owners of self-storage facilities and self-contained storage units.

Most significantly, the bill provides an owner with an alternative method to advertise the proposed sale of a tenant’s property when the tenant has failed to pay rent. In addition to the current method of advertising in a local newspaper, the owner may instead advertise the upcoming sale on a public website that customarily conducts or advertises personal property auctions or sales.

For rental contracts entered into on or after September 1, 2025, the contracts must make a tenant aware of an option to designate an alternate contact to receive notices and must provide space in the rental agreement to designate that contact. However, the alternate contact, by virtue of being named in the rental agreement, does not have any rights to access the tenant’s property.

The bill also permits rental agreements to specify methods that a tenant may use to update his or her address on file with the owner of a self-storage facility or self-contained storage unit.

The bill takes effect July 1, 2025.

II. Present Situation:

The Self-storage Facility Act

The Self-storage Facility Act, which is contained in ss. 83.801 – 83.809, F.S., governs self-storage facilities and self-contained storage units in the state. The basic arrangement

contemplated in the Act is that of a tenant¹ who contracts with a facility owner to store the tenant's personal property. Under this arrangement, the storage facility owner faces the risk that a tenant will fail to pay rent or other expenses. However, the Act provides the storage facility owner with a degree of protection from this risk by granting the owner a lien² on all stored personal property of a tenant and by authorizing the storage facility owner to sell the property of a delinquent tenant.

Self-storage Facility's Recourse against a Delinquent Tenant

The lien that a storage facility has on a tenant's stored property attaches as of the date that the personal property, whether the property belongs to the tenant or not, is brought to the self-service storage facility or as of the date that the tenant takes possession of the self-contained storage unit.³

Once the tenant breaches the rental agreement by failing to pay the rent when it is due, the owner may enforce the lien in two ways. First, the owner may, without notice, after 5 days from the date the rent is due, deny the tenant access to the personal property located in the unit.⁴ Second, the storage facility may take the first steps toward selling the tenant's property. The storage facility may later sell the property if the tenant does not pay the amount due before the lien sale occurs.⁵

Selling a Delinquent Tenant's Property to Enforce a Lien

If the owner of the self-service storage facility or self-contained storage unit chooses to sell the tenant's property to enforce the lien, the owner must notify the tenant in writing that the lien must be satisfied, but no sooner than 14 days after delivery of the notice.

The Notice to the Tenant

The written notice may be delivered in person, by e-mail, or by first-class mail with a certificate of mailing to the tenant's last known address. The notice must also be conspicuously posted at the storage facility or unit. If the owner sends the notice of a pending sale to the tenant's last known e-mail address, but does not receive a response, return receipt, or delivery confirmation from the same e-mail address, the owner must send the notice of the sale to the tenant by first-class mail with a certificate of mailing to the tenant's last known address before the owner may proceed with the sale.⁶

The notice must contain an itemized statement showing:

- The amount due;
- When the amount became due;

¹ A "tenant" is the person entitled to use the storage space at a self-service storage facility or in a self-contained unit under a rental agreement, to the exclusion of others. The term is defined in s. 83.803(6), F.S.

² A lien is "a legal right or interest that a creditor has in another's property." The lien generally lasts until the debt that it has secured is satisfied. BLACK'S LAW DICTIONARY (12th ed. 2024).

³ Section 83.805, F.S.

⁴ Section 83.8055, F.S. This "unit" may be a self-service storage facility or self-contained storage unit.

⁵ Section 83.806, F.S.

⁶ Section 83.806(1), F.S.

- A description of the personal property;
- A demand for payment with a specified time that is not less than 14 days after the notice is delivered;
- A conspicuous statement that, unless the claim is paid by the time stated in the notice, the personal property will be advertised for sale and will be sold or otherwise disposed of at a certain time and place; and
- The name, street address, and telephone number of the owner whom the tenant may contact in order to respond to the notice.⁷

Advertisement of the Notice of Sale

When the time given in the notice has expired, the owner must place an advertisement of the sale or other disposition of the property in a newspaper of general circulation once a week for 2 consecutive weeks in the area where the facility or unit is located.⁸

The Lien Sale on a Public Website

A lien sale may be conducted on a public website that customarily conducts personal property auctions. The facility owner is not required to have a license to post property for an online sale.⁹ The advertisement for the online sale must include:

- A brief description of what is believed to be the personal property in the storage unit.
- The address of the storage facility or unit and the name of the tenant.
- The time, place, and manner of the sale or other disposition of the property.¹⁰

The sale or other disposition of the property may take place at least 15 days after the first publication.¹¹

If there is no newspaper of general circulation in the area where the storage facility or unit is located, the advertisement must be posted at least 10 days before the date of the sale in at least three conspicuous places in the neighborhood where the facility or unit is located.¹²

Contracts

The “contracts” provision¹³ of the Self-storage Facility Act states that nothing in the Act may be construed as impairing or affecting the right of the tenant and owner to create liens by special contract or agreement or impair any other lien arising at common law, in equity, or by statute, or any other lien not provided for in the Act. Stated more generally, the Act permits tenants and owners to agree to contracts that contain additional terms.

⁷ Section 83.806(2), F.S.

⁸ Section 83.806(4), F.S.

⁹ Section 83.806(4)(a), F.S.

¹⁰ Section 83.806(4)(b), F.S.

¹¹ *Id.*

¹² Section 83.806(4)(c), F.S.

¹³ Section 83.808, F.S.

Each rental agreement or application for a rental agreement must disclose whether the applicant is a member of the uniformed services¹⁴ as defined in 10 U.S.C. 101(a)(5).¹⁵

A facility owner may charge a tenant a reasonable late fee for each period that the tenant does not pay the rent that is due. The amount of the late fee must be stated in the rental agreement. A late fee of \$20 or 20 percent of the monthly rent, whichever is greater, is considered reasonable. An owner may also charge a reasonable fee for any expenses that are incurred as a result of rent collection or lien enforcement.¹⁶

III. Effect of Proposed Changes:

Notice to a Tenant of Enforcement of a Lien (Section 2)

Section 83.806(1), F.S., which addresses the enforcement of a lien, provides an alternative method for the owner to notify the public of an impending sale of a tenant's property. As an alternative to publishing the notice in a newspaper of general circulation, the owner may choose instead to publish the notice on a public website that customarily conducts or advertises personal property auctions or sales.

The bill does not change the minimum requirements for public notice of an impending sale of a tenant's property if there is no newspaper of general circulation where the self-service storage facility or self-contained unit is located and the owner does not publish the advertisement on the public website. An advertisement for the sale must still be posted at least 10 days before the date of the sale in at least three conspicuous places in the neighborhood where the facility is located.

Regardless of the method the owner uses to notify the tenant of an impending sale, the bill requires the owner to also notify any "alternate contact" for the tenant of the upcoming sale. The bill deletes the requirement that the owner post the notice of sale at the self-service storage facility or self-contained unit is removed.

"Alternate Contacts" Provided in Rental Contracts (Section 3)

A new subsection is added to s. 83.808, F.S., requiring that rental agreements entered into on or after September 1, 2025, contain a provision making a tenant aware of the option to designate an alternate contact to receive notices. Contracts are required to provide space in the rental agreement for the tenant to designate an alternate contact. However, if a tenant does not designate an alternate contact, that does not affect a tenant's or owner's rights or remedies under the law.

The alternate contact may receive notices required under the self-storage act. However, the alternate contact does not have any rights to access the tenant's storage facility or property unless the rental agreement expressly allows access.

¹⁴ If a tenant is an active duty service member or a member of the National Guard and reserve, the Servicemembers Civil Relief Act gives them certain financial and legal protections in business dealings, including rental agreements.

¹⁵ Section 83.808(2), F.S.

¹⁶ Section 83.808(3), F.S.

If a rental agreement is made before September 1, 2025, an owner may send notice to the tenant's last known address making the tenant aware of the right to designate an alternate contact by the method specified by the owner in the notice.

Amended Definition of "Last Known Address" (Section 1)

The bill amends s. 83.803(1), F.S., to revise the meaning of "last known address." The effect of the change is to enable owners to direct tenants through the terms of a rental agreement on how the tenant may update his or her address on file with the owner.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The storage facility owners will likely save money by providing the notice of sale on a more affordable public website rather than paying the advertising fee to a local newspaper. In contrast, the newspapers will likely experience a loss in revenue due to lost ad sales to the facility owners. The bill, by reducing the costs of a sale, may increase the amount of any surplus or aid in reducing a tenant's debt to the owner after the sale. Any surplus from the sale belongs to the tenant.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

The bill does not state how long advertisements must appear on a website in advance of the sale of a tenant's property. To remove any confusion, it would be helpful if a timeframe were stated.

The definition of "last known address" is amended in the bill to include the clause "subject to any requirement in the rental agreement" but this clause does not make the definition abundantly clear. Perhaps this could be clarified to state that the manner in which a tenant may update his or her address on file with the owner may also be determined by the owner in the rental agreement.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 83.803, 83.806, and 83.808.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.