

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.
.
.



1 Representative Waters offered the following:

2

3 **Amendment (with title amendment)**

4 Remove lines 130-610 and insert:

5 other personal property commonly found in a home, personal
6 residence, ~~storage facility,~~ or other dwelling location,
7 including, but not limited to, household furniture. The term
8 ~~property in a storehouse or warehouse facility that is owned or~~
9 ~~rented by a shipper or shipper's agent, but~~ does not include
10 freight or personal property moving to or from a factory, store,
11 or other place of business.

12 (8) "Household move" or "move" means the loading of
13 household goods into a vehicle, moving container, or other mode
14 of transportation or shipment; the transportation or shipment of
15 those household goods; and the unloading of those household

090009

Amendment No. (for drafter's use only)

16 goods, when the transportation or shipment originates and
17 terminates at one of the following ultimate locations,
18 regardless of whether the mover temporarily stores the goods
19 while en route between the originating and terminating
20 locations:

21 (a) From one dwelling to another dwelling;

22 (b) From a dwelling to a storehouse or warehouse that is
23 owned or rented by the shipper or the shipper's agent; or

24 (c) From a storehouse or warehouse that is owned or rented
25 by the shipper or the shipper's agent to a dwelling.

26 (9)(8) "Mover" means a ~~any~~ person who, for compensation,
27 contracts for or engages in the loading, transportation or
28 shipment, or unloading of household goods as part of a household
29 move ~~for compensation~~. The term does not include a postal,
30 courier, envelope, or package service that does not advertise
31 itself as a mover or moving service.

32 (10) "Moving broker" or "broker" means a person who, for
33 compensation, arranges for another person to load, transport or
34 ship, or unload household goods as part of a household move or
35 who, for compensation, refers a shipper to a mover by telephone,
36 postal or electronic mail, Internet website, or other means.

37 (11) "Moving container" means a receptacle holding at
38 least 225 cubic feet of volume which is used to transport or
39 ship household goods as part of a household move.

40 (12)(9) "Shipper" means a ~~any~~ person who uses the services
41 of a mover to transport or ship household goods as part of a
42 household move.

090009

4/4/2005 12:08:01 PM

Amendment No. (for drafter's use only)

43 ~~(13)~~(10) "Storage" means the warehousing of a ~~the~~
44 shipper's goods while under the care, custody, and control of
45 the mover.

46 Section 3. Section 507.02, Florida Statutes, is amended to
47 read:

48 507.02 Construction; intent; application.--

49 (1) ~~The provisions of This chapter act~~ shall be construed
50 liberally to:

51 (a) Establish the law of this state governing the loading,
52 transportation ~~or,~~ shipment, unloading, and affiliated storage
53 of household goods as part of household moves.

54 (b) Address household moving practices in this state in a
55 manner that is not inconsistent with federal law governing
56 ~~relating to~~ consumer protection.

57 (2) ~~The provisions of This chapter applies act shall apply~~
58 to the operations of any mover or moving broker engaged in the
59 intrastate transportation or shipment of household goods
60 originating in this state and terminating in this state., except
61 This chapter does act shall not apply be construed to include
62 shipments contracted by the United States, the state, or any
63 local government or political subdivision of the state. ~~The~~
64 ~~provisions of this act shall only apply to the transportation of~~
65 ~~household goods originating in this state and terminating in~~
66 ~~this state.~~

67 (3) ~~It is the intent of This chapter is intended act~~ to
68 secure the satisfaction and confidence of shippers and members
69 of the public when using a mover.

090009

4/4/2005 12:08:01 PM

Amendment No. (for drafter's use only)

70 (4) ~~Nothing in This chapter does not supersede act shall~~
71 ~~be construed to remove~~ the authority or jurisdiction of any
72 federal agency for ~~with respect to~~ goods or services regulated
73 or controlled under other provisions of law.

74 Section 4. Section 507.03, Florida Statutes, is amended to
75 read:

76 507.03 Registration.--

77 (1) Each mover and moving broker must ~~shall~~ annually
78 register with the department, providing its legal business and
79 trade name, mailing address, and business locations; the full
80 names, addresses, and telephone numbers of its owners or
81 corporate officers and directors and the Florida agent of the
82 corporation; a statement whether it is a domestic or foreign
83 corporation, its state and date of incorporation, its charter
84 number, and, if a foreign corporation, the date it registered
85 with the Department of State of Florida, ~~and occupational~~
86 ~~license where applicable;~~ the date on which the a mover or
87 broker registered its fictitious name if the mover or broker is
88 operating under a fictitious or trade name; the name of all
89 other corporations, business entities, and trade names through
90 which each owner of the mover or broker operated, was known, or
91 did business as a mover or moving broker within the preceding 5
92 years; and proof of the insurance or alternative coverages
93 ~~coverage as required under s. 507.04 by this act.~~

94 (2) A certificate evidencing proof of registration shall
95 be issued by the department and must be prominently displayed in
96 the mover's or broker's primary place of business.

090009

4/4/2005 12:08:01 PM

Amendment No. (for drafter's use only)

97 (3) Registration fees shall be \$300 per year per mover or
98 moving broker. All amounts collected shall be deposited by the
99 Chief Financial Officer to the credit of the General Inspection
100 Trust Fund of the department for the sole purpose of
101 administration of this chapter act.

102 (4) Any mover or moving broker whose principal place of
103 business is located in a county or municipality that requires,
104 by local ordinance, a local license or registration to engage in
105 the business of moving and storage of household goods must shall
106 obtain the license or registration from the such county or
107 municipality. A mover or broker that obtains a such local
108 license or registration must shall also ~~be required to~~ pay the
109 state registration fee under subsection (3), ~~and the department~~
110 ~~shall issue the mover a state certificate of registration upon~~
111 ~~submission of proof of the local license or registration by the~~
112 ~~mover~~.

113 (5) Each contract of a mover or moving broker must include
114 the phrase "(NAME OF FIRM) is registered with the State of
115 Florida as a Mover or Moving Broker. Registration No."

116 (6) Each advertisement of a mover or moving broker must
117 include the phrase "Fla. Mover Reg. No." or "Fla. IM No.
118" Each of the mover's vehicles must clearly and
119 conspicuously display a sign on the driver's side door which
120 includes at least one of these phrases in lettering of at least
121 1.5 inches in height.

122 (7) A ~~No~~ registration is not shall be valid for any mover
123 or broker transacting business at any place other than that

090009

4/4/2005 12:08:01 PM

Amendment No. (for drafter's use only)

124 designated in the mover's or broker's ~~its~~ application, unless
125 the department is first notified in writing before ~~in advance of~~
126 any change of location. A registration issued under this chapter
127 ~~is act shall~~ not be assignable, and the mover or broker may
128 ~~shall not be permitted to~~ conduct business under more than one
129 name except as registered. A mover or broker desiring to change
130 its registered name or location or designated agent for service
131 of process at a time other than upon renewal of registration
132 ~~must shall~~ notify the department of the ~~such~~ change.

133 (8) The department may deny, ~~or~~ refuse to renew, or revoke
134 the registration of any mover or moving broker based upon a
135 determination that the mover or moving broker, or any of the
136 mover's or moving broker's ~~its~~ directors, officers, owners, or
137 general partners:

138 (a) Has failed to meet the requirements for registration
139 as provided in this chapter ~~act~~;

140 (b) Has been convicted of a crime involving fraud,
141 dishonest dealing, or any other act of moral turpitude;

142 (c) Has not satisfied a civil fine or penalty arising out
143 of any administrative or enforcement action brought by any
144 governmental agency or private person based upon conduct
145 involving fraud, dishonest dealing, or any violation of this
146 chapter ~~act~~;

147 (d) Has pending against him or her any criminal,
148 administrative, or enforcement proceedings in any jurisdiction,
149 based upon conduct involving fraud, dishonest dealing, or any
150 other act of moral turpitude; or

090009

4/4/2005 12:08:01 PM

Amendment No. (for drafter's use only)

151 (e) Has had a judgment entered against him or her in any
152 action brought by the department or the Department of Legal
153 Affairs under pursuant to this chapter act or ss. 501.201-
154 501.213, the Florida Deceptive and Unfair Trade Practices Act.

155 (9) Each mover and moving broker shall provide evidence of
156 the current and valid insurance or alternative coverages
157 required under coverage as described in s. 507.04.

158 Section 5. Section 507.04, Florida Statutes, is amended to
159 read:

160 (Substantial rewording of section. See
161 s. 507.04, F.S., for present text.)

162 507.04 Required insurance coverages; liability
163 limitations; valuation coverage.--

164 (1) LIABILITY INSURANCE.--

165 (a)1. Except as provided in paragraph (b), each mover
166 operating in this state must maintain current and valid
167 liability insurance coverage of at least \$10,000 per shipment
168 for the loss or damage of household goods resulting from the
169 negligence of the mover or its employees or agents.

170 2. The mover must provide the department with evidence of
171 liability insurance coverage before the mover is registered with
172 the department under s. 507.03. All insurance coverage
173 maintained by a mover must remain in effect throughout the
174 mover's registration period. A mover's failure to maintain
175 insurance coverage in accordance with this paragraph constitutes
176 an immediate threat to the public health, safety, and welfare.
177 If a mover fails to maintain insurance coverage, the department

090009

4/4/2005 12:08:01 PM

Amendment No. (for drafter's use only)

178 may immediately suspend the mover's registration or eligibility
179 for registration and the mover must immediately cease operating
180 as a mover in this state. In addition, and notwithstanding the
181 availability of any administrative relief pursuant to chapter
182 120, the department may seek from the appropriate circuit court
183 an immediate injunction prohibiting the mover from operating in
184 this state until the mover complies with this paragraph, a civil
185 penalty not to exceed \$5,000, and court costs.

186 (b) A mover that operates two or fewer vehicles, in lieu
187 of maintaining the liability insurance coverage required under
188 paragraph (a), may, and each moving broker must, maintain one of
189 the following alternative coverages:

190 1. A performance bond in the amount of \$25,000, for which
191 the surety of the bond must be a surety company authorized to
192 conduct business in this state; or

193 2. A certificate of deposit in a Florida banking
194 institution in the amount of \$25,000.

195
196 The original bond or certificate of deposit must be filed with
197 the department and must designate the department as the sole
198 beneficiary. The department must use the bond or certificate of
199 deposit exclusively for the payment of claims to consumers who
200 are injured by the fraud, misrepresentation, breach of contract,
201 misfeasance, malfeasance, or financial failure of the mover or
202 moving broker or by a violation of this chapter by the mover or
203 broker. Liability for these injuries may be determined in an
204 administrative proceeding of the department or through a civil

090009

4/4/2005 12:08:01 PM

Amendment No. (for drafter's use only)

205 action in a court of competent jurisdiction. However, claims
206 against the bond or certificate of deposit must only be paid, in
207 amounts not to exceed the determined liability for these
208 injuries, by order of the department in an administrative
209 proceeding. The bond or certificate of deposit is subject to
210 successive claims, but the aggregate amount of these claims may
211 not exceed the amount of the bond or certificate of deposit.

212 (2) MOTOR VEHICLE INSURANCE.--Each mover operating in this
213 state must maintain current and valid motor vehicle insurance
214 coverage, including combined bodily injury and property damage
215 liability coverage in the following minimum amounts:

216 (a) Fifty thousand dollars per occurrence for a commercial
217 motor vehicle with a gross weight of less than 35,000 pounds.

218 (b) One hundred thousand dollars per occurrence for a
219 commercial motor vehicle with a gross weight of more than 35,000
220 pounds, but less than 44,000 pounds.

221 (c) Three hundred thousand dollars per occurrence for a
222 commercial motor vehicle with a gross weight of 44,000 pounds or
223 more.

224 (3) INSURANCE COVERAGES.--The insurance coverages required
225 under paragraph (1)(a) and subsection (2) must be issued by an
226 insurance company or carrier licensed to transact business in
227 this state under the Florida Insurance Code as defined in s.
228 624.01. The department shall require a mover to present a
229 certificate of insurance of the required coverages before
230 issuance or renewal of a registration certificate under s.
231 507.03. The department shall be named as a certificateholder in

090009

4/4/2005 12:08:01 PM

Amendment No. (for drafter's use only)

232 the certificate and must be notified at least 30 days before any
233 changes in insurance coverage.

234 (4) LIABILITY LIMITATIONS; VALUATION RATES.--A mover may
235 not limit its liability for the loss or damage of household
236 goods to a valuation rate that is less than 60 cents per pound
237 per article. A provision of a contract for moving services is
238 void if the provision limits a mover's liability to a valuation
239 rate that is less than this minimum rate. If a mover limits its
240 liability for a shipper's goods, the mover must disclose the
241 limitation, including the valuation rate, to the shipper in
242 writing at the time that the estimate and contract for services
243 is executed and before any moving or accessorial services are
244 provided. The disclosure must also inform the shipper of the
245 opportunity to purchase valuation coverage if the mover offers
246 that coverage under subsection (5).

247 (5) VALUATION COVERAGE.--A mover may offer valuation
248 coverage to compensate a shipper for the loss or damage of the
249 shipper's household goods that are lost or damaged during a
250 household move. If a mover offers valuation coverage, the
251 coverage must indemnify the shipper for at least the minimum
252 valuation rate required under subsection (4). The mover must
253 disclose the terms of the coverage to the shipper in writing at
254 the time that the estimate and contract for services is executed
255 and before any moving or accessorial services are provided. The
256 disclosure must inform the shipper of the cost of the valuation
257 coverage, the valuation rate of the coverage, and the
258 opportunity to reject the coverage. If valuation coverage

090009

4/4/2005 12:08:01 PM

Amendment No. (for drafter's use only)

259 compensates a shipper for at least the minimum valuation rate
260 required under subsection (4), the coverage satisfies the
261 mover's liability for the minimum valuation rate.

262 Section 6. Section 507.05, Florida Statutes, is amended to
263 read:

264 507.05 Estimates and contracts for service.--~~Before~~ ~~Prior~~
265 ~~to~~ providing any moving or accessorial services, a contract and
266 estimate must be provided to a prospective shipper in writing,
267 must be signed and dated by the shipper and the mover, and must
268 include:

269 (1) The name, telephone number, and physical address where
270 the mover's employees are available during normal business
271 hours.

272 (2) The date the contract or estimate is prepared and any
273 proposed date of the move.

274 (3) The name and address of the shipper, the addresses
275 where the articles ~~items~~ are to be picked up and delivered, and
276 a telephone number where the shipper may be reached.

277 (4) The name, telephone number, and physical address of
278 any location where the goods will be held pending further
279 transportation, including situations where the mover retains
280 possession of goods pending resolution of a fee dispute with the
281 shipper.

282 (5) An itemized breakdown and description and total of all
283 costs and services for loading, transportation or shipment,
284 unloading, and accessorial services to be provided during a
285 household move or storage of household goods.

090009

4/4/2005 12:08:01 PM

Amendment No. (for drafter's use only)

286 (6) Acceptable forms of payment. A mover shall accept a
287 minimum of two of the three following forms of payment:

288 (a) Cash, cashier's check, money order, or traveler's
289 check;

290 (b) Valid personal check, showing upon its face the name
291 and address of the shipper or authorized representative; or

292 (c) Valid credit card, which shall include, but not be
293 limited to, Visa or MasterCard.

294
295 A mover must ~~shall~~ clearly and conspicuously disclose to the
296 shipper in the estimate and contract for services the forms of
297 payments the mover will accept, including the forms of payment
298 ~~from those categories~~ described in paragraphs (a)-(c).

299 Section 7. Section 507.06, Florida Statutes, is amended to
300 read:

301 507.06 Delivery and storage of household goods.--

302 (1) A mover must relinquish household goods to a shipper
303 and must place the goods inside a shipper's dwelling or, if
304 directed by the shipper, inside a storehouse or warehouse that
305 is owned or rented by the shipper or the shipper's agent, unless
306 the shipper has not tendered payment in the amount specified in
307 a written contract or estimate signed and dated by the shipper.
308 A mover may not refuse to relinquish prescription medicines and
309 goods for use by children, including children's furniture,
310 clothing, or toys, under any circumstances.

311 (2) A mover may not refuse to relinquish household goods
312 to a shipper or fail to place the goods inside a shipper's

090009

4/4/2005 12:08:01 PM

Amendment No. (for drafter's use only)

313 dwelling or, if directed by the shipper, inside a storehouse or
314 warehouse that is owned or rented by the shipper or the
315 shipper's agent, based on the mover's refusal to accept an
316 acceptable form of payment.

317 (3) A mover that lawfully fails to relinquish a shipper's
318 household goods may place the goods in storage until payment is
319 tendered; however, the mover must notify the shipper of the
320 location where the goods are stored and the amount due within 5
321 days after receipt of a written request for that information
322 from the shipper, which request must include the address where
323 the shipper may receive the notice. A mover may not require a
324 prospective shipper to waive any rights or requirements under
325 this section.

326 Section 8. Section 507.07, Florida Statutes, is amended to
327 read:

328 507.07 Violations.--It is a violation of this chapter ~~act~~
329 to:

330 (1) Conduct business as a mover or moving broker, or
331 advertise to engage in the business of moving or offering to
332 move, without first being registered annually with the
333 department.

334 (2) Knowingly make any false statement, representation, or
335 certification in any application, document, or record required
336 to be submitted or retained under this chapter ~~act~~.

337 (3) Misrepresent or deceptively represent:

338 (a) The contract for services, bill of lading, or
339 inventory of household goods for the move estimated.

090009

4/4/2005 12:08:01 PM

Amendment No. (for drafter's use only)

340 (b) The timeframe or schedule for delivery or storage of
341 household goods estimated.

342 (c) The price, size, nature, extent, qualities, or
343 characteristics of accessorial or moving services offered.

344 (d) The nature or extent of other goods, services, or
345 amenities offered.

346 (e) A shipper's rights, privileges, or benefits.

347 (4) Fail to honor and comply with all provisions of the
348 contract for services or bill of lading regarding the
349 purchaser's rights, benefits, and privileges thereunder.

350 (5) Withhold delivery of household goods or in any way
351 hold goods in storage against the expressed wishes of the
352 shipper if payment has been made as delineated in the estimate
353 or contract for services.

354 (6)(a) Include in any contract any provision purporting to
355 waive or limit any right or benefit provided to shippers under
356 this chapter act.

357 (b) Seek or solicit a ~~such~~ waiver or acceptance of
358 limitation from a shipper concerning rights or benefits provided
359 under this chapter act.

360 (c) Use a local mailing address, registration facility,
361 drop box, or answering service in the promotion, advertising,
362 solicitation, or sale of contracts, unless the mover's, and, if
363 applicable, the moving broker's, fixed business address is
364 clearly disclosed during any telephone solicitation and is
365 prominently and conspicuously disclosed on all solicitation
366 materials and on the contract.

090009

4/4/2005 12:08:01 PM

Amendment No. (for drafter's use only)

367 (d) Commit ~~Do~~ any other act of which ~~constitutes~~ fraud,
368 misrepresentation, or failure to disclose a material fact.

369 (e) Refuse or fail, or for any of the mover's or broker's
370 principal officers to refuse or fail, after notice, to produce
371 any document or record or disclose any information required to
372 be produced or disclosed.

373 (f) Knowingly make a ~~material~~ false statement in response
374 to any request or investigation by the department, the
375 Department of Legal Affairs, or the state attorney.

376 Section 9. Section 507.08, Florida Statutes, is amended to
377 read:

378 507.08 Deceptive and unfair trade practice.--Acts,
379 conduct, practices, omissions, failings, misrepresentations, or
380 nondisclosures committed in which ~~constitute a~~ violation of this
381 chapter are ~~act also constitute a~~ deceptive and unfair trade
382 practices under ~~practice for the purpose of~~ ss. 501.201-501.213,
383 the Florida Deceptive and Unfair Trade Practices Act, and
384 administrative rules adopted in accordance with the act
385 ~~thereunder~~.

386 Section 10. Section 507.09, Florida Statutes, is amended
387 to read:

388 507.09 Administrative remedies; penalties.--

389 (1) The department may enter an order doing one or more of
390 the following if the department finds that a mover or moving
391 broker, or a person employed or contracted by a mover or broker,
392 has violated or is operating in violation of ~~any of the~~

090009

4/4/2005 12:08:01 PM

Amendment No. (for drafter's use only)

393 ~~provisions of this chapter act~~ or the rules or orders issued in
394 accordance with this chapter thereunder:

395 (a) Issuing a notice of noncompliance under ~~pursuant to~~ s.
396 120.695.

397 (b) Imposing an administrative fine not to exceed \$5,000
398 for each act or omission.

399 (c) Directing that the person cease and desist specified
400 activities.

401 (d) Refusing to register or revoking or suspending a
402 registration.

403 (e) Placing the registrant on probation for a period of
404 time, subject to the such conditions specified by ~~as~~ the
405 department ~~may specify~~.

406 (2) The administrative proceedings which could result in
407 the entry of an order imposing any of the penalties specified in
408 subsection (1) are governed by chapter 120.

409 (3) The department ~~may has the authority to~~ adopt rules
410 under ss. 120.536(1) and 120.54 pursuant to chapter 120 to
411 administer implement this chapter act.

412 Section 11. Section 507.10, Florida Statutes, is amended
413 to read:

414 507.10 Civil penalties; remedies.--

415 (1) The department may institute a civil action in a court
416 of competent jurisdiction to recover any penalties or damages
417 authorized ~~allowed~~ in this chapter act and for injunctive relief
418 to enforce compliance with this chapter act.

090009

4/4/2005 12:08:01 PM

Amendment No. (for drafter's use only)

419 (2) The department may seek a civil penalty of up to
420 \$5,000 for each violation of this chapter act.

421 (3) The department may seek restitution for and on behalf
422 of any shipper aggrieved or injured by a violation of this
423 chapter act.

424 (4) Any provision in a contract for services or bill of
425 lading from a mover or moving broker that purports to waive,
426 limit, restrict, or avoid any of the duties, obligations, or
427 prescriptions of the mover or broker, as provided in this
428 chapter act, is void ~~and unenforceable and against public~~
429 ~~policy~~.

430 (5) The remedies provided in this chapter act are in
431 addition to any other remedies available for the same conduct,
432 including those provided in local ordinances.

433 (6) Upon motion of the department in any action brought
434 under this chapter act, the court may make appropriate orders,
435 including appointment of a master or receiver or sequestration
436 of assets, to reimburse shippers found to have been damaged, to
437 carry out a consumer transaction in accordance with the
438 shipper's reasonable expectations, or to grant other appropriate
439 relief.

440 Section 12. Section 507.11, Florida Statutes, is amended
441 to read:

442 507.11 Criminal penalties.--

443 (1) The refusal of a mover or a mover's employee, agent,
444 or contractor to comply with an order from a law enforcement
445 officer to relinquish a shipper's household goods after the

090009

4/4/2005 12:08:01 PM

Amendment No. (for drafter's use only)

446 officer determines that the shipper has tendered payment of the
447 amount of a written estimate or contract, or after the officer
448 determines that the mover did not produce a signed estimate or
449 contract upon which demand is being made for payment, is a
450 felony of the third degree, punishable as provided in s.
451 775.082, s. 775.083, or s. 775.084. A mover's compliance with an
452 order from a law enforcement officer to relinquish goods to a
453 shipper is not a waiver or finding of fact regarding any right
454 to seek further payment from the shipper.

455 (2) Except as provided in subsection (1), any person or
456 business that violates this chapter ~~act~~ commits a misdemeanor of
457 the first degree, punishable as provided in s. 775.082 or s.
458 775.083.

459 Section 13. Section 507.12, Florida Statutes, is amended
460 to read:

461 507.12 General Inspection Trust Fund; payments.--Any
462 moneys recovered by the department as a penalty under this
463 chapter ~~act~~ shall be deposited in the General Inspection Trust
464 Fund.

465 Section 14. Section 507.13, Florida Statutes, is amended
466 to read:

467 507.13 Local regulation.--

468 (1) ~~The provisions of This chapter does act~~ are not
469 ~~intended to~~ preempt local ordinances or regulations of a county
470 or municipality which ~~that~~ regulate transactions relating to
471 movers of household goods or moving brokers. As provided in s.
472 507.03(4), counties and municipalities may require, levy, or

090009

4/4/2005 12:08:01 PM

Amendment No. (for drafter's use only)

473 collect any registration fee or tax or require the registration
474 or bonding in any manner of any mover or moving broker.

475 (2) The department may enter into a cooperative agreement
476 with any county or municipality which ~~that~~ provides for the
477 referral, investigation, and prosecution of consumer complaints
478 alleging violations of this chapter ~~act~~.

479

480 ===== T I T L E A M E N D M E N T =====

481 Remove lines 69-72 and insert:
482 providing for the adoption of rules;