

By the Committees on Banking and Insurance; Commerce, Economic Opportunities, and Consumer Services; and Senator Lynn

311-2553-04

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. If the proceeds of the performance  
23 bond or certificate of deposit are exhausted, the mover must  
24 obtain and maintain an additional bond or certificate of  
25 deposit in the amount of \$25,000. If a mover fails to purchase  
26 or obtain an additional bond or certificate of deposit, the  
27 department shall revoke the license of that mover.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
CS for SB 2150

This committee substitute states that if the proceeds from a bond or certificate of deposit are exhausted, the mover must obtain and maintain an additional bond or certificate of deposit. Failure to do so shall result in the department revoking the license of the mover.