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A bill to be entitled  
 An act relating to self-service storage facilities;  
 amending s. 83.803, F.S.; revising the definition of  
 the term "last known address"; amending s. 83.806,  
 F.S.; revising notice requirements relating to  
 enforcing an owner's lien; authorizing notice by e-  
 mail or first-class mail with a certificate of  
 mailing; providing requirements for e-mail notice;  
 revising provisions relating to when notice given is  
 presumed delivered; amending s. 83.808, F.S.;  
 requiring rental agreements and applications for  
 rental agreements to contain a provision for the  
 disclosure of the applicant's membership in the  
 uniformed services; providing an effective date.

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

Section 1. Subsection (6) of section 83.803, Florida  
 Statutes, is amended to read:

83.803 Definitions.—As used in ss. 83.801-83.809:

(6) "Last known address" means the street that address or  
post office box address provided by the tenant in the latest  
 rental agreement or in a subsequent written change-of-address  
notice provided ~~the address provided by the tenant~~ by hand  
 delivery, first-class mail, or e-mail ~~certified mail in a~~  
~~subsequent written notice of a change of address.~~

Section 2. Subsections (1), (3), and (8) of section  
 83.806, Florida Statutes, are amended to read:

29 83.806 Enforcement of lien.—An owner's lien as provided in  
 30 s. 83.805 may be satisfied as follows:

31 (1) The tenant shall be notified by written notice  
 32 delivered in person, by e-mail, or by first-class ~~certified~~ mail  
 33 with a certificate of mailing to the tenant's last known address  
 34 and conspicuously posted at the self-service storage facility or  
 35 on the self-contained storage unit. If the owner sends notice of  
 36 a pending sale of property to the tenant's last known e-mail  
 37 address and does not receive a response, return receipt, or  
 38 delivery confirmation from the same e-mail address, the owner  
 39 must send notice of the sale to the tenant by first-class mail  
 40 with a certificate of mailing to the tenant's last known address  
 41 before proceeding with the sale.

42 (3) Any notice given pursuant to this section shall be  
 43 presumed delivered when it is deposited with the United States  
 44 Postal Service, ~~registered~~, and properly addressed with postage  
 45 prepaid.

46 (8) In the event of a sale under this section, the owner  
 47 may satisfy his or her lien from the proceeds of the sale,  
 48 provided the owner's lien has priority over all other liens in  
 49 the personal property. The lien rights of secured lienholders  
 50 are automatically transferred to the remaining proceeds of the  
 51 sale. The balance, if any, shall be held by the owner for  
 52 delivery on demand to the tenant. A notice of any balance shall  
 53 be delivered by the owner to the tenant in person or by first-  
 54 class ~~certified~~ mail with a certificate of mailing to the last  
 55 known address of the tenant. If the tenant does not claim the  
 56 balance of the proceeds within 2 years after ~~of~~ the date of

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57 sale, the proceeds shall be deemed abandoned, and the owner  
58 shall have no further obligation with regard to the payment of  
59 the balance. In the event that the owner's lien does not have  
60 priority over all other liens, the sale proceeds shall be held  
61 for the benefit of the holders of those liens having priority. A  
62 notice of the amount of the sale proceeds shall be delivered by  
63 the owner to the tenant or secured lienholders in person or by  
64 first-class ~~certified~~ mail with a certificate of mailing to  
65 their last known addresses. If the tenant or the secured  
66 lienholders do not claim the sale proceeds within 2 years after  
67 ~~of~~ the date of sale, the proceeds shall be deemed abandoned, and  
68 the owner shall have no further obligation with regard to the  
69 payment of the proceeds.

70 Section 3. Section 83.808, Florida Statutes, is amended to  
71 read:

72 83.808 Contracts ~~Contractual liens~~.—

73 (1) Nothing in ss. 83.801-83.809 shall be construed as in  
74 any manner impairing or affecting the right of parties to create  
75 liens by special contract or agreement nor shall it in any  
76 manner impair or affect any other lien arising at common law, in  
77 equity, or by any statute of this state or any other lien not  
78 provided for in s. 83.805.

79 (2) A rental agreement or an application for a rental  
80 agreement must contain a provision disclosing whether the  
81 applicant is a member of the uniformed services as that term is  
82 defined in 10 U.S.C. s. 101(a)(5).

83 Section 4. This act shall take effect July 1, 2012.