

By the Committee on Commerce, Economic Opportunities, and Consumer Services; and Senator Lynn

310-2396-04

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 or
5 certificate of deposit in lieu of proof of
6 insurance coverage; amending s. 507.04, F.S.;
7 revising requirement to maintain cargo legal
8 liability coverage; providing for bond or
9 certificate of deposit in lieu of insurance
10 coverage for a mover operating a certain number
11 of vehicles; limiting use of such bond or
12 certificate of deposit to claims adjudicated by
13 the Department of Agriculture and Consumer
14 Services; providing that aggregate payout by
15 the department for all claims shall not exceed
16 amount of the bond or certificate of deposit;
17 providing an effective date.

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

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

23 507.03 Registration.--

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

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

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

12 Section 2. Paragraph (a) of subsection (1) of section
13 507.04, Florida Statutes, is amended to read:

14 507.04 Cargo legal liability valuation and insurance
15 coverage.--

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

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

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

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

23 Section 3. This act shall take effect upon becoming a
24 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2150

The committee substitute removes the option provided under the bill for a mover who operates less than three trucks to obtain a letter of credit in lieu of carrying cargo liability insurance, although it retains the option for a mover who operates less than three trucks to obtain a bond or certificate of deposit in lieu of carrying cargo liability insurance.