

House Bill 357 Update to Florida's Self-Storage Lien Law Passed

House Bill 357 (**HB 357**), an update to the state's self-storage lien law, was signed into law by Florida Gov. Rick Scott on June 9, 2017, enabling storage facility operators to issue late fees, conduct lien auctions online, place value limits on stored items, and have motor vehicles towed. HB 357 passed through the house and senate unanimously and went into effect on July 1.

According to new language in the bill, lien sale may be held online as long as it's done through a website that "customarily conducts personal-property auctions." The update also allows storage operators to place a maximum value of stored contents based on rental agreement value limits, and assess late fees equal to the greater of \$20 or 20 percent of monthly rent. Late-fee policies must be stated in the rental agreement or issued through an addendum.

HB 357 also allows self-storage operators to sell stored vehicles or have them towed after default reaches 60 days.

Unlike other recent lien-law updates, the Florida measure does not include a provision that would allow public notice of self-storage lien sales in a "commercially reasonable manner" other than the local newspaper. Self-storage facility operators must still publish public notices of lien sales once weekly for two consecutive weeks in a newspaper of general circulation in the area where the self-storage facility is located. If no local newspaper is available, operators must post advertisements in at least three conspicuous places in the facility's neighborhood at least 10 days before the auction.

Although HB 357 was supported by the Florida Self Storage Association (FSSA) and the national Self Storage Association (SSA), officials voiced disappointment that the state still has not revised its public-notice provision.

"As of now, Florida operators are forced to use newspapers, which results in an expensive, outdated and ineffective practice for both the operators and the tenants," SSA officials said in a June 19th email newsletter to its members.

The FSSA works to ensure the stability and growth of the Florida self-storage industry. It provides a forum through which members can increase knowledge, exchange information, and promote an established, unified voice. To learn more about HB 357, email info@floridassa.org.

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