

By the Committee on Regulated Industries and Senator Campbell

315-882-01

1 A bill to be entitled
2 An act relating to moving companies; creating
3 the "Movers Regulation Act"; providing
4 definitions; providing construction and
5 legislative intent; providing for the
6 Department of Agriculture and Consumer Services
7 to regulate businesses engaged in intrastate
8 transportation of household goods; prohibiting
9 a person from engaging in business as a mover
10 without obtaining an operating permit from the
11 Department of Agriculture and Consumer
12 Services; requiring that a mover be bonded or
13 establish financial security of a specified
14 amount; providing application requirements;
15 providing for a permit fee; authorizing the
16 department to bring an action to recover
17 against a mover's bond or financial security;
18 specifying circumstances under which the
19 department may deny or refuse to renew an
20 operating permit; providing a procedure for a
21 mover to appeal a denial or revocation of an
22 operating permit; providing for issuance of a
23 replacement permit; requiring that a permit be
24 annually renewed; requiring a mover to provide
25 a written estimate to a shipper; providing
26 requirements for the written estimate;
27 requiring that a mover prepare a written
28 contract before performing any service on
29 behalf of a shipper; providing requirements for
30 the written contract; requiring that the
31 contract contain a disclosure statement;

1 prohibiting a mover from charging a fee in
2 excess of the written contract; providing an
3 exception; requiring that a mover accept
4 certain forms of payment; providing that a
5 violation of the act is a civil infraction;
6 providing penalties; providing procedures for
7 contesting a citation issued by the department;
8 providing that certain offenses involving the
9 failure to relinquish household goods are
10 felony offenses; authorizing the Department of
11 Legal Affairs to prosecute violations of the
12 act under the Florida Deceptive and Unfair
13 Trade Practices Act; authorizing the Department
14 of Agriculture and Consumer Services to enter
15 into the business premises of a mover to
16 enforce compliance with the act; amending s.
17 895.02, F.S.; defining felony violations of the
18 act as "racketeering activity" under the
19 Florida RICO (Racketeer Influenced and Corrupt
20 Organization) Act; providing for severability;
21 providing an effective date.

22

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

24

25 Section 1. Movers Regulation Act.--

26 (1) SHORT TITLE.--This section may be cited as the
27 "Movers Regulation Act."

28 (2) DEFINITIONS.--As used in this section, the term:

29 (a) "Accessorial service" means any service performed
30 by a mover which results in a charge to the shipper and which
31 is incidental to the transportation of household goods,

1 including, but not limited to, valuation coverage; preparation
2 of a written inventory; storage, packing, unpacking, or
3 crating of articles; hoisting or lowering; waiting time; long
4 carry, which is the carrying of articles an excessive distance
5 between the mover's vehicle and the residence or business;
6 overtime loading and unloading; reweighing; disassembly or
7 reassembly; carrying that involves an elevator or stairs;
8 boxing or servicing of appliances; and furnishing of packing
9 or crating materials. The term also includes services
10 performed by a third party at the request of the shipper or
11 mover, if the charges for such services are to be paid to the
12 mover by the shipper at or before the time of delivery.

13 (b) "Advertising" means any written statement or
14 representation:

15 1. Made in connection with the solicitation of a
16 prospective shipper, including, but not limited to, statements
17 and representations made in a newspaper, telephone yellow
18 pages, internet, or other publication;

19 2. Made on radio or television; or

20 3. Contained in any notice, handbill, direct mailing,
21 business card, sign, catalog, billboard, brochure, poster, or
22 letter.

23 (c) "Compensation" means money, fee, emolument, quid
24 pro quo, barter, remuneration, pay, reward, indemnification,
25 or satisfaction.

26 (d) "Contract for service" means a written document
27 prepared by the mover and signed by the shipper, before the
28 performance of any service, which authorizes services from the
29 named mover and lists the services and all costs associated
30 with the transportation of household goods and accessorial
31 services to be performed on behalf of the shipper.

1 (e) "Department" means the Department of Agriculture
2 and Consumer Services.

3 (f) "Estimate" means a written document provided to
4 the prospective shipper which sets forth the total cost and
5 the basis of such cost related to a shipper's move, which must
6 include, but need not be limited to, transportation services
7 or accessorial services.

8 (g) "Household goods" means personal effects or other
9 personal property found in a home, personal residence, other
10 storage facility, or other location, of which the shipper is
11 the owner or agent of the owner of the items. The term
12 includes property held or found in a storage or warehouse
13 facility that is owned or rented by a shipper or shipper's
14 agent. The term does not include freight or personal property
15 moving to or from a factory, store, or other place of
16 business.

17 (h) "Inventory" means a detailed descriptive list of
18 all the household goods, furniture, boxes, and other items
19 that are tendered to the mover by the shipper, and which shows
20 the number and condition of each item.

21 (i) "Mover" means any person who engages in the
22 transportation or shipment of household goods for compensation
23 or any person who holds himself or herself out to the public
24 as engaging in the transportation or shipment of household
25 goods for compensation.

26 (j) "Person" includes individuals, partnerships,
27 corporations, companies, trusts, societies, associations, and
28 any other legal entity.

29 (k) "Shipper" means any person who uses the services
30 of a mover to transport or ship household goods. The term
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1 includes any other person whom a shipper designates in
2 writing.

3 (1) "Storage" means the warehousing of a shipper's
4 household goods while under the care, custody, and control of
5 the mover.

6 (3) CONSTRUCTION; INTENT; APPLICATION.--

7 (a) This section shall be construed liberally to:

8 1. Establish the law of this state governing the
9 intrastate transportation, shipment, and affiliated storage of
10 household goods; and

11 2. Secure the satisfaction and confidence of shippers
12 and the public when using the services of a mover.

13 (b) This section applies to the operations of any
14 mover engaged in the intrastate transportation of household
15 goods, except that this section does not apply to shipments
16 contracted by the United States, the state, or any local
17 government or political subdivision of the state. This section
18 only applies to the transportation of household goods
19 originating in this state and terminating in this state.

20 (c) This section does not supersede the jurisdiction
21 of any federal agency with respect to goods or services that
22 are governed under any other law.

23 (d) This section does not apply to any act or practice
24 required or permitted by federal law.

25 (4) APPLICATION; OPERATING PERMIT; BONDING
26 REQUIREMENT; REVOCATION OF PERMIT.--

27 (a) A person may not engage in business, solicit
28 business, or advertise in this state as a mover of household
29 goods without first obtaining an operating permit from the
30 department and maintaining the permit as required by this
31 section.

1 1. An application for an operating permit must be
2 submitted to the department and accompanied by:

3 a. A bond executed by a corporate surety approved by
4 the department and licensed to do business in this state;

5 b. An irrevocable letter of credit issued for the
6 benefit of the applicant by a bank whose deposits are insured
7 by an agency of the Federal Government; or

8 c. A certificate of deposit in a financial institution
9 insured by an agency of the Federal Government, which may be
10 withdrawn only on the order of the department, except that the
11 interest may accrue to the applicant.

12 2. The amount of the bond, letter of credit, or
13 certificate of deposit must be a minimum of \$50,000, and the
14 bond, letter of credit, or certificate of deposit must be
15 conditioned upon compliance by the applicant with this
16 section. The department may establish a bond of a greater
17 amount to ensure the general welfare of the public and the
18 interests of the moving industry.

19 3. The bond must be posted with the department.

20 (b) The application for an operating permit must
21 include:

22 1. The mover's legal business and trade name, current
23 mailing address, and current business location for each place
24 from which the mover operates a main office, branch office, or
25 storage location, and a designation of which location
26 constitutes the mover's principal place of business.

27 2. A copy of each occupational license held by the
28 mover.

29 3. The full names, current mailing addresses, current
30 telephone numbers, and social security numbers or federal tax

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1 identification numbers of the mover's owners, corporate
2 officers, and directors.

3 4. The name of the agent of the mover's corporation
4 registered in this state and a statement listing the names of
5 any other corporations, entities, or trade names through which
6 any owner, corporate officer, or director of the mover was
7 known or did business as a mover within the 5 calendar years
8 immediately preceding the date on which the mover is
9 submitting the application.

10 (c) The application for an operating permit must be
11 accompanied by fee of \$300, to be deposited into the
12 department's Operating Trust Fund for the purpose of
13 administering this section. If 6 months or less remain before
14 the annual renewal date, the permit fee is \$150.

15 (d) The department may bring and maintain an action on
16 behalf of any shipper who is injured by the bankruptcy of a
17 mover or by the mover's breach of any agreement entered into
18 in its capacity as a permitholder to recover against the bond,
19 letter of credit, or certificate of deposit.

20 (e) Before changing a permitted business location,
21 telephone number, or registered agent, a mover must notify the
22 department of such change in writing. The permit may be
23 modified upon completion of the required forms and payment of
24 a fee established by the department.

25 (f) A permit is not valid for any mover under any
26 other name or at any place other than that designated on the
27 permit. A permit is not transferable or assignable, and the
28 ownership structure of the mover may not be modified in such a
29 manner that constitutes a change in the control or ownership
30 of the permit. If the business changes its name or ownership
31 structure, the mover must submit to the department an

1 application for a new operating permit, along with the
2 required permit fee.

3 (g) The department shall prescribe the form and size
4 of the operating permit issued to a mover, which must contain
5 a permit number. The mover must prominently display to the
6 public the operating permit at the mover's primary place of
7 business. The assigned permit number must appear in all
8 advertising, including any listing in the telephone yellow
9 pages; on all forms; and on all commercial motor vehicles
10 operated by the mover. It is a violation of this section for a
11 person to use, display, or advertise an expired permit number.

12 (h) The department may deny or refuse to renew the
13 operating permit of any mover based upon a determination that
14 a mover or any of its directors, officers, owners, or general
15 partners:

16 1. Failed to meet the requirements for initial
17 application or renewal as provided in this subsection.

18 2. Have been found by a court of competent
19 jurisdiction to have committed a crime, regardless of
20 adjudication or plea of no contest, involving fraud, a prior
21 criminal violation of this section, or theft involving
22 transportation or storage of household goods for compensation.
23 The department may conduct criminal background checks to
24 obtain such information from the Department of Law Enforcement
25 or any other government agency.

26 3. Have not satisfied a civil fine, administrative
27 fine, or other penalty arising out of any administrative or
28 enforcement action brought by any governmental agency or
29 private person based upon conduct involving fraud; theft; a
30 violation of part II of chapter 501, Florida Statutes;
31 dishonest dealing; a violation of a local moving ordinance; or

1 failure to comply with the terms and conditions of any
2 judgment, consent decree, cease and desist order, settlement
3 agreement, or assurance of voluntary compliance arising out of
4 such enforcement action.

5 4. Misrepresented or concealed a material fact on the
6 application, renewal application, or replacement application
7 for an operating permit.

8 5. Aided or abetted a person who has not obtained an
9 operating permit to evade or avoid any provision of this
10 section.

11 6. Have previously attempted to operate without a
12 permit required under this section.

13 (i) Upon denial or revocation of an operating permit,
14 the mover is entitled to an appeal according to the following:

15 1. If the department denies or revokes a mover's
16 operating permit, the mover may appeal the decision to the
17 department within 20 days after receipt of the notice of
18 denial or revocation. A nonrefundable filing fee, established
19 by rule of the department, must accompany the written request
20 for appeal. The department shall review the appeal at a
21 hearing held within 60 days after the department receives the
22 request for appeal.

23 2. At the conclusion of a hearing conducted under this
24 paragraph, the department shall orally render its decision
25 based on evidence entered into the record. The decision must
26 be stated in a written order and mailed to the mover within 10
27 days after the hearing and the decision is final agency action
28 with respect to the matter appealed.

29 3. A mover may appeal a final determination of the
30 department within 30 days after rendition of the decision by
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1 filing a petition for writ of certiorari in a court of
2 competent jurisdiction.

3 (j) In the event of loss, destruction, or mutilation
4 of an operating permit issued by the department, the person to
5 whom the operating permit was issued may obtain a replacement
6 permit upon furnishing satisfactory proof of loss,
7 destruction, or mutilation to the department and payment of
8 the applicable fee established by rule of the department. An
9 application for a replacement operating permit must include:

10 1. The name and address of the applicant.

11 2. A verified explanation of the loss, destruction, or
12 mutilation of the operating permit.

13 3. Any other item or information required by the
14 department.

15 (k) Each operating permit must be renewed annually. As
16 part of the renewal process, the applicant must update and
17 verify all information required on the previous year's
18 application. An application for renewal must be accompanied by
19 a nonrefundable fee of \$300. A renewal fee is not required for
20 any mover that holds a municipal or county license that is
21 issued under an ordinance that contains standards at least
22 equal to the requirements of this section, as determined by
23 the department. All renewal fees shall be deposited into the
24 department's Operating Trust Fund for the purpose of
25 administering this section. Any operating permit that is not
26 renewed automatically expires on the expiration date of the
27 permit, and the mover must immediately cease all moving and
28 storage services authorized under the permit. The department
29 shall deny any application for a renewal permit which is
30 incomplete, is untrue in whole or in part, is not accompanied
31 by the required fee, or fails to satisfy the requirements of

1 this section. The department may impose a late fee if an
2 application for renewal of a permit is not timely filed.

3 (l) An out-of-state mover may not operate in this
4 state unless the mover obtains an operating permit and follows
5 the permitting procedures described in this section.

6 (m) Applications for the first year of the permitting
7 process must be submitted by November 30, 2001.

8 (5) WRITTEN ESTIMATE OF MOVING COSTS.--

9 (a) A mover must provide a written estimate to a
10 prospective shipper, which must be dated and signed by the
11 mover. The estimate must indicate the total and complete costs
12 that the mover will charge for the transportation services,
13 including all accessorial services. A mover may not load any
14 moving vehicle or otherwise take possession or control of any
15 household goods of a shipper unless a written estimate is
16 approved by signature of the prospective shipper. A mover may
17 not request a shipper to sign or initial a blank or otherwise
18 incomplete estimate form or contract. A mover may not impose a
19 fee for preparing an estimate unless, before preparing the
20 estimate, the mover clearly and conspicuously discloses in
21 writing to the prospective shipper the amount of the charge
22 for preparing the estimate and obtains a written authorization
23 from the prospective shipper to prepare the estimate.

24 (b) A prospective shipper may not waive the right to a
25 written estimate and a mover may not require a prospective
26 shipper to waive the right to a written estimate.

27 (c) A mover shall retain the written estimate provided
28 to the prospective shipper as part of the mover's business
29 records. The written estimate must include, at a minimum:

30 1. The current name, telephone number, permit number,
31 and physical address of the mover at which employees of the

1 mover are available during normal business hours, as well as
2 the current name and address of the mover's registered agent.

3 2. The name and address of the shipper, including each
4 address at which the items are to be picked up from and
5 delivered to, if known, and, if available, the telephone
6 number of the shipper.

7 3. The name, telephone number, and physical address of
8 the storage facility or warehouse where the household goods
9 will be held pending further transportation, if applicable.

10 4. A complete itemized description of the costs for
11 transportation and accessorial services to be provided during
12 a move or storage of household goods. The mover must provide a
13 total of all costs to the shipper.

14 5. The method of payment, subject to subsection (9).

15 6. The following written disclosure in bold
16 capitalized letters of at least 14-point type:

17
18 PLEASE READ CAREFULLY

19 IF YOU HAVE A QUESTION OR COMPLAINT, PLEASE
20 CONTACT THE DEPARTMENT OF AGRICULTURE AND
21 CONSUMER SERVICES IN TALLAHASSEE, FLORIDA.

22
23 ESTIMATE OF TOTAL COST

24 PURSUANT TO STATE LAW, YOU ARE ENTITLED TO A
25 WRITTEN ESTIMATE OF THE TOTAL COST OF YOUR
26 MOVE. IT IS A VIOLATION OF STATE LAW IF THE
27 TOTAL COST OF YOUR MOVE EXCEEDS THE AMOUNT OF
28 YOUR WRITTEN ESTIMATE UNLESS CIRCUMSTANCES
29 PREVIOUSLY UNKNOWN TO THE MOVER PREVENT THE
30 MOVER FROM OBTAINING REASONABLE ACCESS TO THE
31 POINT OF DESTINATION. THE MOVER SHALL ALLOW YOU

1 AT LEAST 90 DAYS TO PAY THE EXCESS AMOUNT, IF
2 ANY. PLEASE REVIEW THIS DOCUMENT TO MAKE SURE
3 THE ESTIMATE IS COMPLETE.

4
5 (d) This section does not require a prospective
6 shipper to enter into a contract for service with a mover
7 based upon the issuance of a written estimate.

8 (e) The written estimate and disclosure may be
9 provided on the same form as the contract for service.

10 (f) A mover may not provide an oral estimate to a
11 prospective shipper without subsequently providing the
12 estimate in written form as required by this section.

13 (6) CONTRACT FOR SERVICE.--

14 (a) Before performing any service on behalf of a
15 shipper, including loading a shipper's household goods into a
16 moving truck, the mover must prepare a written contract for
17 service which must be approved, signed, timed, and dated by
18 the shipper or the shipper's agent and the mover. The mover
19 must provide the shipper with a copy of the contract.

20 (b) The contract for service must clearly and
21 conspicuously disclose, at a minimum:

22 1. The current name, telephone number, permit number,
23 and physical address of the mover at which employees of the
24 mover are available during normal business hours, as well as
25 the current name and address of the mover's registered agent.

26 2. The name and address of the shipper, including each
27 address at which the items are to be picked up from and
28 delivered to, if known, and, if available, the telephone
29 number of the shipper.

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1 3. The name, telephone number, and physical address of
2 the storage facility or warehouse where the household goods
3 will be held pending further transportation, if applicable.

4 4. The agreed pickup and delivery dates or the period
5 within which pickup, delivery, or the entire move will be
6 accomplished. Unless the household goods are to be held in
7 storage, the date of delivery or the period within which
8 pickup, delivery, or the entire move will be accomplished must
9 be a specified date or period and may not be a period of
10 indeterminate length.

11 5. A complete itemized description, consistent with
12 the written estimate, of the costs for transportation and
13 accessorial services to be provided during a move or storage
14 of household goods. The mover must provide a total of all
15 costs to the shipper.

16 6. The method of payment, subject to subsection (9).

17 7. The maximum amount required to be paid by the
18 shipper to the mover at the time of delivery, subject to
19 subsection (8).

20 8. The name and telephone number of any other person
21 who is designated in writing by the shipper to authorize
22 pickup or delivery of any item.

23 9. A brief description of the mover's procedure for
24 handling complaints, which must include a physical address and
25 telephone number at which the shipper may contact the mover.
26 The procedure must allow at least 60 days following a move in
27 which the shipper may file a complaint.

28 10. If the cost for services provided is based on
29 weight, a statement specifying that the shipper has a right to
30 observe any weighing before and after loading. All household
31 goods must be weighed on a scale certified by the department

1 and the mover shall retain and supply weight tickets to the
2 shipper or department upon request.

3 (7) DISCLOSURE STATEMENT REQUIRED.--The contract for
4 service provided by a mover to a shipper must include the
5 following disclosure in bold capitalized letters of at least
6 14-point type on a separate page, with a copy given to the
7 shipper before the mover performs any service, including
8 loading the shipper's household goods into a loading truck:

9
10 PLEASE READ CAREFULLY

11 IF YOU HAVE A QUESTION OR COMPLAINT, PLEASE
12 CONTACT THE DEPARTMENT OF AGRICULTURE AND
13 CONSUMER SERVICES IN TALLAHASSEE, FLORIDA

14
15 CONTRACT FOR SERVICE

16 THIS CONTRACT FOR SERVICE IS REQUIRED BY STATE
17 LAW AND MUST INCLUDE ALL OF THE TERMS AND COSTS
18 ASSOCIATED WITH YOUR MOVE. IN ORDER FOR THE
19 CONTRACT FOR SERVICE TO BE ACCURATE, YOU MUST
20 DISCLOSE ALL INFORMATION RELEVANT TO THE MOVE
21 TO THE MOVER. STATE LAW REQUIRES THAT A MOVER
22 DELIVER YOUR HOUSEHOLD GOODS AND COMPLETE YOUR
23 MOVE UPON PAYMENT OF NO MORE THAN THE MAXIMUM
24 AMOUNT STATED IN THE CONTRACT.

25
26 (8) CHARGES IN EXCESS OF WRITTEN ESTIMATE, UNLAWFUL
27 CHARGES, REFUSAL TO RELINQUISH HOUSEHOLD GOODS PROHIBITED;
28 PAYMENT OF CHARGES IN EXCESS OF WRITTEN ESTIMATE OR CONTRACT
29 FOR SERVICE.--

30 (a) Except as provided in paragraph (c), a mover,
31 subsequent to loading any household goods of a shipper, may

1 not charge a fee for services in excess of the written
2 estimate.

3 (b) A mover may not refuse to relinquish to a shipper
4 any of the shipper's household goods, fail to place household
5 goods inside a shipper's dwelling, or fail to complete in a
6 timely manner all transportation and accessorial services
7 required to be performed under the contract for service solely
8 because the shipper has refused to pay for, or agree to, a fee
9 in excess of the written estimate. Except as expressly
10 provided in paragraph (c), a mover may not change the fee for
11 services after the mover has taken possession of household
12 goods.

13 (c) A mover may increase the contract amount if
14 circumstances of which the mover had no prior knowledge
15 prevent the mover from obtaining reasonable access to the
16 place of destination. The mover must provide a written
17 explanation to the shipper of the charges in excess of the
18 written estimate, including a complete description of the
19 circumstances that prevented reasonable access to the place of
20 destination and the total cost of any additional service. The
21 written explanation must be signed by the shipper. The shipper
22 has 30 days following completion of the move in which to pay
23 the excess amount.

24 (d) If circumstances preventing the mover from
25 obtaining reasonable access to the place of destination
26 justify a modification of the contract amount under paragraph
27 (c), the mover shall immediately relinquish to the shipper all
28 of the shipper's household goods and shall complete in a
29 timely manner all transportation and accessorial services
30 required to be performed under the contract for services.

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1 (e) In any action by a mover to recover additional
2 charges under paragraph (c), the mover has the burden of
3 proving that circumstances at the point of destination
4 prohibited reasonable access and that the additional charges
5 were reasonable in relation to the changed circumstances and
6 the original contract price.

7 (9) ACCEPTABLE FORMS OF PAYMENT.--

8 (a) Subject to paragraph (b), a mover shall accept at
9 least two of the following categories of payment:

10 1. Cash, cashier's check, money order, or traveler's
11 check;

12 2. Personal check, showing upon its face the name and
13 address of the shipper or authorized representative; or

14 3. Credit card, charge card, or debit card, including,
15 but not limited to, VISA and MasterCard.

16 (b) A mover must clearly and conspicuously disclose in
17 the contract for service and in the written estimate the
18 methods of payment that the mover accepts. If the mover
19 verifies that the shipper's checking account carries
20 insufficient funds to cover the amount of the check or that
21 the shipper's credit card does not have a sufficient credit
22 limit to cover the contract charge, the mover may require an
23 alternate form of payment.

24 (c) A mover may not refuse to relinquish to a shipper
25 any of the shipper's household goods or fail to complete in a
26 timely manner all transportation and accessorial services
27 required to be performed under the contract for service solely
28 because the shipper elects one of the forms of payment
29 disclosed as acceptable in the contract for service or in the
30 written estimate.

31 (10) ENFORCEMENT AND PENALTIES.--

1 (a) Any person who fails to comply with this section
2 commits a civil infraction and shall pay a fine not to exceed
3 \$500 per violation and may be sentenced to not more than 60
4 days' imprisonment. Each day of continuing violation
5 constitutes a separate offense. In addition to the sanctions
6 contained in this paragraph, the department may take any other
7 appropriate legal action, including, but not limited to,
8 issuing a cease and desist order, taking other administrative
9 action, or requesting a temporary or permanent injunction. The
10 remedies provided by this paragraph are cumulative and do not
11 affect the availability of other remedies provided by law.

12 (b) Any authorized agent of the department or law
13 enforcement officer may issue a citation upon probable cause
14 that a person has violated this section. The department shall
15 provide a serially numbered uniform citation form to notify a
16 person of an alleged violation of this section. Any person
17 issued a citation must comply with any directive on the
18 citation.

19 (c) A person issued a citation may pay the fine by
20 mail or in person to the department within the time specified
21 on the citation. Payment of the fine is an admission of the
22 infraction and the person waives his or her right to a hearing
23 on the issue of commission of the infraction. The proceeds of
24 any fines collected under this paragraph shall be deposited
25 into the department's Operating Trust Fund and used to
26 administer this section. In addition, the fees collected by
27 the courts under sections 938.01, 938.17, and 938.19, Florida
28 Statutes, shall be assessed against any person convicted of
29 violating this section.

30 (d) A person may appear before a court having
31 jurisdiction of misdemeanors to contest a citation issued

1 under this section. The court, after a hearing, shall
2 determine whether a violation has occurred and may impose a
3 civil penalty that may not exceed \$1,000, plus court costs. If
4 a person fails to pay the civil penalty or fails to appear in
5 court to contest the citation, the person waives his or her
6 right to contest the citation, a default judgment may be
7 entered, and the judge shall impose a fine. If the fine is not
8 paid, judgment may be entered up to the maximum civil penalty.

9 (e) Any person who is cited for violating this section
10 shall sign and accept the citation indicating a promise to pay
11 the fine or appear in court. Any person who willfully refuses
12 to sign and accept a citation commits a misdemeanor of the
13 second degree, punishable as provided in section 775.082 or
14 section 775.083, Florida Statutes.

15 (f) The department may require any person who commits
16 a third or subsequent violation of this section to appear in
17 court. The citation must clearly inform the person of any
18 mandatory court appearance. The department shall maintain
19 records showing the number of citations issued to a person.

20 (g) Any person who violates paragraph (8)(b) or
21 paragraph (9)(c) commits a felony of the third degree,
22 punishable as provided in section 775.082 or section 775.083,
23 Florida Statutes.

24 (h) The department shall enforce this section and the
25 Department of Legal Affairs may prosecute violations of this
26 section under the Florida Deceptive and Unfair Trade Practices
27 Act, part II of chapter 501, Florida Statutes.

28 (i) Authorized personnel of the department may enter
29 the business premises of a mover to ascertain whether the
30 mover is in compliance with this section. If department
31 personnel are unreasonably refused entry or access to the

1 business premises of a mover, the department shall obtain an
2 inspection warrant under sections 933.20-933.30, Florida
3 Statutes, to ascertain compliance with this section.

4 Section 2. Paragraph (a) of subsection (1) of section
5 895.02, Florida Statutes, is amended to read:

6 895.02 Definitions.--As used in ss. 895.01-895.08, the
7 term:

8 (1) "Racketeering activity" means to commit, to
9 attempt to commit, to conspire to commit, or to solicit,
10 coerce, or intimidate another person to commit:

11 (a) Any crime which is chargeable by indictment or
12 information under the following provisions of the Florida
13 Statutes:

14 1. Section 210.18, relating to evasion of payment of
15 cigarette taxes.

16 2. Section 403.727(3)(b), relating to environmental
17 control.

18 3. Section 414.39, relating to public assistance
19 fraud.

20 4. Section 409.920, relating to Medicaid provider
21 fraud.

22 5. Section 440.105 or s. 440.106, relating to workers'
23 compensation.

24 6. Part IV of chapter 501, relating to telemarketing.

25 7. Chapter 517, relating to sale of securities and
26 investor protection.

27 8. Section 550.235, s. 550.3551, or s. 550.3605,
28 relating to dogracing and horseracing.

29 9. Chapter 550, relating to jai alai frontons.

30 10. Chapter 552, relating to the manufacture,
31 distribution, and use of explosives.

- 1 11. Chapter 560, relating to money transmitters, if
2 the violation is punishable as a felony.
- 3 12. Chapter 562, relating to beverage law enforcement.
- 4 13. Section 624.401, relating to transacting insurance
5 without a certificate of authority, s. 624.437(4)(c)1.,
6 relating to operating an unauthorized multiple-employer
7 welfare arrangement, or s. 626.902(1)(b), relating to
8 representing or aiding an unauthorized insurer.
- 9 14. Section 655.50, relating to reports of currency
10 transactions, when such violation is punishable as a felony.
- 11 15. Chapter 687, relating to interest and usurious
12 practices.
- 13 16. Section 721.08, s. 721.09, or s. 721.13, relating
14 to real estate timeshare plans.
- 15 17. Chapter 782, relating to homicide.
- 16 18. Chapter 784, relating to assault and battery.
- 17 19. Chapter 787, relating to kidnapping.
- 18 20. Chapter 790, relating to weapons and firearms.
- 19 21. Section 796.03, s. 796.04, s. 796.05, or s.
20 796.07, relating to prostitution.
- 21 22. Chapter 806, relating to arson.
- 22 23. Section 810.02(2)(c), relating to specified
23 burglary of a dwelling or structure.
- 24 24. Chapter 812, relating to theft, robbery, and
25 related crimes.
- 26 25. Chapter 815, relating to computer-related crimes.
- 27 26. Chapter 817, relating to fraudulent practices,
28 false pretenses, fraud generally, and credit card crimes.
- 29 27. Chapter 825, relating to abuse, neglect, or
30 exploitation of an elderly person or disabled adult.
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- 1 28. Section 827.071, relating to commercial sexual
2 exploitation of children.
- 3 29. Chapter 831, relating to forgery and
4 counterfeiting.
- 5 30. Chapter 832, relating to issuance of worthless
6 checks and drafts.
- 7 31. Section 836.05, relating to extortion.
- 8 32. Chapter 837, relating to perjury.
- 9 33. Chapter 838, relating to bribery and misuse of
10 public office.
- 11 34. Chapter 843, relating to obstruction of justice.
- 12 35. Section 847.011, s. 847.012, s. 847.013, s.
13 847.06, or s. 847.07, relating to obscene literature and
14 profanity.
- 15 36. Section 849.09, s. 849.14, s. 849.15, s. 849.23,
16 or s. 849.25, relating to gambling.
- 17 37. Chapter 874, relating to criminal street gangs.
- 18 38. Chapter 893, relating to drug abuse prevention and
19 control.
- 20 39. Chapter 896, relating to offenses related to
21 financial transactions.
- 22 40. Sections 914.22 and 914.23, relating to tampering
23 with a witness, victim, or informant, and retaliation against
24 a witness, victim, or informant.
- 25 41. Sections 918.12 and 918.13, relating to tampering
26 with jurors and evidence.
- 27 42. Section 1 of this act, relating to the regulation
28 of movers, if the violation is punishable as a felony.
- 29 Section 3. If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 invalidity does not affect other provisions or applications of

1 the act which can be given effect without the invalid
2 provision or application, and to this end the provisions of
3 this act are severable.

4 Section 4. This act shall take effect July 1, 2001.

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 340

9 The Committee Substitute for SB 340:

10 -Provides that an application for an initial renewal operating
11 permit may be denied on the basis that the applicant has
12 previously attempted to operate without a permit required
13 under the Movers Regulation Act.

14 -Deletes provisions authorizing a mover to require a deposit.

15 -Reduces the time that a shipper has to pay charges in excess
16 of the written estimate from 90 to 30 days.

17 -Deletes a provision making it a felony for a mover to timely
18 comply with all contract provisions when the mover does not
19 have reasonable access to the destination.

20 -Deletes provisions relating to local ordinances, with the
21 result that the bill no longer allows more restrictive local
22 ordinances.
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