

ENROLLED
CS/HB 715

2012 Legislature

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An act relating to self-service storage facilities; amending s. 83.803, F.S.; revising the definition of the term "last known address"; amending s. 83.806, F.S.; revising notice requirements relating to enforcing an owner's lien; authorizing notice by e-mail or first-class mail with a certificate of mailing; providing requirements for e-mail notice; revising provisions relating to when notice given is presumed delivered; amending s. 83.808, F.S.; requiring rental agreements and applications for rental agreements to contain a provision for the disclosure of the applicant's membership in the uniformed services; providing an effective date.

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

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

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

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

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

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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~~ mail
33 with a certificate of mailing to the tenant's last known address
34 and conspicuously posted at the self-service storage facility or
35 on the self-contained storage unit. If the owner sends notice of
36 a pending sale of property to the tenant's last known e-mail
37 address and does not receive a response, return receipt, or
38 delivery confirmation from the same e-mail address, the owner
39 must send notice of the sale to the tenant by first-class mail
40 with a certificate of mailing to the tenant's last known address
41 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 with a certificate of mailing to the last
55 known address of the tenant. If the tenant does not claim the
56 balance of the proceeds within 2 years after ~~of~~ the date of

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