



163692

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/13/2010	.	
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The Committee on Banking and Insurance (Negron) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 78 and 79  
insert:

Section 2. Section 83.806, Florida Statutes, is amended to read:

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

(1) The tenant shall be notified by written notice delivered in person or by certified mail or first class mail with certificate of mailing to the tenant's last known address and conspicuously posted at the self-service storage facility or



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13 on the self-contained storage unit.

14 (2) The notice shall include:

15 (a) An itemized statement of the owner's claim, showing the  
16 sum due at the time of the notice and the date when the sum  
17 became due.

18 (b) The same description, or a reasonably similar  
19 description, of the personal property as provided in the rental  
20 agreement.

21 (c) A demand for payment within a specified time not less  
22 than 14 days after delivery of the notice.

23 (d) A conspicuous statement that, unless the claim is paid  
24 within the time stated in the notice, the personal property will  
25 be advertised for sale or other disposition and will be sold or  
26 otherwise disposed of at a specified time and place.

27 (e) The name, street address, and telephone number of the  
28 owner whom the tenant may contact to respond to the notice.

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

33 (4) After the expiration of the time given in the notice,  
34 an advertisement of the sale or other disposition shall be  
35 published once a week for 2 consecutive weeks in a newspaper of  
36 general circulation in the area where the self-service storage  
37 facility or self-contained storage unit is located. Inasmuch as  
38 any sale may involve property of more than one tenant, a single  
39 advertisement may be used to dispose of property at any one  
40 sale.

41 (a) The advertisement shall include:



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

45           2. The address of the self-service storage facility or the  
46 address where the self-contained storage unit is located and the  
47 name of the tenant.

48           3. The time, place, and manner of the sale or other  
49 disposition. The sale or other disposition shall take place not  
50 sooner than 15 days after the first publication.

51           (b) If there is no newspaper of general circulation in the  
52 area where the self-service storage facility or self-contained  
53 storage unit is located, the advertisement shall be posted at  
54 least 10 days before the date of the sale or other disposition  
55 in not fewer than three conspicuous places in the neighborhood  
56 where the self-service storage facility or self-contained  
57 storage unit is located.

58           (5) Any sale or other disposition of the personal property  
59 shall conform to the terms of the notification as provided for  
60 in this section and shall be conducted in a commercially  
61 reasonable manner, as that term is used in s. 679.610.

62           (6) Before any sale or other disposition of personal  
63 property pursuant to this section, the tenant may pay the amount  
64 necessary to satisfy the lien and the reasonable expenses  
65 incurred under this section and thereby redeem the personal  
66 property. Upon receipt of such payment, the owner shall return  
67 the property to the tenant and thereafter shall have no  
68 liability to any person with respect to such personal property.  
69 If the tenant fails to redeem the personal property or satisfy  
70 the lien, including reasonable expenses, he or she will be



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71 deemed to have unjustifiably abandoned the self-service storage  
72 facility or self-contained storage unit, and the owner may  
73 resume possession of the premises for himself or herself.

74 (7) A purchaser in good faith of the personal property sold  
75 to satisfy a lien provided for in s. 83.805 takes the property  
76 free of any claims, except those interests provided for in s.  
77 83.808, despite noncompliance by the owner with the requirements  
78 of this section.

79 (8) In the event of a sale under this section, the owner  
80 may satisfy his or her lien from the proceeds of the sale,  
81 provided the owner's lien has priority over all other liens in  
82 the personal property. The lien rights of secured lienholders  
83 are automatically transferred to the remaining proceeds of the  
84 sale. The balance, if any, shall be held by the owner for  
85 delivery on demand to the tenant. A notice of any balance shall  
86 be delivered by the owner to the tenant in person or by  
87 certified mail to the last known address of the tenant. If the  
88 tenant does not claim the balance of the proceeds within 2 years  
89 of the date of sale, the proceeds shall be deemed abandoned, and  
90 the owner shall have no further obligation with regard to the  
91 payment of the balance. In the event that the owner's lien does  
92 not have priority over all other liens, the sale proceeds shall  
93 be held for the benefit of the holders of those liens having  
94 priority. A notice of the amount of the sale proceeds shall be  
95 delivered by the owner to the tenant or secured lienholders in  
96 person or by certified mail to their last known addresses. If  
97 the tenant or the secured lienholders do not claim the sale  
98 proceeds within 2 years of the date of sale, the proceeds shall  
99 be deemed abandoned, and the owner shall have no further



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100 obligation with regard to the payment of the proceeds.

101

102 ===== T I T L E A M E N D M E N T =====

103 And the title is amended as follows:

104

105 Delete line 18

106 and insert:

107

108 act; amending s. 83.806, F.S.; providing an additional

109 method of notice when enforcing an owner's lien on

110 property held in a self-storage unit; providing an

111 effective date.