

CHAMBER ACTION

1 The Committee on Appropriations recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

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

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

26 507.03 Registration.--

27 (1) Each mover shall annually register with the
28 department, providing its legal business and trade name, mailing
29 address, and business locations; the full names, addresses, and
30 telephone numbers of its owners or corporate officers and
31 directors and the Florida agent of the corporation; a statement
32 whether it is a domestic or foreign corporation, its state and
33 date of incorporation, its charter number, and, if a foreign
34 corporation, the date it registered with the State of Florida,
35 and occupational license where applicable; the date on which a
36 mover registered its fictitious name if the mover is operating
37 under a fictitious or trade name; the name of all other
38 corporations, business entities, and trade names through which
39 each owner of the mover operated, was known, or did business as
40 a mover within the preceding 5 years; and proof of bonding or
41 insurance coverage as required by this act.

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

45 Section 2. Paragraph (a) of subsection (1) of section
46 507.04, Florida Statutes, is amended to read:

47 507.04 Cargo legal liability valuation and insurance
48 coverage.--

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

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52 (a)1. For a mover operating three or more vehicles,
53 coverage for cargo legal liability for loss or damage to
54 household goods arising or resulting from the negligence of the
55 mover, its employees, or its agents, in an amount not less than
56 \$10,000 per shipment.

57 2. A mover who operates fewer than three vehicles shall
58 have the option of maintaining the cargo legal liability
59 described in this paragraph or maintaining a performance bond in
60 the amount of \$25,000. The surety on such bond shall be a surety
61 company authorized to do business in the state. In lieu of the
62 bond required in this subparagraph, the mover may establish a
63 certificate of deposit in a Florida banking institution in the
64 amount of the bond. The original bond or certificate of deposit
65 shall be filed with the department and the department shall be
66 the beneficiary to said document. The bond or certificate of
67 deposit shall be in favor of the department for the use and
68 benefit of any consumer who is injured by the fraud,
69 misrepresentation, breach of contract, or financial failure of
70 the mover or by the violation of any provision of this section
71 by the mover. Such liability may be enforced either by
72 proceeding in an administrative action or by filing a judicial
73 suit at law in a court of competent jurisdiction. However, in
74 such court suit, the bond or certificate of deposit posted with
75 the department shall not be amenable or subject to any judgment
76 or other legal process issuing out of or from such court in
77 connection with such lawsuit, but such bond or certificate of
78 deposit shall be amenable to and enforceable only by and through
79 administrative proceedings before the department. It is the

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80 intent of the Legislature that such bond or certificate of
81 deposit shall be applicable and liable only for the payment of
82 claims duly adjudicated by order of the department. The bond or
83 certificate of deposit shall be open to successive claims, but
84 the aggregate amount may not exceed the amount of the bond or
85 certificate of deposit. If proceeds from a bond or certificate
86 of deposit are exhausted, the mover must obtain and maintain an
87 additional bond or certificate of deposit in the amount of
88 \$25,000. Failure to do so shall result in the department
89 revoking the license of the mover.

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