

By Senator Lynn

7-336-05

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 a requirement to maintain cargo legal

8 liability coverage; providing for a bond or

9 certificate of deposit in lieu of insurance

10 coverage for a mover operating a certain number

11 of vehicles; limiting the 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 may not exceed

16 the amount of the bond or certificate of

17 deposit; 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 a violation of this
7 chapter by the mover. Such liability may be enforced by
8 proceeding in an administrative action or by filing suit in a
9 court of competent jurisdiction. However, in a court
10 proceeding, the bond or certificate of deposit posted with the
11 department is not amenable or subject to any judgment or other
12 legal process issuing out of or from such court in connection
13 with that lawsuit, but such bond or certificate of deposit
14 shall be amenable to and enforceable only through
15 administrative proceedings before the department. It is the
16 intent of the Legislature that such bond or certificate of
17 deposit shall be applicable and liable only for the payment of
18 claims duly adjudicated by order of the department. The bond
19 or certificate of deposit shall be open to successive claims,
20 but the aggregate amount may not exceed the amount of the bond
21 or certificate of deposit. If the proceeds of the performance
22 bond or certificate of deposit are exhausted, the mover must
23 obtain and maintain an additional bond or certificate of
24 deposit in the amount of \$25,000. If a mover does not purchase
25 or obtain an additional bond or certificate of deposit, the
26 department shall revoke the license of that mover.

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

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SENATE SUMMARY

Revises registration requirements for moving services. Authorizes certain small movers to maintain cargo liability insurance coverage or maintain a specified performance bond. Establishes bond requirements and guidelines. Provides methods of obtaining satisfaction under such bond. Provides penalties. (See bill for details.)