

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2006
 SPONSOR: Regulated Industries Committee and Senator Campbell
 SUBJECT: Household Movers
 DATE: February 13, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	RI	Favorable/CS
2.	_____	_____	CM	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill provides definitions, requires a written estimate and contract containing specified information, provides circumstances under which a mover can and cannot refuse to relinquish goods, and provides penalties for violations.

The bill creates an as-yet unnumbered section of the Florida Statutes.

II. Present Situation:

Moving companies are not regulated.

III. Effect of Proposed Changes:

The bill defines “household goods,” “mover,” and “shipper.” A mover is a person who transports goods for compensation. A shipper is a person who uses the services of a mover to transport goods.

A mover must provide a written estimate and contract to a prospective shipper. The contract must contain specified information. The estimate must also contain this information if it is known at the time of making the estimate. The required information includes: identification and location information on both parties, an itemized breakdown, description, and total of all services and costs, and a statement of the acceptable methods of payment.

A mover must relinquish possession of a shipper’s household goods and place them in the shipper’s dwelling unless the shipper has not tendered payment in the amount specified in the contract. A mover cannot refuse to relinquish a shipper’s goods based upon the type of payment tendered unless it is contrary to the accepted methods of payment as clearly and conspicuously

disclosed in the written contract or estimate. A mover cannot refuse to relinquish prescription medicines or goods for use by children under any circumstances.

A mover that has lawfully refused to relinquish possession of a shipper's goods may place the goods in storage until payment is tendered, however, the mover must inform the shipper promptly in writing where the goods are stored and the amount due.

A mover cannot require a shipper to waive any rights under this section.

It is a third-degree felony for a mover or a mover's employee, agent, or contractor to refuse to comply with a law enforcement officer's order to relinquish a shipper's goods based upon the officer's determination that the shipper has tendered the amount of the written contract or that the mover did not produce a written contract. A mover's compliance with such an order does not constitute a waiver or a finding of fact regarding any right of the mover to seek further payment from the shipper.

All other violations of the section are first-degree misdemeanors.

The bill does not preempt application of any local ordinance or regulation pertaining to moving or storage of household goods to a moving and storage transaction that takes place wholly within the boundaries of that local government entity.

The bill takes effect July 1, 2002.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

People moving household goods should be better protected from movers who attempt to charge higher fees than agreed upon.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
