

HB 0967

2004

A bill to be entitled

An act relating to moving services; amending s. 507.03, F.S.; revising mover registration requirements; providing for proof of bond, certificate of deposit, or letter of credit in lieu of proof of insurance coverage; amending s. 507.04, F.S.; revising requirement to maintain cargo legal liability coverage; providing for bond, certificate of deposit, or letter of credit in lieu of insurance coverage for a mover operating a certain number of vehicles; limiting use of such bond, certificate of deposit, or letter of credit to claims adjudicated by the Department of Agriculture and Consumer Services; providing that aggregate payout by the department for all claims shall not exceed amount of the bond, certificate of deposit, or letter of credit; providing an effective date.

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

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

507.03 Registration.--

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

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30 and occupational license where applicable; the date on which a  
 31 mover registered its fictitious name if the mover is operating  
 32 under a fictitious or trade name; the name of all other  
 33 corporations, business entities, and trade names through which  
 34 each owner of the mover operated, was known, or did business as  
 35 a mover within the preceding 5 years; and proof of bonding or  
 36 insurance coverage as required by this act.

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

40 Section 2. Paragraph (a) of subsection (1) of section  
 41 507.04, Florida Statutes, is amended to read:

42 507.04 Cargo legal liability valuation and insurance  
 43 coverage.--

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

47 (a)1. For a mover operating three or more vehicles,  
 48 coverage for cargo legal liability for loss or damage to  
 49 household goods arising or resulting from the negligence of the  
 50 mover, its employees, or its agents, in an amount not less than  
 51 \$10,000 per shipment.

52 2. A mover who operates fewer than three vehicles shall  
 53 have the option of maintaining the cargo legal liability  
 54 described in this paragraph or maintaining a performance bond in  
 55 the amount of \$25,000. The surety on such bond shall be a surety  
 56 company authorized to do business in the state. In lieu of the  
 57 bond required in this subparagraph, the mover may establish a  
 58 certificate of deposit or an irrevocable letter of credit in a

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59 Florida banking institution in the amount of the bond. The  
60 original bond, certificate of deposit, or letter of credit shall  
61 be filed with the department, and the department shall be the  
62 beneficiary to said document. The bond, certificate of deposit,  
63 or letter of credit shall be in favor of the department for the  
64 use and benefit of any consumer who is injured by the fraud,  
65 misrepresentation, breach of contract, or financial failure of  
66 the mover, or by the violation of any provision of this section  
67 by the mover. Such liability may be enforced either by  
68 proceeding in an administrative action or by filing a judicial  
69 suit at law in a court of competent jurisdiction. However, in  
70 such court suit, the bond, certificate of deposit, or letter of  
71 credit posted with the department shall not be amenable or  
72 subject to any judgment or other legal process issuing out of or  
73 from such court in connection with such lawsuit, but such bond,  
74 certificate of deposit, or letter of credit shall be amenable to  
75 and enforceable only by and through administrative proceedings  
76 before the department. It is the intent of the Legislature that  
77 such bond, certificate of deposit, or letter of credit shall be  
78 applicable and liable only for the payment of claims duly  
79 adjudicated by order of the department. The bond, certificate of  
80 deposit, or letter of credit shall be open to successive claims,  
81 but the aggregate amount may not exceed the amount of the bond,  
82 certificate of deposit, or letter of credit.

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