

HB 715

2012

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  
 4           the term "last known address"; amending s. 83.806,  
 5           F.S.; revising notice requirements relating to  
 6           enforcing an owner's lien; authorizing notice by e-  
 7           mail or first-class mail, along with a certificate of  
 8           mailing; providing requirements for e-mail notice;  
 9           revising provisions relating to when notice given is  
 10          presumed delivered; amending s. 83.808, F.S.;  
 11          requiring rental agreements and applications for  
 12          rental agreements to contain a provision for the  
 13          disclosure of the applicant's membership in the  
 14          uniformed services; providing an effective date.

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

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

20           83.803 Definitions.—As used in ss. 83.801-83.809:

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

27           Section 2. Subsections (1), (3), and (8) of section  
 28   83.806, Florida Statutes, are amended to read:

29 83.806 Enforcement of lien.—An owner's lien as provided in  
 30 s. 83.805 may be satisfied as follows:

31 (1) The tenant shall be notified by written notice  
 32 delivered in person, by e-mail, or by first-class ~~certified~~  
 33 mail, along with a certificate of mailing, to the tenant's last  
 34 known address and conspicuously posted at the self-service  
 35 storage facility or on the self-contained storage unit. If the  
 36 owner sends notice of a pending sale of property to the tenant's  
 37 last known e-mail address and does not receive a response,  
 38 return receipt, or delivery confirmation from the same e-mail  
 39 address, the owner must send notice of the sale to the tenant by  
 40 first-class mail, along with a certificate of mailing, to the  
 41 tenant's last known address before proceeding with the sale.

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

46 (8) In the event of a sale under this section, the owner  
 47 may satisfy his or her lien from the proceeds of the sale,  
 48 provided the owner's lien has priority over all other liens in  
 49 the personal property. The lien rights of secured lienholders  
 50 are automatically transferred to the remaining proceeds of the  
 51 sale. The balance, if any, shall be held by the owner for  
 52 delivery on demand to the tenant. A notice of any balance shall  
 53 be delivered by the owner to the tenant in person or by first-  
 54 class ~~certified~~ mail, along with a certificate of mailing, to  
 55 the last known address of the tenant. If the tenant does not  
 56 claim the balance of the proceeds within 2 years after ~~of~~ the

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

70 | Section 3. Section 83.808, Florida Statutes, is amended to  
71 | read:

72 | 83.808 Contracts ~~Contractual liens~~.—

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

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

83 | Section 4. This act shall take effect July 1, 2012.