



DAILY BRIEF

From February 22, 2016

PROPERTY RIGHTS

HB 559-Relating to Self-Storage Facilities

On Monday, February 22nd, **HB 559**, relating to Self-Storage Facilities by **Rep. Mike LaRosa (R-St. Cloud)** was referenced to another committee hearing in the **House Appropriations Committee** after passing through the **House Regulatory Affairs Committee** earlier this month. As the last **House Appropriations Committee** meeting was called to order, HB 559 was temporarily postponed, effectively killing the bill for the 2016 legislative session.

HB 559 substantially revise the process that the owner of a self-storage facility may advertise and sell the personal property of a delinquent tenant. Under the bill, owners are no longer required to advertise a property sale via a local newspaper; such advertisements may now be posted in any “commercially reasonable manner.” Rather than rely on the courts to determine precisely what “commercially reasonable” means, the bill defines the term itself. If at least three bidders—all of whom are unrelated to the seller—attend the sale or register to bid online at the sale, the advertisement is commercially reasonable.

The Senate companion to this bill, **SB 720**, has also been temporarily postponed in the **Senate Regulated Industries Committee**.

AIF continues to support requirements that public notices be printed in local newspapers as defined by Chapter 50, Florida Statutes, as well as displayed on the Internet.

Below is a statement released from AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, urging members of the legislature to vote down on this bill. Due to these efforts HB 559 will not be moving on in the process.

*AIF Statement Calling on House Appropriations Committee to Reject HB 559
Legislation Would Shift Current Successful Private Enterprise Practice to Government*

Tallahassee, Fla. – The **Associated Industries of Florida (AIF)** today released the following statement, attributable to its Senior Vice President of State and Federal Affairs Brewster Bevis, urging House Appropriations Committee members to vote in opposition of House Bill 559, relating to self-service storage facilities.

“On behalf of the Associated Industries of Florida, I urge members of the House Appropriations Committee to prevent HB 559 from advancing any further, as it disrupts a successful public notice system, which is currently operated by free enterprise, and has made Florida a model for how to ensure the broadest possible dissemination of critical information found in public notices.

“Currently, the responsibility of posting public notices to the Internet is in the hands of newspapers. However, a recently adopted amendment moves this responsibility to the Florida Chief Financial Officer’s Office and, now, yet another amendment has been filed that would attempt to move public notice to the State Court Administrator. As AIF has always recognized the importance of free market principles, we believe that shifting this responsibility from private free enterprise and into the hands of government is a bad policy decision.

“Additionally, HB 559 would result in diminished notice and lessened access to information that is vital for Florida consumers; harm public notice by decreasing the required amount of placement places from three to one, in which the single placement would be government-run website; likely fail to decrease the cost to storage facility owners, as they would be required to pay a government entity a fee to post the notice in order to maintain staff, support and other infrastructure for this new website; and, lastly, hold taxpayers accountable for the website cost in addition to any necessary rule hearings.

“In 2012, Florida lawmakers passed legislation that strengthened the already well-recognized fact that newspapers are the best way to provide the broadest transparency through the publishing in print and posting online of public notices. And, in recent

years, the Florida Legislature has made the right decision to keep public notice in print in local newspapers and on the Internet at local newspapers' websites, as well as FloridaPublicNotices.com.

"We respectfully ask members of the House Appropriations Committee to oppose HB 559 which would shift a practice that private enterprise is already familiar with and successfully completing to the government, and which would harm Floridian's access to critical information before the seizure of property or an auction occurs at a self-storage facility."

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