

1 A bill to be entitled
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; providing an effective date.

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

15
16 Section 1. Subsection (4) of section 83.806, Florida
17 Statutes, is amended, and subsections (9) and (10) are added to
18 that section, to read:

19 83.806 Enforcement of lien.—An owner's lien as provided in
20 s. 83.805 may be satisfied as follows:

21 (4) After the expiration of the time given in the notice,
22 an advertisement of the sale or other disposition shall be
23 published once a week for 2 consecutive weeks in a newspaper of
24 general circulation in the area where the self-service storage
25 facility or self-contained storage unit is located.

26 (a) A lien sale may be conducted on a public website that
27 customarily conducts personal property auctions. The facility or
28 unit owner is not required to hold a license to post property
29 for online sale. Inasmuch as any sale may involve property of
30 more than one tenant, a single advertisement may be used to
31 dispose of property at any one sale.

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

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

36 2. The address of the self-service storage facility or the
37 address where the self-contained storage unit is located and the
38 name of the tenant.

39 3. The time, place, and manner of the sale or other
40 disposition. The sale or other disposition shall take place at
41 least ~~not sooner than~~ 15 days after the first publication.

42 (c)~~(b)~~ If there is no newspaper of general circulation in
43 the area where the self-service storage facility or self-
44 contained storage unit is located, the advertisement shall be
45 posted at least 10 days before the date of the sale or other
46 disposition in at least ~~not fewer than~~ three conspicuous places
47 in the neighborhood where the self-service storage facility or
48 self-contained storage unit is located.

49 (9) If the rental agreement contains a limit on the value
50 of property stored in the tenant's storage space, the limit is

51 deemed to be the maximum value of the property stored in such
52 space.

53 (10) If a lien is claimed on property that is a motor
54 vehicle or a watercraft and rent and other charges related to
55 the property remain unpaid or unsatisfied for 60 days after the
56 maturity of the obligation to pay the rent and other charges,
57 the facility or unit owner may sell the property pursuant to
58 this section or have the property towed. If a motor vehicle or
59 watercraft is towed, the facility or unit owner is not liable
60 for the motor vehicle or watercraft or any damages to the motor
61 vehicle or watercraft once a wrecker takes possession of the
62 property. The wrecker taking possession of the property must
63 comply with all notification and sale requirements provided in
64 s. 713.78.

65 Section 2. Subsection (3) is added to section 83.808,
66 Florida Statutes, to read:

67 83.808 Contracts.—

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

76 | or unit owner may also charge a tenant a reasonable fee for any
77 | expenses incurred as a result of rent collection or lien
78 | enforcement.

79 | Section 3. This act shall take effect July 1, 2017.