

1 A bill to be entitled
2 An act relating to regulation of movers;
3 providing definitions; providing construction,
4 intent, and application; providing for
5 registration with the Department of Agriculture
6 and Consumer Services; authorizing the
7 department to adopt rules; providing for fees;
8 providing for display of certain information;
9 providing for local registration; providing
10 requirements, procedures, criteria, and
11 limitations; authorizing the department to
12 charge certain fees; providing for denial of or
13 refusal to renew registration; requiring cargo
14 legal liability valuation and insurance
15 coverage; requiring estimates of moving costs;
16 providing requirements and criteria; providing
17 for delivery and storage of household goods;
18 specifying violations; providing that certain
19 violations constitute deceptive and unfair
20 trade practices; providing penalties; providing
21 for relief; providing for deposit of funds;
22 providing for local regulation; providing for
23 enforcement by the department under cooperative
24 agreements with local governments; providing an
25 appropriation; providing an effective date.

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

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29 Section 1. Definitions.--For the purposes of this act,
30 the term:
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1 (1) "Accessorial services" means any service performed
2 by a mover which results in a charge to the shipper and is
3 incidental to the transportation service, including, but not
4 limited to, valuation coverage; preparation of written
5 inventory; equipment, including dollies, hand-trucks, pads,
6 blankets, and straps; storage, packing, unpacking, or crating
7 of articles; hoisting or lowering; waiting time; long carry,
8 which is defined as carrying articles excessive distances
9 between the mover's vehicle and the residence; overtime
10 loading and unloading; reweighing; disassembly or reassembly;
11 elevator or stair carrying; boxing or servicing of appliances;
12 and furnishing of packing or crating materials. Accessorial
13 services also include services not performed by the mover but
14 by a third party at the request of the shipper or mover, if
15 the charges for such services are to be paid to the mover by
16 the shipper at or prior to the time of delivery.

17 (2) "Advertise" means to advise, announce, give notice
18 of, publish, or call attention by use of oral, written, or
19 graphic statement made in a newspaper or other publication or
20 on radio or television, any electronic medium, or contained in
21 any notice, handbill, sign, including signage on vehicle,
22 flyer, catalog or letter, or printed on or contained in any
23 tag or label attached to or accompanying any good.

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

27 (4) "Contract for service" or "bill of lading" means a
28 written document approved by the shipper in writing prior to
29 the performance of any service which authorizes services from
30 the named mover and lists the services and all costs
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1 associated with the transportation of household goods and
2 accessorial services to be performed.

3 (5) "Department" means the Department of Agriculture
4 and Consumer Services.

5 (6) "Estimate" means a written document which sets
6 forth the total cost and the basis of such costs related to a
7 shipper's move, which shall include, but not be limited to,
8 transportation or accessorial services.

9 (7) "Household goods" means personal effects or other
10 personal property found in a home, personal residence, storage
11 facility, or other location, including property in a
12 storehouse or warehouse facility that is owned or rented by a
13 shipper or shipper's agent, but does not include freight or
14 personal property moving to or from a factory, store, or other
15 place of business.

16 (8) "Mover" means any person who engages in the
17 transportation or shipment of household goods for
18 compensation.

19 (9) "Shipper" means any person who uses the services
20 of a mover to transport or ship household goods.

21 (10) "Storage" means warehousing of the shipper's
22 goods while under the care, custody, and control of the mover.

23 Section 2. Construction; intent; application.--

24 (1) The provisions of this act shall be construed
25 liberally to:

26 (a) Establish the law of this state governing the
27 transportation, shipment, and affiliated storage of household
28 goods.

29 (b) Address moving practices in this state in a manner
30 not inconsistent with federal law relating to consumer
31 protection.

1 (2) The provisions of this act shall apply to the
2 operations of any mover engaged in the intrastate
3 transportation of household goods, except this act shall not
4 be construed to include shipments contracted by the United
5 States, the state, or any local government or political
6 subdivision of the state. The provisions of this act shall
7 only apply to the transportation of household goods
8 originating in this state and terminating in this state.

9 (3) It is the intent of this act to secure the
10 satisfaction and confidence of shippers and members of the
11 public when using a mover.

12 (4) Nothing in this act shall be construed to remove
13 the authority or jurisdiction of any federal agency with
14 respect to goods or services regulated or controlled under
15 other provisions of law.

16 Section 3. Registration.--

17 (1) Each mover shall annually register with the
18 department, providing its legal business and trade name,
19 mailing address, and business locations; the full names,
20 addresses, telephone numbers, and social security numbers of
21 its owners or corporate officers and directors and the Florida
22 agent of the corporation; a statement whether it is a domestic
23 or foreign corporation, its state and date of incorporation,
24 its charter number, and, if a foreign corporation, the date it
25 registered with the State of Florida, and occupational license
26 where applicable; the date on which a mover registered its
27 fictitious name if the mover is operating under a fictitious
28 or trade name; the name of all other corporations, business
29 entities, and trade names through which each owner of the
30 mover operated, was known, or did business as a mover within
31 the preceding 5 years; and proof of purchase of adequate bond

1 or establishment of a letter of credit or certificate of
2 deposit as required in this act.

3 (2) A certificate evidencing proof of registration
4 shall be issued by the department and must be prominently
5 displayed in the mover's primary place of business.

6 (3) Registration fees shall be \$300 per year per
7 mover. All amounts collected shall be deposited by the
8 Treasurer to the credit of the General Inspection Trust Fund
9 of the department for the sole purpose of administration of
10 this act.

11 (4) Any mover whose principal place of business is
12 located in a county or municipality that requires, by local
13 ordinance, a local license or registration to engage in the
14 business of moving and storage of household goods shall obtain
15 the license or registration from such county or municipality.
16 A mover that obtains such local license or registration shall
17 also be required to pay the state registration fee under
18 subsection (3) and the department shall issue the mover a
19 state certificate of registration upon submission of proof of
20 the local license or registration by the mover.

21 (5) Each contract of a mover must include the phrase
22 "...(NAME OF FIRM)... is registered with the State of Florida
23 as a Mover. Registration No."

24 (6) Each advertisement of a mover must include the
25 phrase "Fla. Mover Reg. No."

26 (7) No registration shall be valid for any mover
27 transacting business at any place other than that designated
28 in its application, unless the department is first notified in
29 writing in advance of any change of location. A registration
30 issued under this act shall not be assignable, and the mover
31 shall not be permitted to conduct business under more than one

1 name except as registered. A mover desiring to change its
2 registered name or location or designated agent for service of
3 process at a time other than upon renewal of registration
4 shall notify the department of such change.

5 (8) The department may deny or refuse to renew the
6 registration of any mover based upon a determination that the
7 mover, or any of its directors, officers, owners, or general
8 partners:

9 (a) Has failed to meet the requirements for
10 registration as provided in this act;

11 (b) Has been convicted of a crime involving fraud,
12 dishonest dealing, or any other act of moral turpitude;

13 (c) Has not satisfied a civil fine or penalty arising
14 out of any administrative or enforcement action brought by any
15 governmental agency or private person based upon conduct
16 involving fraud, dishonest dealing, or any violation of this
17 act;

18 (d) Has pending against him or her any criminal,
19 administrative, or enforcement proceedings in any
20 jurisdiction, based upon conduct involving fraud, dishonest
21 dealing, or any other act of moral turpitude;

22 (e) Has had a judgment entered against him or her in
23 any action brought by the department or the Department of
24 Legal Affairs pursuant to this act or ss. 501.201-501.213,
25 Florida Statutes, the Florida Deceptive and Unfair Trade
26 Practices Act; or

27 (f) Each mover shall provide evidence of current and
28 valid insurance coverage as described in section 4.

29 Section 4. Cargo legal liability valuation and
30 insurance coverage.--

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1 (1) A mover operating in this state shall maintain
2 current and valid cargo legal liability valuation and
3 insurance coverage which includes:

4 (a) Coverage for cargo legal liability for loss or
5 damage to household goods arising or resulting from the
6 negligence of the mover, its employees, or agents, in an
7 amount not less than \$10,000 per shipment.

8 (b) Motor vehicle coverage, including combined bodily
9 injury and property damage liability coverage in the following
10 minimum amounts:

11 1. \$50,000 per occurrence for a commercial motor
12 vehicle with a gross weight of less than 35,000 pounds.

13 2. \$100,000 per occurrence for a commercial motor
14 vehicle with a gross weight of more than 35,000 pounds, but
15 less than 44,000 pounds.

16 3. \$300,000 per occurrence for a commercial motor
17 vehicle with a gross weight of 44,000 pounds or more.

18 (c) A limitation on the release of a mover's liability
19 for the value of a shipper's goods at a rate not less than 60
20 cents per pound per article. This limitation of liability
21 shall be disclosed to the shipper in writing at the time the
22 estimate or contract for services is executed prior to the
23 provision of any moving or accessorial services. The
24 disclosure shall also inform the shipper of the opportunity to
25 reject or select additional valuation, including the cost and
26 coverage of such additional valuation.

27 (2) All insurance coverages required under subsection
28 (1) shall be issued by an insurance company or carrier duly
29 authorized to transact business in the State of Florida. The
30 department may require a mover to present evidence of the
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1 required coverages prior to issuance of a registration
2 certificate, or renewal thereof, under section 3 of this act.

3 Section 5. Estimates and contracts for service.--Prior
4 to providing any moving or accessorial services, a contract
5 and estimate must be provided to a prospective shipper in
6 writing, must be signed and dated by the shipper and the
7 mover, and must include:

8 (1) The name, telephone number, and physical address
9 where the mover's employees are available during normal
10 business hours.

11 (2) The date the contract or estimate is prepared and
12 any proposed date of the move.

13 (3) The name and address of the shipper, the addresses
14 where the items are to be picked up and delivered, and a
15 telephone number where the shipper may be reached.

16 (4) The name, telephone number, and physical address
17 of any location where the goods will be held pending further
18 transportation, including situations where the mover retains
19 possession of goods pending resolution of a fee dispute with
20 the shipper.

21 (5) An itemized breakdown and description and total of
22 all costs and services for transportation and accessorial
23 services to be provided during a move or storage of household
24 goods.

25 (6) Acceptable forms of payment. A mover shall accept
26 a minimum of two of the three following forms of payment:

27 (a) Cash, cashier's check, money order, or traveler's
28 check;

29 (b) Valid personal check, showing upon its face the
30 name and address of the shipper or authorized representative;

31 or

1 (c) Valid credit card, which shall include, but not be
2 limited to, Visa or MasterCard.

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4 A mover shall clearly and conspicuously disclose to the
5 shipper in the estimate and contract for services the forms of
6 payments the mover it will accept from those categories
7 described in paragraphs (a)-(c).

8 Section 6. Delivery and storage of household goods.--

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

17 (2) A mover may not refuse to relinquish household
18 goods to a shipper or fail to place the goods inside a
19 shipper's dwelling based on the mover's refusal to accept an
20 acceptable form of payment.

21 (3) A mover that lawfully fails to relinquish a
22 shipper's household goods may place the goods in storage until
23 payment is tendered. However, the mover must inform the
24 shipper promptly in writing where the goods are located and
25 the amount due. A mover may not require a prospective shipper
26 to waive any rights or requirements under this section.

27 Section 7. Violations.--It is a violation of this act
28 to:

29 (1) Conduct business as a mover or advertise to engage
30 in the business of moving or offering to move without first
31 being registered annually with the department.

1 (2) Knowingly make any false statement,
2 representation, or certification in any application, document,
3 or record required to be submitted or retained under this act.

4 (3) Misrepresent or deceptively represent:

5 (a) The contract for services, bill of lading, or
6 inventory of household goods for the move estimated.

7 (b) The timeframe or schedule for delivery or storage
8 of household goods estimated.

9 (c) The price, size, nature, extent, qualities, or
10 characteristics of accessorial or moving services offered.

11 (d) The nature or extent of other goods, services, or
12 amenities offered.

13 (e) A shipper's rights, privileges, or benefits.

14 (4) Fail to honor and comply with all provisions of
15 the contract for services or bill of lading regarding the
16 purchaser's rights, benefits, and privileges thereunder.

17 (5) Withhold delivery of household goods or in any way
18 hold goods in storage against the expressed wishes of the
19 shipper if payment has been made as delineated in the estimate
20 or contract for services.

21 (6)(a) Include in any contract any provision
22 purporting to waive or limit any right or benefit provided to
23 shippers under this act.

24 (b) Seek or solicit such waiver or acceptance of
25 limitation from a shipper concerning rights or benefits
26 provided under this act.

27 (c) Use a local mailing address, registration
28 facility, drop box, or answering service in the promotion,
29 advertising, solicitation, or sale of contracts, unless the
30 mover's fixed business address is clearly disclosed during any
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1 telephone solicitation and is prominently and conspicuously
2 disclosed on all solicitation materials and on the contract.

3 (d) Do any other act which constitutes fraud,
4 misrepresentation, or failure to disclose a material fact.

5 (e) Refuse or fail, or for any of the mover's
6 principal officers to refuse or fail, after notice, to produce
7 any document or record or disclose any information required to
8 be produced or disclosed.

9 (f) Knowingly make a material false statement in
10 response to any request or investigation by the department,
11 the Department of Legal Affairs, or the state attorney.

12 Section 8. Deceptive and unfair trade practice.--Acts,
13 conduct, practices, omissions, failings, misrepresentations,
14 or nondisclosures which constitute a violation of this act
15 also constitute a deceptive and unfair trade practice for the
16 purpose of ss. 501.201-501.213, Florida Statutes, the Florida
17 Deceptive and Unfair Trade Practices Act, and administrative
18 rules adopted thereunder.

19 Section 9. Administrative remedies; penalties.--

20 (1) The department may enter an order doing one or
21 more of the following if the department finds that a mover or
22 person employed or contracted by a mover has violated or is
23 operating in violation of any of the provisions of this act or
24 the rules or orders issued thereunder:

25 (a) Issuing a notice of noncompliance pursuant to s.
26 120.695, Florida Statutes.

27 (b) Imposing an administrative fine not to exceed
28 \$5,000 for each act or omission.

29 (c) Directing that the person cease and desist
30 specified activities.

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1 (d) Refusing to register or revoking or suspending a
2 registration.

3 (e) Placing the registrant on probation for a period
4 of time, subject to such conditions as the department may
5 specify.

6 (2) The administrative proceedings which could result
7 in the entry of an order imposing any of the penalties
8 specified in subsection (1) are governed by chapter 120,
9 Florida Statutes.

10 (3) The department has the authority to adopt rules
11 pursuant to chapter 120, Florida Statutes, to implement this
12 act.

13 Section 10. Civil penalties; remedies.--

14 (1) The department may institute a civil action in a
15 court of competent jurisdiction to recover any penalties or
16 damages allowed in this act and for injunctive relief to
17 enforce compliance with this act.

18 (2) The department may seek a civil penalty of up to
19 \$5,000 for each violation of this act.

20 (3) The department may seek restitution for and on
21 behalf of any shipper aggrieved or injured by a violation of
22 this act.

23 (4) Any provision in a contract for services or bill
24 of lading from a mover that purports to waive, limit,
25 restrict, or avoid any of the duties, obligations, or
26 prescriptions of the mover, as provided in this act, is void
27 and unenforceable and against public policy.

28 (5) The remedies provided in this act are in addition
29 to any other remedies available for the same conduct,
30 including those provided in local ordinances.

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1 (6) Upon motion of the department in any action
2 brought under this act, the court may make appropriate orders,
3 including appointment of a master or receiver or sequestration
4 of assets, to reimburse shippers found to have been damaged,
5 to carry out a consumer transaction in accordance with the
6 shipper's reasonable expectations, or to grant other
7 appropriate relief.

8 Section 11. Criminal penalties.--

9 (1) The refusal of a mover or a mover's employee,
10 agent, or contractor to comply with an order from a law
11 enforcement officer to relinquish a shipper's household goods
12 after the officer determines that the shipper has tendered
13 payment of the amount of a written estimate or contract, or
14 after the officer determines that the mover did not produce a
15 signed estimate or contract upon which demand is being made
16 for payment, is a felony of the third degree, punishable as
17 provided in s. 775.082, s. 775.083, or s. 775.084, Florida
18 Statutes. A mover's compliance with an order from a law
19 enforcement officer to relinquish goods to a shipper is not a
20 waiver or finding of fact regarding any right to seek further
21 payment from the shipper.

22 (2) Except as provided in subsection (1), any person
23 or business that violates this act commits a misdemeanor of
24 the first degree, punishable as provided in s. 775.082 or s.
25 775.083, Florida Statutes.

26 Section 12. General Inspection Trust Fund;
27 payments.--Any moneys recovered by the department as a penalty
28 under this act shall be deposited in the General Inspection
29 Trust Fund.

30 Section 13. Local regulation.--The provisions of this
31 act are not intended to preempt local ordinances or

1 regulations of a county or municipality that regulate
2 transactions relating to movers of household goods. As
3 provided in section 3(4), counties and municipalities may
4 require, levy, or collect any registration fee or tax or
5 require the registration or bonding in any manner of any
6 mover. The department may enter into a cooperative agreement
7 with any county or municipality that provides for the
8 referral, investigation, and prosecution of consumer
9 complaints alleging violations of this act.

10 Section 14. There is hereby appropriated six full time
11 equivalent positions and \$200,000 from General Revenue and
12 \$200,000 from the General Inspection Trust Fund in the
13 Department of Agriculture to implement the provisions of this
14 act.

15 Section 15. This act shall take effect July 1, 2002.
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