

1 A bill to be entitled
 2 An act relating to self-service storage facilities;
 3 amending s. 83.803, F.S.; revising the definition of the
 4 term "last known address"; amending s. 83.806, F.S.;
 5 revising notice requirements relating to enforcing an
 6 owner's lien; authorizing notice by first-class mail,
 7 along with a certificate of mailing; revising provisions
 8 relating to when notice given is presumed delivered;
 9 amending s. 83.808, F.S.; specifying nonapplication of
 10 certain provisions to the right to create contractual
 11 liens and limitations on liability; requiring rental
 12 agreements and applications for rental agreements to
 13 contain a provision for the disclosure of the applicant's
 14 membership in the uniformed services; requiring rental
 15 agreements limiting the value of property that is stored
 16 in a leased space to conspicuously place such provision in
 17 the agreement; providing an effective date.

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

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

23 83.803 Definitions.—As used in ss. 83.801-83.809:
 24 (6) "Last known address" means the street ~~that~~ address or
 25 post office box address provided by the tenant in the latest
 26 rental agreement or in a subsequent written change-of-address
 27 notice provided ~~the address provided by the tenant by hand~~
 28 delivery, first-class mail, or electronic ~~certified mail in a~~

29 ~~subsequent written notice of a change of address.~~

30 Section 2. Subsections (1), (3), and (8) of section
 31 83.806, Florida Statutes, are amended to read:

32 83.806 Enforcement of lien.—An owner's lien as provided in
 33 s. 83.805 may be satisfied as follows:

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

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

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

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

67 Section 3. Section 83.808, Florida Statutes, is amended to
 68 read:

69 83.808 Contracts ~~Contractual liens.~~-

70 (1) This part does not impair or affect ~~Nothing in ss.~~
 71 ~~83.801-83.809 shall be construed as in any manner impairing or~~
 72 ~~affecting~~ the right of parties to create liens or limitations on
 73 liability by special contract or agreement or ~~nor shall it in~~
 74 ~~any manner~~ impair or affect any other lien arising at common
 75 law, in equity, or by any statute of this state or any other
 76 lien not provided for in s. 83.805.

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

81 (3) If a rental agreement contains a provision limiting
 82 the value of property that is stored in a leased space, the
 83 provision must be conspicuously placed in the agreement.

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