

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|---------------|-------|
| ADOPTED | <u> </u> | (Y/N) |
| ADOPTED AS AMENDED | <u> </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u> </u> | (Y/N) |
| FAILED TO ADOPT | <u> </u> | (Y/N) |
| WITHDRAWN | <u> </u> | (Y/N) |
| OTHER | <u> </u> | |

1 Committee/Subcommittee hearing bill: Business & Professions
 2 Subcommittee

3 Representative La Rosa offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (4) of section 83.806, Florida
 8 Statutes, is amended, and subsections (9) and (10) are added to
 9 that section, to read:

10 83.806 Enforcement of lien.—An owner's lien as provided in
 11 s. 83.805 may be satisfied as follows:

12 (4) After the expiration of the time given in the notice,
 13 an advertisement of the sale or other disposition shall be
 14 published once a week for 2 consecutive weeks in a newspaper of
 15 general circulation in the area where the self-service storage
 16 facility or self-contained storage unit is located or advertised

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17 for 2 consecutive weeks on an Internet website accessible to the
18 public.

19 (a) A lien sale may be conducted on a public website that
20 customarily conducts personal property auctions. The facility or
21 unit owner is not required to be licensed to post property
22 online for sale pursuant to this subsection. Inasmuch as any
23 sale may involve property of more than one tenant, a single
24 advertisement may be used to dispose of property at any one
25 sale.

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

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

30 2. The address of the self-service storage facility or the
31 address where the self-contained storage unit is located and the
32 name of the tenant.

33 3. The time, place, and manner of the sale or other
34 disposition. The sale or other disposition shall take place not
35 sooner than 15 days after the first publication or
36 advertisement.

37 ~~(b) If there is no newspaper of general circulation in the~~
38 ~~area where the self-service storage facility or self-contained~~
39 ~~storage unit is located, the advertisement shall be posted at~~
40 ~~least 10 days before the date of the sale or other disposition~~
41 ~~in not fewer than three conspicuous places in the neighborhood~~

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42 ~~where the self-service storage facility or self-contained~~
43 ~~storage unit is located.~~

44 (9) If the rental agreement contains a limit on the value
45 of property stored in the tenant's storage space, the limit is
46 deemed to be the maximum value of the property stored in that
47 space.

48 (10) If a lien is claimed on property that is a motor
49 vehicle or a watercraft and rent and other charges related to
50 the property remain unpaid or unsatisfied for 60 days after the
51 maturity of the obligation to pay the rent and other charges,
52 the facility or unit owner may do one of the following:

53 (a) The facility or unit owner may have the property
54 towed. If a motor vehicle or watercraft is towed, the facility
55 or unit owner is not liable for the motor vehicle or watercraft
56 or any damages to the motor vehicle or watercraft once a tower
57 takes possession of the property.

58 (b) The facility or unit owner may sell the motor vehicle
59 or watercraft by public auction if an owner or lienholder who
60 receives notice pursuant to this paragraph does not satisfy the
61 lien. Prior to such a sale, the facility or unit owner shall
62 contact the Department of Highway Safety and Motor Vehicles to
63 determine the existence and identity of any lienholder and the
64 name and address of the owner of the motor vehicle or
65 watercraft. Within 10 days after receipt of such information
66 concerning a lienholder and the owner of such motor vehicle or
67 watercraft, the facility or unit owner must send written notice

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68 to the lienholder and to the owner by first-class mail stating
69 that:

70 1. Such motor vehicle or watercraft is being held by the
71 facility or unit owner;

72 2. A lien has attached;

73 3. Payment must be made within 30 days after notification
74 to satisfy the lien and take possession of the motor vehicle or
75 watercraft; and

76 4. The facility or unit owner may sell the motor vehicle
77 or watercraft by public auction, if the lien is not satisfied.

78 Section 2. This act shall take effect July 1, 2016.

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

82 Remove everything before the enacting clause and insert:

83 A bill to be entitled

84 An act relating to self-service storage facilities;
85 amending s. 83.806, F.S.; providing that advertisement
86 of a sale or disposition of property may be advertised
87 on certain websites; providing that a lien sale may be
88 conducted on certain websites; providing that a self-
89 service storage facility owner is not required to have
90 a license to post property for online sale; deleting a
91 required alternative form of advertisement; providing
92 limits for the maximum valuation of property under
93 certain circumstances; providing options for the

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94 disposition of motor vehicles or watercraft claimed to
95 be subject to a lien; requiring specified notice to
96 lienholders and owners of motor vehicles or watercraft
97 subject to a lien; providing an effective date.