

HB 559

2016

1 A bill to be entitled
2 An act relating to self-storage facilities; amending
3 s. 83.806, F.S.; providing that advertisement of a
4 sale or disposition of property may be in any
5 commercially reasonable manner; specifying when
6 advertising may be considered to have been conducted
7 in a commercially reasonable manner; defining the term
8 "independent bidder"; providing that a lien sale may
9 be conducted on certain websites; providing that a
10 self-storage facility owner is not required to have a
11 license to post property for online sale; deleting a
12 required alternative form of advertisement; providing
13 limits for the maximum valuation of property under
14 certain circumstances; providing options for the
15 disposition of motor vehicles or watercraft claimed to
16 be subject to a lien; requiring specified notice to
17 lienholders and owners of motor vehicles or watercraft
18 subject to a lien; providing an effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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

25 83.806 Enforcement of lien.—An owner's lien as provided in
26 s. 83.805 may be satisfied as follows:

27 (4) After the expiration of the time given in the notice,
28 an advertisement of the sale or other disposition shall be
29 published once a week for 2 consecutive weeks in a newspaper of
30 general circulation in the area where the self-service storage
31 facility or self-contained storage unit is located or advertised
32 in any other commercially reasonable manner. As used in this
33 subsection, an advertisement is considered to have been
34 advertised in a "commercially reasonable" manner if at least
35 three independent bidders attend the sale at the time and place
36 advertised or register to bid at an online sale. As used in this
37 subsection, the term "independent bidder" means a bidder who is
38 not related to and who has no controlling interest in, or common
39 pecuniary interest with, the owner or any other bidder.

40 (a) A lien sale may be conducted on a public website that
41 customarily conducts personal property auctions. The facility or
42 unit owner is not required to be licensed to post property
43 online for sale pursuant to this subsection. Inasmuch as any
44 sale may involve property of more than one tenant, a single
45 advertisement may be used to dispose of property at any one
46 sale.

47 (b) ~~(a)~~ The advertisement shall include:

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

51 2. The address of the self-service storage facility or the
52 address where the self-contained storage unit is located and the

53 name of the tenant.

54 3. The time, place, and manner of the sale or other
55 disposition. The sale or other disposition shall take place not
56 sooner than 15 days after the first publication or
57 advertisement.

58 ~~(b) If there is no newspaper of general circulation in the~~
59 ~~area where the self-service storage facility or self-contained~~
60 ~~storage unit is located, the advertisement shall be posted at~~
61 ~~least 10 days before the date of the sale or other disposition~~
62 ~~in not fewer than three conspicuous places in the neighborhood~~
63 ~~where the self-service storage facility or self-contained~~
64 ~~storage unit is located.~~

65 (9) If the rental agreement contains a limit on the value
66 of property stored in the tenant's storage space, the limit is
67 deemed to be the maximum value of the property stored in that
68 space.

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

74 (a) The facility or unit owner may have the property
75 towed. If a motor vehicle or watercraft is towed, the facility
76 or unit owner is not liable for the motor vehicle or watercraft
77 or any damages to the motor vehicle or watercraft once a tower
78 takes possession of the property.

79 (b) The facility or unit owner may contact the Department
80 of Highway Safety and Motor Vehicles to determine the existence
81 and identity of any lienholder and the name and address of the
82 owner of the motor vehicle or watercraft. Within 10 days after
83 receipt of such information concerning a lienholder and the
84 owner of such motor vehicle or watercraft, the facility or unit
85 owner must send written notice to the lienholder and to the
86 owner by first-class mail stating that:

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

89 2. A lien has attached;

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

93 4. The facility or unit owner may sell the motor vehicle
94 or watercraft in any commercially reasonable manner, including
95 by public auction, if the lien is not satisfied.

96 (c) If an owner or a lienholder who receives notice under
97 paragraph (b) does not satisfy the lien, the facility or unit
98 owner may sell the motor vehicle or watercraft in any
99 commercially reasonable manner, including by public auction.

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