

By Senator Lynn

7-1831A-04

See HB

1 A bill to be entitled
2 An act relating to moving services; amending s.
3 507.03, F.S.; revising mover registration
4 requirements; providing for proof of bond,
5 certificate of deposit, or letter of credit in
6 lieu of proof of insurance coverage; amending
7 s. 507.04, F.S.; revising requirement to
8 maintain cargo legal liability coverage;
9 providing for bond, certificate of deposit, or
10 letter of credit in lieu of insurance coverage
11 for a mover operating a certain number of
12 vehicles; limiting use of such bond,
13 certificate of deposit, or letter of credit to
14 claims adjudicated by the Department of
15 Agriculture and Consumer Services; providing
16 that aggregate payout by the department for all
17 claims shall not exceed amount of the bond,
18 certificate of deposit, or letter of credit;
19 providing an effective date.

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

23 Section 1. Subsections (1) and (9) of section 507.03,
24 Florida Statutes, are amended to read:

25 507.03 Registration.--

26 (1) Each mover shall annually register with the
27 department, providing its legal business and trade name,
28 mailing address, and business locations; the full names,
29 addresses, and telephone numbers of its owners or corporate
30 officers and directors and the Florida agent of the
31 corporation; a statement whether it is a domestic or foreign

1 corporation, its state and date of incorporation, its charter
2 number, and, if a foreign corporation, the date it registered
3 with the State of Florida, and occupational license where
4 applicable; the date on which a mover registered its
5 fictitious name if the mover is operating under a fictitious
6 or trade name; the name of all other corporations, business
7 entities, and trade names through which each owner of the
8 mover operated, was known, or did business as a mover within
9 the preceding 5 years; and proof of bonding or insurance
10 coverage as required by this act.

11 (9) Each mover shall provide evidence of current and
12 valid insurance coverage or a bond, certificate of deposit, or
13 letter of credit as described in s. 507.04.

14 Section 2. Paragraph (a) of subsection (1) of section
15 507.04, Florida Statutes, is amended to read:

16 507.04 Cargo legal liability valuation and insurance
17 coverage.--

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

21 (a)1. For a mover operating three or more vehicles,
22 coverage for cargo legal liability for loss or damage to
23 household goods arising or resulting from the negligence of
24 the mover, its employees, or its agents, in an amount not less
25 than \$10,000 per shipment.

26 2. A mover who operates fewer than three vehicles
27 shall have the option of maintaining the cargo legal liability
28 described in this paragraph or maintaining a performance bond
29 in the amount of \$25,000. The surety on such bond shall be a
30 surety company authorized to do business in the state. In lieu
31 of the bond required in this subparagraph, the mover may

1 establish a certificate of deposit or an irrevocable letter of
2 credit in a Florida banking institution in the amount of the
3 bond. The original bond, certificate of deposit, or letter of
4 credit shall be filed with the department, and the department
5 shall be the beneficiary to said document. The bond,
6 certificate of deposit, or letter of credit shall be in favor
7 of the department for the use and benefit of any consumer who
8 is injured by the fraud, misrepresentation, breach of
9 contract, or financial failure of the mover, or by the
10 violation of any provision of this chapter by the mover. Such
11 liability may be enforced either by proceeding in an
12 administrative action or by filing a judicial suit at law in a
13 court of competent jurisdiction. However, in such court suit,
14 the bond, certificate of deposit, or letter of credit posted
15 with the department shall not be amenable or subject to any
16 judgment or other legal process issuing out of or from such
17 court in connection with such lawsuit, but such bond,
18 certificate of deposit, or letter of credit shall be amenable
19 to and enforceable only by and through administrative
20 proceedings before the department. It is the intent of the
21 Legislature that such bond, certificate of deposit, or letter
22 of credit shall be applicable and liable only for the payment
23 of claims duly adjudicated by order of the department. The
24 bond, certificate of deposit, or letter of credit shall be
25 open to successive claims, but the aggregate amount may not
26 exceed the amount of the bond, certificate of deposit, or
27 letter of credit.

28 Section 3. This act shall take effect upon becoming a
29 law.

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