

By the Committee on Commerce and Tourism; and Senator Hays

577-04377-11

20111772c1

1 A bill to be entitled

2 An act relating to self-service storage facilities;
3 amending s. 83.803, F.S.; redefining the term "last
4 known address," to conform to changes made by the act;
5 amending s. 83.806, F.S.; revising notice requirements
6 related to enforcing an owner's lien; allowing postal
7 notice by first-class mail, along with a certificate
8 of mailing; allowing electronic mail notice; amending
9 s. 83.808, F.S.; clarifying provisions relating to the
10 right to create contractual liens or limitations on
11 liability; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (6) of section 83.803, Florida
16 Statutes, is amended to read:

17 83.803 Definitions.—As used in ss. 83.801-83.809:

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

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

27 83.806 Enforcement of lien.—An owner's lien as provided in
28 s. 83.805 may be satisfied as follows:

29 (1) The tenant shall be notified by written notice

577-04377-11

20111772c1

30 delivered in person or by first-class ~~certified~~ mail, along with
31 a certificate of mailing, to the tenant's last known address and
32 conspicuously posted at the self-service storage facility or on
33 the self-contained storage unit.

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

38 (8) In the event of a sale under this section, the owner
39 may satisfy his or her lien from the proceeds of the sale,
40 provided the owner's lien has priority over all other liens in
41 the personal property. The lien rights of secured lienholders
42 are automatically transferred to the remaining proceeds of the
43 sale. The balance, if any, shall be held by the owner for
44 delivery on demand to the tenant. A notice of any balance shall
45 be delivered by the owner to the tenant in person or by first-
46 class ~~certified~~ mail, along with a certificate of mailing, to
47 the last known address of the tenant. If the tenant does not
48 claim the balance of the proceeds within 2 years after ~~of~~ the
49 date of sale, the proceeds shall be deemed abandoned, and the
50 owner shall have no further obligation with regard to the
51 payment of the balance. In the event that the owner's lien does
52 not have priority over all other liens, the sale proceeds shall
53 be held for the benefit of the holders of those liens having
54 priority. A notice of the amount of the sale proceeds shall be
55 delivered by the owner to the tenant or secured lienholders in
56 person or by first-class ~~certified~~ mail, along with a
57 certificate of mailing, to their last known addresses. If the
58 tenant or the secured lienholders do not claim the sale proceeds

577-04377-11

20111772c1

59 within 2 years after ~~of~~ the date of sale, the proceeds shall be
60 deemed abandoned, and the owner shall have no further obligation
61 with regard to the payment of the proceeds.

62 Section 3. Section 83.808, Florida Statutes, is amended to
63 read:

64 83.808 Contractual liens.—This part does not impair or
65 affect ~~Nothing in ss. 83.801-83.809 shall be construed as in any~~
66 ~~manner impairing or affecting~~ the right of parties to create
67 liens or limitations on liability by special contract or
68 agreement or ~~nor shall it in any manner~~ impair or affect any
69 other lien arising at common law, in equity, or by any statute
70 of this state or any other lien not provided for in s. 83.805.

71 Section 4. This act shall take effect July 1, 2011.