

1 A bill to be entitled
2 An act relating to household moving services; requesting
3 the Division of Statutory Revision to redesignate the
4 title of ch. 507, F.S.; amending s. 507.01, F.S.; revising
5 definitions; defining "household move," "moving broker,"
6 and "moving container"; clarifying licensing requirements
7 for household movers and moving brokers; applying the
8 licensing requirements to moving brokers and certain
9 persons who transport or ship household goods in moving
10 containers; clarifying and conforming provisions; amending
11 s. 507.02, F.S.; clarifying the construction, application,
12 and intent of the licensing requirements; amending s.
13 507.03, F.S.; requiring moving brokers to register with
14 the Department of Agriculture and Consumer Services;
15 providing requirements and fees for such registration;
16 providing for certificate of registration; requiring
17 display of the certificate; clarifying registration
18 requirements for household movers and moving brokers;
19 requiring brokers to obtain local registration or license
20 when required by the county or municipality where the
21 broker's principal place of business is located; deleting
22 provisions for issuance by the department of a certificate
23 of registration when a mover submits proof of local
24 license or registration; revising advertising
25 requirements; requiring a mover's vehicles to display
26 certain signage; providing for denial, refusal to renew,
27 or revocation of registration of mover or moving broker;
28 requiring brokers to provide evidence of certain insurance

29 coverage; revising requirement for mover to provide
30 evidence of certain insurance coverage; amending s.
31 507.04, F.S.; clarifying requirements that a mover
32 maintain certain insurance coverages; requiring a mover to
33 submit evidence of liability insurance before
34 registration; providing requirements for liability
35 insurance coverage; authorizing the Department of
36 Agriculture and Consumer Services to suspend a mover's
37 registration and seek an injunction in circuit court if
38 the mover fails to maintain insurance coverage; providing
39 penalties; authorizing certain movers and requiring moving
40 brokers to maintain a performance bond or certificate of
41 deposit in lieu of certain liability insurance coverage;
42 providing requirements for the performance bond or
43 certificate of deposit; providing for payment of claims
44 pursuant to department order in an administrative
45 proceeding; specifying that insurance coverages must be
46 issued by a licensed insurance company or carrier;
47 prohibiting certain limits of liability for a mover's loss
48 or damage of a shipper's goods; requiring certain
49 disclosures of liability limitations; authorizing a mover
50 to offer valuation coverage under specified conditions;
51 providing that valuation coverage meeting specified
52 conditions satisfies certain liability of a mover;
53 requiring certain disclosures of valuation coverage;
54 amending s. 507.06, F.S.; revising provisions for delivery
55 and storage of household goods; amending s. 507.07, F.S.;
56 requiring that moving brokers annually register with the

57 department; revising provisions relating to prohibited
 58 acts and violations; specifying that the making of certain
 59 false statements is a violation of ch. 507, F.S.,
 60 regardless of whether the statements are material;
 61 clarifying and conforming provisions; amending s. 507.11,
 62 F.S.; providing penalties; amending ss. 507.05, 507.08,
 63 507.09, 507.10, 507.12, and 507.13, F.S., relating to
 64 estimates and contracts for service, deceptive and unfair
 65 trade practice, administrative remedies and penalties,
 66 civil penalties and remedies, General Inspection Trust
 67 Fund, and local regulation; providing for application to
 68 moving brokers; clarifying and conforming provisions;
 69 providing for the adoption of rules; amending s. 120.80,
 70 F.S.; exempting certain proceedings conducted by the
 71 Department of Agriculture and Consumer Services from the
 72 hearing requirements of the Administrative Procedure Act;
 73 creating s. 205.1975, F.S.; prohibiting a county or
 74 municipality from issuing or renewing an occupational
 75 license to a mover or moving broker under certain
 76 circumstances; providing an effective date.

77

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

79

80 Section 1. The Division of Statutory Revision is requested
 81 to redesignate the title of chapter 507, Florida Statutes, as
 82 "HOUSEHOLD MOVING SERVICES."

83 Section 2. Section 507.01, Florida Statutes, is amended to
 84 read:

85 507.01 Definitions.--As used in ~~For the purposes of~~ this
 86 chapter act, the term:

87 (1) "Accessorial services" means any service performed by
 88 a mover which results in a charge to the shipper and is
 89 incidental to the transportation or shipment of household goods
 90 ~~service~~, including, but not limited to, valuation coverage;
 91 preparation of written inventory; equipment, including dollies,
 92 hand trucks, pads, blankets, and straps; storage, packing,
 93 unpacking, or crating of articles; hoisting or lowering; waiting
 94 time; ~~long carry, which is defined as~~ carrying articles
 95 excessive distances to or from ~~between~~ the mover's vehicle,
 96 which may be cited as "long carry" ~~and the residence~~; overtime
 97 loading and unloading; reweighing; disassembly or reassembly;
 98 elevator or stair carrying; boxing or servicing of appliances;
 99 and furnishing of packing or crating materials. The term
 100 includes ~~Accessorial services also include~~ services not
 101 performed by the mover but performed by a third party at the
 102 request of the shipper or mover, if the charges for these ~~such~~
 103 services are to be paid to the mover by the shipper at or before
 104 ~~prior to~~ the time of delivery.

105 (2) "Advertise" means to advise, announce, give notice of,
 106 publish, or call attention by use of oral, written, or graphic
 107 statement made in a newspaper or other publication or on radio
 108 or television, any electronic medium, or contained in any
 109 notice, handbill, sign, including signage on vehicle, flyer,
 110 catalog or letter, or printed on or contained in any tag or
 111 label attached to or accompanying any good.

112 (3) "Compensation" means money, fee, emolument, quid pro

113 quo, barter, remuneration, pay, reward, indemnification, or
 114 satisfaction.

115 (4) "Contract for service" or "bill of lading" means a
 116 written document approved by the shipper in writing before ~~prior~~
 117 ~~to~~ the performance of any service which authorizes services from
 118 the named mover and lists the services and all costs associated
 119 with the ~~transportation of household~~ move ~~goods~~ and accessorial
 120 services to be performed.

121 (5) "Department" means the Department of Agriculture and
 122 Consumer Services.

123 (6) "Estimate" means a written document that ~~which~~ sets
 124 forth the total costs, ~~cost~~ and describes the basis of those
 125 ~~such~~ costs, relating ~~related~~ to a shipper's household move,
 126 including ~~which shall include~~, but not ~~be~~ limited to, the
 127 loading, transportation or shipment, and unloading of household
 128 goods and accessorial services.

129 (7) "Household goods" or "goods" means personal effects or
 130 other personal property found in a home, personal residence,
 131 ~~storage facility~~, or other dwelling location, including, but not
 132 limited to, household furniture. ~~The term property in a~~
 133 ~~storehouse or warehouse facility that is owned or rented by a~~
 134 ~~shipper or shipper's agent~~, but does not include freight or
 135 personal property moving to or from a factory, store, or other
 136 place of business.

137 (8) "Household move" or "move" means the loading of
 138 household goods into a vehicle, moving container, or other mode
 139 of transportation or shipment; the transportation or shipment of
 140 those household goods; and the unloading of those household

141 goods, when the transportation or shipment originates and
 142 terminates at one of the following ultimate locations,
 143 regardless of whether the mover temporarily stores the goods
 144 while en route between the originating and terminating
 145 locations:

146 (a) From one dwelling to another dwelling;

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

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

151 (9)(8) "Mover" means a any person who, for compensation,
 152 contracts for or engages in the loading, transportation or
 153 shipment, or unloading of household goods as part of a household
 154 move ~~for compensation~~. The term does not include a postal,
 155 courier, envelope, package, or freight service that does not
 156 advertise itself as a mover or moving service.

157 (10) "Moving broker" or "broker" means a person who, for
 158 compensation, arranges for another person to load, transport or
 159 ship, or unload household goods as part of a household move or
 160 who, for compensation, refers a shipper to a mover by telephone,
 161 postal or electronic mail, Internet website, or other means.

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

165 (12)(9) "Shipper" means a any person who uses the services
 166 of a mover to transport or ship household goods as part of a
 167 household move.

168 (13)(10) "Storage" means the warehousing of a the

169 shipper's goods while under the care, custody, and control of
 170 the mover.

171 Section 3. Section 507.02, Florida Statutes, is amended to
 172 read:

173 507.02 Construction; intent; application.--

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

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

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

182 (2) ~~The provisions of This chapter applies act shall apply~~
 183 to the operations of any mover engaged in the intrastate
 184 transportation or shipment of household goods originating in
 185 this state and terminating in this state. ~~except This chapter~~
 186 ~~does act shall not apply be construed to include~~ shipments
 187 contracted by the United States, the state, or any local
 188 government or political subdivision of the state. ~~The provisions~~
 189 ~~of this act shall only apply to the transportation of household~~
 190 ~~goods originating in this state and terminating in this state.~~

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

194 (4) ~~Nothing in This chapter does not supersede act shall~~
 195 ~~be construed to remove~~ the authority or jurisdiction of any
 196 federal agency for ~~with respect to~~ goods or services regulated

197 or controlled under other provisions of law.

198 Section 4. Section 507.03, Florida Statutes, is amended to
 199 read:

200 507.03 Registration.--

201 (1) Each mover and moving broker must ~~shall~~ annually
 202 register with the department, providing its legal business and
 203 trade name, mailing address, and business locations; the full
 204 names, addresses, and telephone numbers of its owners or
 205 corporate officers and directors and the Florida agent of the
 206 corporation; a statement whether it is a domestic or foreign
 207 corporation, its state and date of incorporation, its charter
 208 number, and, if a foreign corporation, the date it registered
 209 with the Department of State of Florida, ~~and occupational~~
 210 ~~license where applicable~~; the date on which the a mover or
 211 broker registered its fictitious name if the mover or broker is
 212 operating under a fictitious or trade name; the name of all
 213 other corporations, business entities, and trade names through
 214 which each owner of the mover or broker operated, was known, or
 215 did business as a mover or moving broker within the preceding 5
 216 years; and proof of the insurance or alternative coverages
 217 ~~coverage as required under s. 507.04 by this act.~~

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

221 (3) Registration fees shall be \$300 per year per mover or
 222 moving broker. All amounts collected shall be deposited by the
 223 Chief Financial Officer to the credit of the General Inspection
 224 Trust Fund of the department for the sole purpose of

225 administration of this chapter act.

226 (4) Any mover or moving broker whose principal place of
 227 business is located in a county or municipality that requires,
 228 by local ordinance, a local license or registration to engage in
 229 the business of moving and storage of household goods must ~~shall~~
 230 obtain the license or registration from the ~~such~~ county or
 231 municipality. A mover or broker that obtains a ~~such~~ local
 232 license or registration must ~~shall~~ also ~~be required to~~ pay the
 233 state registration fee under subsection (3), ~~and the department~~
 234 ~~shall issue the mover a state certificate of registration upon~~
 235 ~~submission of proof of the local license or registration by the~~
 236 ~~mover.~~

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

240 (6) Each advertisement of a mover must include the phrase
 241 "Fla. Mover Reg. No." or "Fla. IM No." Each of the
 242 mover's vehicles must clearly and conspicuously display a sign
 243 on the driver's side door which includes at least one of these
 244 phrases in lettering of at least 1.5 inches in height.

245 (7) A ~~No~~ registration is not ~~shall be~~ valid for any mover
 246 or broker transacting business at any place other than that
 247 designated in the mover's or broker's ~~its~~ application, unless
 248 the department is first notified in writing before ~~in advance of~~
 249 any change of location. A registration issued under this chapter
 250 is act ~~shall~~ not be assignable, and the mover or broker may
 251 ~~shall not be permitted to~~ conduct business under more than one
 252 name except as registered. A mover or broker desiring to change

253 its registered name or location or designated agent for service
 254 of process at a time other than upon renewal of registration
 255 must ~~shall~~ notify the department of the ~~such~~ change.

256 (8) The department may deny, ~~or~~ refuse to renew, or revoke
 257 the registration of any mover or moving broker based upon a
 258 determination that the mover or moving broker, or any of the
 259 mover's or moving broker's ~~its~~ directors, officers, owners, or
 260 general partners:

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

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

265 (c) Has not satisfied a civil fine or penalty arising out
 266 of any administrative or enforcement action brought by any
 267 governmental agency or private person based upon conduct
 268 involving fraud, dishonest dealing, or any violation of this
 269 chapter ~~act~~;

270 (d) Has pending against him or her any criminal,
 271 administrative, or enforcement proceedings in any jurisdiction,
 272 based upon conduct involving fraud, dishonest dealing, or any
 273 other act of moral turpitude; or

274 (e) Has had a judgment entered against him or her in any
 275 action brought by the department or the Department of Legal
 276 Affairs under ~~pursuant to~~ this chapter ~~act~~ or ss. 501.201-
 277 501.213, the Florida Deceptive and Unfair Trade Practices Act.

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

281 Section 5. Section 507.04, Florida Statutes, is amended to
 282 read:

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

285 507.04 Required insurance coverages; liability
 286 limitations; valuation coverage.--

287 (1) LIABILITY INSURANCE.--

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

293 2. The mover must provide the department with evidence of
 294 liability insurance coverage before the mover is registered with
 295 the department under s. 507.03. All insurance coverage
 296 maintained by a mover must remain in effect throughout the
 297 mover's registration period. A mover's failure to maintain
 298 insurance coverage in accordance with this paragraph constitutes
 299 an immediate threat to the public health, safety, and welfare.
 300 If a mover fails to maintain insurance coverage, the department
 301 may immediately suspend the mover's registration or eligibility
 302 for registration and the mover must immediately cease operating
 303 as a mover in this state. If a mover without insurance coverage
 304 does not cease operating as a mover, the department may seek
 305 from the appropriate circuit court an immediate injunction
 306 prohibiting the mover from operating in this state until the
 307 mover complies with this paragraph, a civil penalty not to
 308 exceed \$5,000, and court costs.

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

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

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

318
 319 The original bond or certificate of deposit must be filed with
 320 the department and must designate the department as the sole
 321 beneficiary. The department must use the bond or certificate of
 322 deposit exclusively for the payment of claims to consumers who
 323 are injured by the fraud, misrepresentation, breach of contract,
 324 or financial failure of the mover or moving broker or by a
 325 violation of this chapter by the mover or broker. Liability for
 326 these injuries may be determined in an administrative proceeding
 327 of the department or through a civil action in a court of
 328 competent jurisdiction. However, claims against the bond or
 329 certificate of deposit must only be paid, in amounts not to
 330 exceed the determined liability for these injuries, by order of
 331 the department in an administrative proceeding. The bond or
 332 certificate of deposit is subject to successive claims, but the
 333 aggregate amount of these claims may not exceed the amount of
 334 the bond or certificate of deposit.

335 (2) MOTOR VEHICLE INSURANCE.--Each mover operating in this
 336 state must maintain current and valid motor vehicle insurance

337 coverage, including combined bodily injury and property damage
 338 liability coverage in the following minimum amounts:

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

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

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

347 (3) INSURANCE COVERAGES.--The insurance coverages required
 348 under paragraph (1)(a) and subsection (2) must be issued by an
 349 insurance company or carrier licensed to transact business in
 350 this state under the Florida Insurance Code as defined in s.
 351 624.01. The department shall require a mover to present a
 352 certificate of insurance of the required coverages before
 353 issuance or renewal of a registration certificate under s.
 354 507.03. The department shall be named as a certificateholder in
 355 the certificate and must be notified at least 30 days before any
 356 changes in insurance coverage.

357 (4) LIABILITY LIMITATIONS; VALUATION RATES.--A mover may
 358 not limit its liability for the loss or damage of household
 359 goods to a valuation rate that is less than 60 cents per pound
 360 per article. A provision of a contract for moving services is
 361 void if the provision limits a mover's liability to a valuation
 362 rate that is less than this minimum rate. If a mover limits its
 363 liability for a shipper's goods, the mover must disclose the
 364 limitation, including the valuation rate, to the shipper in

365 writing at the time that the estimate or contract for services
 366 is executed and before any moving or accessorial services are
 367 provided. The disclosure must also inform the shipper of the
 368 opportunity to purchase valuation coverage if the mover offers
 369 that coverage under subsection (5).

370 (5) VALUATION COVERAGE.--A mover may offer valuation
 371 coverage to compensate a shipper for the loss or damage of the
 372 shipper's household goods that are lost or damaged during a
 373 household move. If a mover offers valuation coverage, the
 374 coverage must indemnify the shipper for at least the minimum
 375 valuation rate required under subsection (4). The mover must
 376 disclose the terms of the coverage to the shipper in writing at
 377 the time that the estimate and contract for services is executed
 378 and before any moving or accessorial services are provided. The
 379 disclosure must inform the shipper of the cost of the valuation
 380 coverage, the valuation rate of the coverage, and the
 381 opportunity to reject the coverage. If valuation coverage
 382 compensates a shipper for at least the minimum valuation rate
 383 required under subsection (4), the coverage satisfies the
 384 mover's liability for the minimum valuation rate.

385 Section 6. Section 507.05, Florida Statutes, is amended to
 386 read:

387 507.05 Estimates and contracts for service.--~~Before~~ Prior
 388 ~~to~~ providing any moving or accessorial services, a contract and
 389 estimate must be provided to a prospective shipper in writing,
 390 must be signed and dated by the shipper and the mover, and must
 391 include:

392 (1) The name, telephone number, and physical address where

393 the mover's employees are available during normal business
 394 hours.

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

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

400 (4) The name, telephone number, and physical address of
 401 any location where the goods will be held pending further
 402 transportation, including situations where the mover retains
 403 possession of goods pending resolution of a fee dispute with the
 404 shipper.

405 (5) An itemized breakdown and description and total of all
 406 costs and services for loading, transportation or shipment,
 407 unloading, and accessorial services to be provided during a
 408 household move or storage of household goods.

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

411 (a) Cash, cashier's check, money order, or traveler's
 412 check;

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

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

417
 418 A mover must ~~shall~~ clearly and conspicuously disclose to the
 419 shipper in the estimate and contract for services the forms of
 420 payments the mover will accept, including the forms of payment

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421 ~~from those categories~~ described in paragraphs (a)-(c).

422 Section 7. Section 507.06, Florida Statutes, is amended to
423 read:

424 507.06 Delivery and storage of household goods.--

425 (1) A mover must relinquish household goods to a shipper
426 and must place the goods inside a shipper's dwelling or, if
427 directed by the shipper, inside a storehouse or warehouse that
428 is owned or rented by the shipper or the shipper's agent, unless
429 the shipper has not tendered payment in the amount specified in
430 a written contract or estimate signed and dated by the shipper.
431 A mover may not refuse to relinquish prescription medicines and
432 goods for use by children, including children's furniture,
433 clothing, or toys, under any circumstances.

434 (2) A mover may not refuse to relinquish household goods
435 to a shipper or fail to place the goods inside a shipper's
436 dwelling or, if directed by the shipper, inside a storehouse or
437 warehouse that is owned or rented by the shipper or the
438 shipper's agent, based on the mover's refusal to accept an
439 acceptable form of payment.

440 (3) A mover that lawfully fails to relinquish a shipper's
441 household goods may place the goods in storage until payment is
442 tendered; however, the mover must notify the shipper of the
443 location where the goods are stored and the amount due within 5
444 days after receipt of a written request for that information
445 from the shipper, which request must include the address where
446 the shipper may receive the notice. A mover may not require a
447 prospective shipper to waive any rights or requirements under
448 this section.

449 Section 8. Section 507.07, Florida Statutes, is amended to
 450 read:

451 507.07 Violations.--It is a violation of this chapter ~~act~~
 452 to:

453 (1) Conduct business as a mover or moving broker, or
 454 advertise to engage in the business of moving or offering to
 455 move, without first being registered annually with the
 456 department.

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

460 (3) Misrepresent or deceptively represent:

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

463 (b) The timeframe or schedule for delivery or storage of
 464 household goods estimated.

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

467 (d) The nature or extent of other goods, services, or
 468 amenities offered.

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

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

473 (5) Withhold delivery of household goods or in any way
 474 hold goods in storage against the expressed wishes of the
 475 shipper if payment has been made as delineated in the estimate
 476 or contract for services.

477 (6)(a) Include in any contract any provision purporting to
 478 waive or limit any right or benefit provided to shippers under
 479 this chapter ~~act~~.

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

483 (c) Use a local mailing address, registration facility,
 484 drop box, or answering service in the promotion, advertising,
 485 solicitation, or sale of contracts, unless the mover's, and, if
 486 applicable, the moving broker's, fixed business address is
 487 clearly disclosed during any telephone solicitation and is
 488 prominently and conspicuously disclosed on all solicitation
 489 materials and on the contract.

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

492 (e) Refuse or fail, or for any of the mover's or broker's
 493 principal officers to refuse or fail, after notice, to produce
 494 any document or record or disclose any information required to
 495 be produced or disclosed.

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

499 Section 9. Section 507.08, Florida Statutes, is amended to
 500 read:

501 507.08 Deceptive and unfair trade practice.--Acts,
 502 conduct, practices, omissions, failings, misrepresentations, or
 503 nondisclosures committed in ~~which constitute~~ a violation of this
 504 chapter are ~~act also constitute~~ a deceptive and unfair trade

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505 practices under ~~practice for the purpose of~~ ss. 501.201-501.213,
 506 the Florida Deceptive and Unfair Trade Practices Act, and
 507 administrative rules adopted in accordance with the act
 508 ~~thereunder.~~

509 Section 10. Section 507.09, Florida Statutes, is amended
 510 to read:

511 507.09 Administrative remedies; penalties.--

512 (1) The department may enter an order doing one or more of
 513 the following if the department finds that a mover or moving
 514 broker, or a person employed or contracted by a mover or broker,
 515 has violated or is operating in violation of ~~any of the~~
 516 ~~provisions of this chapter act~~ or the rules or orders issued in
 517 accordance with this chapter ~~thereunder:~~

518 (a) Issuing a notice of noncompliance under ~~pursuant to~~ s.
 519 120.695.

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

522 (c) Directing that the person cease and desist specified
 523 activities.

524 (d) Refusing to register or revoking or suspending a
 525 registration.

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

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

532 (3) The department may ~~has the authority to~~ adopt rules

533 under ss. 120.536(1) and 120.54 ~~pursuant to chapter 120~~ to
 534 administer ~~implement~~ this chapter act.

535 Section 11. Section 507.10, Florida Statutes, is amended
 536 to read:

537 507.10 Civil penalties; remedies.--

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

542 (2) The department may seek a civil penalty of up to
 543 \$5,000 for each violation of this chapter act.

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

547 (4) Any provision in a contract for services or bill of
 548 lading from a mover or moving broker that purports to waive,
 549 limit, restrict, or avoid any of the duties, obligations, or
 550 prescriptions of the mover or broker, as provided in this
 551 chapter act, is void ~~and unenforceable and against public~~
 552 ~~policy~~.

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

556 (6) Upon motion of the department in any action brought
 557 under this chapter act, the court may make appropriate orders,
 558 including appointment of a master or receiver or sequestration
 559 of assets, to reimburse shippers found to have been damaged, to
 560 carry out a consumer transaction in accordance with the

561 shipper's reasonable expectations, or to grant other appropriate
 562 relief.

563 Section 12. Section 507.11, Florida Statutes, is amended
 564 to read:

565 507.11 Criminal penalties.--

566 (1) The refusal of a mover or a mover's employee, agent,
 567 or contractor to comply with an order from a law enforcement
 568 officer to relinquish a shipper's household goods after the
 569 officer determines that the shipper has tendered payment of the
 570 amount of a written estimate or contract, or after the officer
 571 determines that the mover did not produce a signed estimate or
 572 contract upon which demand is being made for payment, is a
 573 felony of the third degree, punishable as provided in s.
 574 775.082, s. 775.083, or s. 775.084. A mover's compliance with an
 575 order from a law enforcement officer to relinquish goods to a
 576 shipper is not a waiver or finding of fact regarding any right
 577 to seek further payment from the shipper.

578 (2) Except as provided in subsection (1), any person or
 579 business that violates this chapter ~~act~~ commits a misdemeanor of
 580 the first degree, punishable as provided in s. 775.082 or s.
 581 775.083.

582 Section 13. Section 507.12, Florida Statutes, is amended
 583 to read:

584 507.12 General Inspection Trust Fund; payments.--Any
 585 moneys recovered by the department as a penalty under this
 586 chapter ~~act~~ shall be deposited in the General Inspection Trust
 587 Fund.

588 Section 14. Section 507.13, Florida Statutes, is amended

589 to read:

590 507.13 Local regulation.--

591 (1) The provisions of This chapter does act are not
 592 ~~intended to~~ preempt local ordinances or regulations of a county
 593 or municipality which that regulate transactions relating to
 594 movers of household goods or moving brokers. As provided in s.
 595 507.03(4), counties and municipalities may require, levy, or
 596 collect any registration fee or tax or require the registration
 597 or bonding in any manner of any mover or moving broker.

598 (2) The department may enter into a cooperative agreement
 599 with any county or municipality which that provides for the
 600 referral, investigation, and prosecution of consumer complaints
 601 alleging violations of this chapter act.

602 Section 15. Paragraph (d) is added to subsection (2) of
 603 section 120.80, Florida Statutes, to read:

604 120.80 Exceptions and special requirements; agencies.--

605 (2) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.--

606 (d) Notwithstanding ss. 120.569-120.595, proceedings
 607 conducted by the Department of Agriculture and Consumer Services
 608 against a mover that fails to maintain required insurance
 609 coverage under s. 507.04(1)(a)2. are exempt from the hearing
 610 requirements of this chapter.

611 Section 16. Section 205.1975, Florida Statutes, is created
 612 to read:

613 205.1975 Household moving services; consumer
 614 protection.--A county or municipality may not issue or renew an
 615 occupational license for the operation of a mover or moving
 616 broker under chapter 507 unless the mover or broker exhibits a

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617 | current registration from the Department of Agriculture and
618 | Consumer Services.

619 | Section 17. This act shall take effect July 1, 2005.