

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 559 (2016)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative La Rosa offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 41-135 and insert:

6 pursuant to s. 25.3861, F.S. Responsibility for providing notice
7 pursuant to this section rests solely with the owner. The Office
8 of the State Courts Administrators is not liable for technical
9 failures or any other cause that may interfere with or interrupt
10 the required 14-day notice or for the content of or any defects
11 in the notice posted on the website.

12 (a) A lien sale may be conducted on a public website that
13 customarily conducts personal property auctions. The facility or
14 unit owner is not required to be licensed to post property
15 online for sale pursuant to this subsection. Inasmuch as any
16 sale may involve property of more than one tenant, a single

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17 advertisement may be used to dispose of property at any one
18 sale.

19 (b)-(a) The advertisement shall include:

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

23 2. The address of the self-service storage facility or the
24 address where the self-contained storage unit is located and the
25 name of the tenant.

26 3. The time, place, and manner of the sale or other
27 disposition. The sale or other disposition shall take place not
28 sooner than 15 days after the first publication or
29 advertisement.

30 ~~(b) If there is no newspaper of general circulation in the~~
31 ~~area where the self-service storage facility or self-contained~~
32 ~~storage unit is located, the advertisement shall be posted at~~
33 ~~least 10 days before the date of the sale or other disposition~~
34 ~~in not fewer than three conspicuous places in the neighborhood~~
35 ~~where the self-service storage facility or self-contained~~
36 ~~storage unit is located.~~

37 (9) If the rental agreement contains a limit on the value
38 of property stored in the tenant's storage space, the limit is
39 deemed to be the maximum value of the property stored in that
40 space.

41 (10) If a lien is claimed on property that is a motor
42 vehicle or a watercraft and rent and other charges related to

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43 the property remain unpaid or unsatisfied for 60 days after the
44 maturity of the obligation to pay the rent and other charges,
45 the facility or unit owner may do one of the following:

46 (a) The facility or unit owner may have the property towed.
47 If a motor vehicle or watercraft is towed, the facility or unit
48 owner is not liable for the motor vehicle or watercraft or any
49 damages to the motor vehicle or watercraft once a wrecker takes
50 possession of the property. Such wrecker must comply with all
51 notification and sale requirements of s. 713.78.

52 (b) The facility or unit owner may sell the motor vehicle
53 or watercraft by public auction if an owner or lienholder who
54 receives notice pursuant to this paragraph does not satisfy the
55 lien. Before the public auction, the facility or unit owner must
56 search the Department of Highway Safety and Motor Vehicles'
57 database to determine the existence and identity of any
58 lienholder and the name and address of the owner of the motor
59 vehicle or watercraft. If the motor vehicle or watercraft is not
60 titled in this state, the facility or unit owner must search the
61 National Motor Vehicle Title Information System or an equivalent
62 commercially available system to determine the state of
63 registration, the existence and identity of any lienholder, and
64 the name and address of the owner of the motor vehicle or
65 watercraft. Within 10 days after receipt of such information,
66 the facility or unit owner must send written notice to the
67 lienholder and the owner, by certified mail, stating that:

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- 68 1. Such motor vehicle or watercraft is being held by the
69 facility or unit owner;
70 2. A lien has attached;
71 3. Payment must be made within 30 days after notification
72 to satisfy the lien and take possession of the motor vehicle or
73 watercraft; and
74 4. The facility or unit owner may sell the motor vehicle or
75 watercraft by public auction if the lien is not satisfied.

76 (c) If an owner identified as part of a search conducted
77 pursuant to paragraph (b) is the same as the tenant in default
78 who has been notified pursuant to subsection (1), the facility
79 or unit owner may send written notice to the owner by first
80 class mail to satisfy the notice requirements of paragraph (b).

81 Section 2. Section 25.3861, Florida Statutes, is created to
82 read:

83 25.3861 Electronic notice of the sale of property.-

84 (1) (a) The Office of the State Courts Administrators shall
85 develop, operate, and maintain an Internet website to provide
86 public notice of the sale of property belonging to a tenant of a
87 self-service storage facility, as defined in s. 83.803.

88 (b) The website must, at a minimum, include information
89 concerning the identity of the tenant, the location of the
90 property, the type of property subject to sale, and the time,
91 place, and manner of sale.

92 Section 3. For the 2016-2017 fiscal year, the recurring sum
93 of \$101,393 and the nonrecurring sum of \$44,330 from the General

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94 Revenue Fund is appropriated to the Office of the State Courts
95 Administrators, and one full-time equivalent position with
96 associated salary rate of 60,000 is authorized, for the purpose
97 of implementing this act.

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101 **T I T L E A M E N D M E N T**

102 Remove lines 5-25 and insert:

103 on a website developed by the Office of the State Courts
104 Administrators; limiting the liability of the Office of the
105 State Courts Administrators; providing that a lien sale may be
106 conducted on certain websites; providing that a self-service
107 storage facility owner is not required to have a license to post
108 property for online sale; deleting a required alternative form
109 of advertisement; providing limits for the maximum valuation of
110 property under certain circumstances; providing options for the
111 disposition of motor vehicles or watercraft claimed to be
112 subject to a lien; requiring specified notice to lienholders and
113 owners of motor vehicles or watercraft subject to alien;
114 creating s. 25.3861, F.S.; requiring the Office of the State
115 Courts Administrators to develop, operate, and maintain an
116 Internet website to provide public notice of the sale of
117 property belonging to a tenant of a self-service storage
118 facility; providing requirements for the website; providing
119 appropriations; providing