

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 the value of property; requiring
 12 rental agreements and applications for rental agreements
 13 to contain a provision for the disclosure of the
 14 applicant's membership in the uniformed services;
 15 requiring rental agreements limiting the value of property
 16 that is stored in a leased space to conspicuously place
 17 such provision in the agreement; providing an effective
 18 date.

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

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

24 83.803 Definitions.—As used in ss. 83.801-83.809:

25 (6) "Last known address" means the street ~~that~~ address or
 26 post office box address provided by the tenant in the latest
 27 rental agreement or in a subsequent written change-of-address
 28 notice provided ~~the address provided by the tenant by hand~~

29 delivery, first-class mail, or electronic ~~certified~~ mail ~~in a~~
 30 ~~subsequent written notice of a change of address.~~

31 Section 2. Subsections (1), (3), and (8) of section
 32 83.806, Florida Statutes, are amended to read:

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

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

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

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

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

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

70 83.808 Contracts ~~Contractual liens.~~-

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

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

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

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