## Florida Senate - 2002

CS for CS for SB 2006

By the Committees on Commerce and Economic Opportunities; Regulated Industries; and Senators Campbell, Constantine and Crist

	310-2097-02
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; prohibiting county
7	ordinances regulating the transportation or
8	shipment of household goods except under
9	specified circumstances; providing an effective
10	date.
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12	Be It Enacted by the Legislature of the State of Florida:
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14	Section 1. (1) As used in this section, the term:
15	(a) "Accessorial services" means any service performed
16	by a mover or third party at the request of the shipper or
17	mover, if the charges for such services are to be paid to the
18	mover by the shipper at or prior to delivery, which is
19	incidental to the transportation service, including valuation
20	coverage; preparation of written inventory; storage; packing,
21	unpacking, or crating of articles; hoisting or lowering;
22	waiting time; long carry (carrying articles excessive
23	distances between the mover's vehicle and the residence);
24	overtime loading and unloading; reweighing; disassembly or
25	reassembly; elevator or stair carrying; boxing or servicing of
26	appliances; and furnishing of packing or crating materials.
27	(b) "Household goods" means personal effects or other
28	personal property found in a home, personal residence, storage
29	facility, or other location, including property in a
30	storehouse or warehouse facility that is owned or rented by a
31	shipper or shipper's agent, but does not include freight or
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1 personal property moving to or from a factory, store, or other 2 place of business. 3 (c) "Mover" means any person who engages in the transportation or shipment of household goods for 4 5 compensation. (d) "Shipper" means any person who uses the services б 7 of a mover to transport or ship household goods. 8 (2) A mover must relinquish household goods to a 9 shipper and must place the goods inside a shipper's dwelling, unless the shipper has not tendered payment in the amount 10 11 specified in a written contract or estimate signed and dated by the shipper. A mover may not refuse to relinquish 12 prescription medicines and goods for use by children, 13 including children's furniture, clothing, or toys under any 14 15 circumstances. A mover may not refuse to relinquish to a shipper 16 (3) 17 household goods, or fail to place the goods inside a shipper's dwelling, based on the mover's refusal to accept a particular 18 19 form of payment, including cash, cashier's check, money order, travelers check, personal check, credit card, charge card, or 20 debit card, unless the mover clearly and conspicuously 21 discloses in a written contract or estimate signed and dated 22 by the shipper the accepted methods of payment. 23 24 (4) If a written contract or estimate is provided to a 25 prospective shipper under this section, the contract, and 26 estimate if the information is known at the time of making the 27 estimate, must be in writing and include: (a) The name, telephone number, and physical address 28 29 where the mover's employees are available during normal 30 business hours. 31

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1	(b) The date the contract or estimate is prepared and
2	any proposed date of the move.
3	(c) The name and address of the shipper, the addresses
4	where the items are to be picked up and delivered, and a
5	telephone number where the shipper may be reached.
6	(d) The name, telephone number, and physical address
7	of any location where the goods will be held pending further
8	transportation, including situations where the mover retains
9	possession of goods pending resolution of a fee dispute with
10	the shipper.
11	(e) An itemized breakdown and description and total of
12	all costs and services for transportation and accessorial
13	services to be provided during a move or storage of household
14	goods.
15	(f) The accepted methods of payment.
16	(5) A mover that lawfully fails to relinquish a
17	shipper's household goods may place the goods in storage until
18	payment is tendered; however, the mover must notify the
19	shipper of the location where the goods are stored and the
20	amount due within 5 days after receipt of a written request
21	for that information from the shipper, which request must
22	include the address where the shipper may receive the notice.
23	A mover may not require a prospective shipper to waive any
24	rights or requirements under this section.
25	(6)(a) The refusal of a mover or a mover's employee,
26	agent, or contractor to comply with an order from a law
27	enforcement officer to relinquish a shipper's household goods
28	after the officer determines that the shipper has tendered
29	payment of the amount of a written estimate or contract, or
30	after the officer determines that the mover did not produce a
31	signed estimate or contract upon which demand is being made
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1 for payment, is a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 2 3 775.084, Florida Statutes. A mover's compliance with an order from a law enforcement officer to relinquish goods to a 4 5 shipper is not a waiver or finding of fact regarding any right б to seek further payment from the shipper. 7 The failure or refusal of a mover to comply with (b) 8 the requirements in subsection (2), subsection (3), or subsection (5) is a misdemeanor of the first degree, 9 10 punishable as provided in section 775.082 or section 775.083, 11 Florida Statutes. (8) A county may not enact an ordinance regulating the 12 transportation or shipment of household goods by a mover, 13 14 unless: (a) The ordinance regulates the transportation or 15 shipment of household goods by a mover, originating and 16 17 terminating within the jurisdiction of the county; or 18 The ordinance regulates the transportation or (b) 19 shipment of household goods by a mover, originating and terminating within the jurisdiction of two or more counties 20 21 that: 1. Have enacted uniform and identical ordinances; 22 2. Require not more than a single registration and 23 24 fee-payment system for partnering counties; 25 3. Require no more than one set of forms that are 26 consistent with the requirements for the written contract or 27 estimate in subsection (4); and 28 4. Require that any fees collected be directed only to 29 funding moving regulation. 30 Section 2. This act shall take effect July 1, 2002. 31

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1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2	<u>CS/SB 2006</u>
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4	The committee substitute clarifies the circumstances when a written contract or estimate must be provided to a prospective
5	shipper; specifies the requirements for a mover to notify a shipper when lawfully withholding household goods for payment;
6	clarifies which proscribed acts are subject to criminal penalties; and authorizes county ordinances regulating local
7	moving that originates and terminates within the county (intra-county), but prohibits inter-county ordinances (local
8	moving that originates and terminates in two or more counties) unless the ordinances of the partnering counties are uniform
9	and identical, establish a single registration and fee-payment system that directs the fees to fund the regulation, and
10	provide a uniform set of forms.
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