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 98

INTRODUCER: Senator Harrell and Senator Leek

SUBJECT: Self-storage Spaces

DATE: November 3, 2025 REVISED: ___ ___ ___ ___

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	**Favorable**
2.			RI	
3.			RC	

I. Summary:

SB 98 revises the Self-storage Facility Act. The Act governs the relationship and contracts between tenants and owners of self-storage facilities and self-contained storage units.

Primarily, the bill authorizes an alternate method for an owner to advertise the proposed sale of a tenant's property when the tenant has failed to pay rent. Currently, the owner must advertise the proposed sale once a week for 2 consecutive weeks in a local newspaper. Under the alternative advertising method authorized by the bill, the owner may advertise the sale on a public website that customarily conducts or advertises personal property auctions or sales.

The bill no longer specifies the methods a tenant may use to update his or her address that is on file with the owner of a self-storage facility or self-contained storage unit. Instead, the bill requires a tenant who wishes to update his or her address to do so in accordance with the terms of the rental agreement.

Rental contracts that are entered into after October 1, 2026, are required to give a tenant the option to designate an alternate contact to receive notices required by the Act. The alternate contact, however, by being named an alternate contact does not acquire the right to access the tenant's storage space or the personal property contained in the unit unless that is expressly stated in the rental agreement.

The bill takes effect October 1, 2026.

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 tenant[1] 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 and recourse from this risk. The owner has a lien[2] on all of the tenant's stored personal property and may sell a delinquent tenant's property to satisfy the lien.

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 intends to sell the tenant's property to enforce the lien, the owner must notify the tenant in writing. The notice must state that his or her property will be sold to satisfy the lien unless the tenant pays the amount due within 14 days or a longer time period specified in 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-

[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.

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;
- A description of the personal property;
- A demand for payment within a specified time that is no sooner 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 expires, 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 of 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]

[6] Section 83.806(1), F.S.
[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.

Contracts

The "contracts" provision[13] 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.

Each rental agreement or application for a rental agreement must disclose whether the applicant is a member of the uniformed services as defined in 10 U.S.C. 101(a)(5).[14] This notifies an owner whether he or she, in accordance with the Servicemembers Civil Relief Act, must obtain a court order to authorize the sale of a tenant's property.[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, 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 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. 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.[17]

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.[18]

[13] Section 83.808, F.S.
[14] Section 83.808(2), F.S.
[15] If a tenant is an active duty service member or a member of the National Guard and reserve, the Servicemembers Civil Relief Act gives him or her certain financial and legal protections in business dealings, including rental agreements.
[16] Section 83.808(3), F.S.
[17] Section 83.806(4)(c), F.S.
[18] Section 83.805(1), F.S.

“Alternate Contacts” Provided in Rental Contracts (Section 3)

The bill amends s. 83.808, F.S., to require that rental agreements entered into on or after October 1, 2026, make tenants 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 personal property unless the rental agreement expressly allows access.

If a rental agreement is made before October 1, 2026, 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 allow owners to specify in their rental agreements how tenants are to update their addresses. The law will no longer tell the tenant how he or she must receive or accept updated addresses.

The bill takes effect October 1, 2026.

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 identified.

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:

None.

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.