

1 A bill to be entitled
 2 An act relating to self-service storage space; amending s.
 3 83.806, F.S.; revising notice requirements relating to the
 4 enforcement of liens; amending s. 83.808, F.S.; specifying
 5 nonapplication of certain provisions to limitations on
 6 liability; providing an effective date.

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

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 10 Section 1. Subsection (1) and subsections (4) through (8)
 11 of section 83.806, Florida Statutes, are amended to read:

12 83.806 Enforcement of lien.—An owner's lien as provided in
 13 s. 83.805 may be satisfied as follows:

14 (1) The tenant shall be notified by written notice
 15 delivered in person or by first-class ~~certified~~ mail to the
 16 tenant's last known address and conspicuously posted at the
 17 self-service storage facility or on the self-contained storage
 18 unit.

19 ~~(4) After the expiration of the time given in the notice,~~
 20 ~~an advertisement of the sale or other disposition shall be~~
 21 ~~published once a week for 2 consecutive weeks in a newspaper of~~
 22 ~~general circulation in the area where the self-service storage~~
 23 ~~facility or self-contained storage unit is located. Inasmuch as~~
 24 ~~any sale may involve property of more than one tenant, a single~~
 25 ~~advertisement may be used to dispose of property at any one~~
 26 ~~sale.~~

27 ~~(a) The advertisement shall include:~~

28 ~~1. A brief and general description of what is believed to~~

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29 ~~constitute the personal property contained in the storage unit,~~
30 ~~as provided in paragraph (2)(b).~~

31 ~~2. The address of the self-service storage facility or the~~
32 ~~address where the self-contained storage unit is located and the~~
33 ~~name of the tenant.~~

34 ~~3. The time, place, and manner of the sale or other~~
35 ~~disposition. The sale or other disposition shall take place not~~
36 ~~sooner than 15 days after the first publication.~~

37 ~~(b) If there is no newspaper of general circulation in the~~
38 ~~area where the self-service storage facility or self-contained~~
39 ~~storage unit is located, the advertisement shall be posted at~~
40 ~~least 10 days before the date of the sale or other disposition~~
41 ~~in not fewer than three conspicuous places in the neighborhood~~
42 ~~where the self-service storage facility or self-contained~~
43 ~~storage unit is located.~~

44 ~~(4)(5)~~ Any sale or other disposition of the personal
45 property shall conform to the terms of the notification as
46 provided for in this section and shall be conducted in a
47 commercially reasonable manner, as that term is used in s.
48 679.610.

49 ~~(5)(6)~~ Before any sale or other disposition of personal
50 property pursuant to this section, the tenant may pay the amount
51 necessary to satisfy the lien and the reasonable expenses
52 incurred under this section and thereby redeem the personal
53 property. Upon receipt of such payment, the owner shall return
54 the property to the tenant and thereafter shall have no
55 liability to any person with respect to such personal property.
56 If the tenant fails to redeem the personal property or satisfy

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57 | the lien, including reasonable expenses, he or she will be
58 | deemed to have unjustifiably abandoned the self-service storage
59 | facility or self-contained storage unit, and the owner may
60 | resume possession of the premises for himself or herself.

61 | (6)~~(7)~~ A purchaser in good faith of the personal property
62 | sold to satisfy a lien provided for in s. 83.805 takes the
63 | property free of any claims, except those interests provided for
64 | in s. 83.808, despite noncompliance by the owner with the
65 | requirements of this section.

66 | (7)~~(8)~~ In the event of a sale under this section, the
67 | owner may satisfy his or her lien from the proceeds of the sale,
68 | provided the owner's lien has priority over all other liens in
69 | the personal property. The lien rights of secured lienholders
70 | are automatically transferred to the remaining proceeds of the
71 | sale. The balance, if any, shall be held by the owner for
72 | delivery on demand to the tenant. A notice of any balance shall
73 | be delivered by the owner to the tenant in person or by first-
74 | class ~~certified~~ mail to the last known address of the tenant. If
75 | the tenant does not claim the balance of the proceeds within 2
76 | years of the date of sale, the proceeds shall be deemed
77 | abandoned, and the owner shall have no further obligation with
78 | regard to the payment of the balance. In the event that the
79 | owner's lien does not have priority over all other liens, the
80 | sale proceeds shall be held for the benefit of the holders of
81 | those liens having priority. A notice of the amount of the sale
82 | proceeds shall be delivered by the owner to the tenant or
83 | secured lienholders in person or by first-class ~~certified~~ mail
84 | to their last known addresses. If the tenant or the secured

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85 | lienholders do not claim the sale proceeds within 2 years of the
86 | date of sale, the proceeds shall be deemed abandoned, and the
87 | owner shall have no further obligation with regard to the
88 | payment of the proceeds.

89 | Section 2. Section 83.808, Florida Statutes, is amended to
90 | read:

91 | 83.808 Contractual liens.—This part does not impair or
92 | affect ~~Nothing in ss. 83.801-83.809 shall be construed as in any~~
93 | ~~manner impairing or affecting~~ the right of parties to create
94 | liens and limitations on liability by special contract or
95 | agreement or ~~nor shall it in any manner~~ impair or affect any
96 | other lien arising at common law, in equity, or by any statute
97 | of this state or any other lien not provided for in s. 83.805.

98 | Section 3. This act shall take effect July 1, 2011.