



611794

LEGISLATIVE ACTION

Senate	.	House
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Senator Hays moved the following:

Senate Amendment (with title amendment)

Delete lines 17 - 70

and insert:

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 electronic 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:



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14 83.806 Enforcement of lien.—An owner's lien as provided in
15 s. 83.805 may be satisfied as follows:

16 (1) The tenant shall be notified by written notice
17 delivered in person or by first-class ~~certified~~ mail, along with
18 a certificate of mailing, to the tenant's last known address and
19 conspicuously posted at the self-service storage facility or on
20 the self-contained storage unit.

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

25 (8) In the event of a sale under this section, the owner
26 may satisfy his or her lien from the proceeds of the sale,
27 provided the owner's lien has priority over all other liens in
28 the personal property. The lien rights of secured lienholders
29 are automatically transferred to the remaining proceeds of the
30 sale. The balance, if any, shall be held by the owner for
31 delivery on demand to the tenant. A notice of any balance shall
32 be delivered by the owner to the tenant in person or by first-
33 class ~~certified~~ mail, along with a certificate of mailing, to
34 the last known address of the tenant. If the tenant does not
35 claim the balance of the proceeds within 2 years after ~~of~~ the
36 date of sale, the proceeds shall be deemed abandoned, and the
37 owner shall have no further obligation with regard to the
38 payment of the balance. In the event that the owner's lien does
39 not have priority over all other liens, the sale proceeds shall
40 be held for the benefit of the holders of those liens having
41 priority. A notice of the amount of the sale proceeds shall be
42 delivered by the owner to the tenant or secured lienholders in



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43 person or by first-class ~~certified~~ mail, along with a
44 certificate of mailing, to their last known addresses. If the
45 tenant or the secured lienholders do not claim the sale proceeds
46 within 2 years after ~~of~~ the date of sale, the proceeds shall be
47 deemed abandoned, and the owner shall have no further obligation
48 with regard to the payment of the proceeds.

49 Section 3. Section 83.808, Florida Statutes, is amended to
50 read:

51 83.808 Contracts ~~Contractual liens.~~-

52 (1) This part does not impair or affect ~~Nothing in ss.~~
53 ~~83.801-83.809 shall be construed as in any manner impairing or~~
54 ~~affecting~~ the right of parties to create liens or limitations on
55 the value of property by special contract or agreement or ~~nor~~
56 ~~shall it in any manner~~ impair or affect any other lien arising
57 at common law, in equity, or by any statute of this state or any
58 other lien not provided for in s. 83.805.

59 (2) A rental agreement or an application for a rental
60 agreement must contain a provision that permits the applicant to
61 disclose whether he or she is a member of the uniformed
62 services, as defined in 10 U.S.C. s. 101(a)(5).

63 (3) Any provision in a rental agreement which limits the
64 value of property that is stored in a leased space must be
65 conspicuously placed in the agreement.

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

67 And the title is amended as follows:

68 Delete lines 8 - 11

69 and insert:

70 of mailing; amending s. 83.808, F.S.; clarifying
71 provisions relating to the right to create contractual



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liens or limitations on liability; providing for the
disclosure of an applicant's membership in the
uniformed services and clarifying certain notice
requirements relating to limitations on the value of
stored property; providing an effective date.