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CS/CS/HB 357

2017 Legislature

1
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; amending s. 83.808, F.S.; authorizing a
11 facility or unit owner to charge a tenant certain fees
12 under certain conditions; amending s. 713.78, F.S.;
13 conforming a provision to changes made by the act;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
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

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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.

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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) 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 sell the property pursuant to
60 this section or 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 Section 2. Subsection (3) is added to section 83.808,
68 Florida Statutes, to read:

69 83.808 Contracts.—

70 (3) A facility or unit owner may charge a tenant a
71 reasonable late fee for each period that he or she does not pay
72 rent due under the rental agreement. The amount of the late fee
73 and the conditions for imposing such fee must be stated in the
74 rental agreement or in an addendum to such agreement. For
75 purposes of this subsection, a late fee of \$20, or 20 percent of

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76 | the monthly rent, whichever is greater, is reasonable and does
77 | not constitute a penalty. In addition to late fees, a facility
78 | or unit owner may also charge a tenant a reasonable fee for any
79 | expenses incurred as a result of rent collection or lien
80 | enforcement.

81 | Section 3. Paragraph (c) of subsection (2) of section
82 | 713.78, Florida Statutes, is amended to read:

83 | 713.78 Liens for recovering, towing, or storing vehicles
84 | and vessels.—

85 | (2) Whenever a person regularly engaged in the business of
86 | transporting vehicles or vessels by wrecker, tow truck, or car
87 | carrier recovers, removes, or stores a vehicle or vessel upon
88 | instructions from:

89 | (c) The landlord or a person authorized by the landlord,
90 | when such motor vehicle or vessel remained on the premises after
91 | the tenancy terminated and the removal is done in compliance
92 | with s. 83.806 or s. 715.104; or

93 |
94 | she or he shall have a lien on the vehicle or vessel for a
95 | reasonable towing fee and for a reasonable storage fee; except
96 | that no storage fee shall be charged if the vehicle is stored
97 | for less than 6 hours.

98 | Section 4. This act shall take effect July 1, 2017.