

By Senator Campbell

33-632-02

1 A bill to be entitled
2 An act relating to household movers; defining
3 terms; prohibiting certain actions by movers
4 when moving household goods; providing
5 requirements for contracts and estimates;
6 providing penalties; providing an effective
7 date.

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

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11 Section 1. (1) As used in this section, the term:
12 (a) "Accessorial services" means any service performed
13 by a mover or third party at the request of the shipper or
14 mover, if the charges for such services are to be paid to the
15 mover by the shipper at or prior to delivery, which is
16 incidental to the transportation service, including valuation
17 coverage; preparation of written inventory; storage; packing,
18 unpacking, or crating of articles; hoisting or lowering;
19 waiting time; long carry (carrying articles excessive
20 distances between the mover's vehicle and the residence);
21 overtime loading and unloading; reweighing; disassembly or
22 reassembly; elevator or stair carrying; boxing or servicing of
23 appliances; and furnishing of packing or crating materials.
24 (b) "Household goods" means personal effects or other
25 personal property found in a home, personal residence, storage
26 facility, or other location, including property in a
27 storehouse or warehouse facility that is owned or rented by a
28 shipper or shipper's agent, but does not include freight or
29 personal property moving to or from a factory, store, or other
30 place of business.

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1 (c) "Mover" means any person who engages in the
2 transportation or shipment of household goods for
3 compensation.

4 (d) "Shipper" means any person who uses the services
5 of a mover to transport or ship household goods.

6 (2) A mover must relinquish household goods to a
7 shipper and must place the goods inside a shipper's dwelling,
8 unless the shipper has not tendered payment in the amount
9 specified in a written contract or estimate signed and dated
10 by the shipper. A shipper may not refuse to relinquish
11 prescription medicines and goods for use by children,
12 including children's furniture, clothing, or toys under any
13 circumstances.

14 (3) A mover may not refuse to relinquish to a shipper
15 household goods, or fail to place the goods inside a shipper's
16 dwelling, based on the mover's refusal to accept a particular
17 form of payment, including cash, cashier's check, money order,
18 travelers check, personal check, credit card, charge card, or
19 debit card, unless the mover clearly and conspicuously
20 discloses in a written contract or estimate signed and dated
21 by the shipper the accepted methods of payment.

22 (4) A contract and estimate provided to a prospective
23 shipper must be in writing and include:

24 (a) The name, telephone number, and physical address
25 where the mover's employees are available during normal
26 business hours.

27 (b) The date and time the contract or estimate is
28 prepared and any proposed date of the move.

29 (c) The name and address of the shipper, the addresses
30 where the items are to be picked up and delivered, and a
31 telephone number where the shipper may be reached.

1 (d) The name, telephone number, and physical address
2 of any location where the goods will be held pending further
3 transportation, including situations where the mover retains
4 possession of goods pending resolution of a fee dispute with
5 the shipper.

6 (e) An itemized breakdown and description and total of
7 all costs and services for transportation and accessorial
8 services to be provided during a move or storage of household
9 goods.

10 (f) The accepted methods of payment.

11 (5) A mover that lawfully fails to relinquish a
12 shipper's household goods may place the goods in storage until
13 payment is tendered. However, the mover must inform the
14 shipper promptly in writing where the goods are located and
15 the amount due. A mover may not require a prospective shipper
16 to waive any rights or requirements under this section.

17 (6)(a) A mover's refusal to comply with an order from
18 a law enforcement officer to relinquish a shipper's household
19 goods after the officer determines that the shipper has
20 tendered payment of the amount of a written estimate or
21 contract, or after the officer determines that the mover did
22 not produce a signed estimate or contract upon which demand is
23 being made for payment, a felony of the third degree,
24 punishable as provided in section 775.082, section 775.083, or
25 section 775.084, Florida Statutes. A mover's compliance with
26 an order from a law enforcement officer to relinquish goods to
27 a shipper is not a waiver or finding of fact regarding any
28 right to seek further payment from the shipper.

29 (b) Any other violation of this section is a
30 misdemeanor of the first degree, punishable as provided in
31 section 775.082 or section 775.083, Florida Statutes.

1 (8) This section does not preempt any local ordinance
2 or regulation pertaining to moving and storage of household
3 goods.

4 Section 2. This act shall take effect July 1, 2002.

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7 SENATE SUMMARY

8 Establishes requirements for household movers, including
9 contract requirements and a prohibition against certain
 actions, and provides penalties. (See bill for details.)

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