

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; creating s. 205.1975,
 70 F.S.; prohibiting a county or municipality from issuing or
 71 renewing an occupational license to a mover or moving
 72 broker under certain circumstances; providing an effective
 73 date.

74

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

76

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

80 Section 2. Section 507.01, Florida Statutes, is amended to
 81 read:

82 507.01 Definitions.--As used in ~~For the purposes of this~~
 83 chapter act, the term:

84 (1) "Accessorial services" means any service performed by
 85 a mover which results in a charge to the shipper and is
 86 incidental to the transportation or shipment of household goods
 87 ~~service~~, including, but not limited to, valuation coverage;

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

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

109 (3) "Compensation" means money, fee, emolument, quid pro
 110 quo, barter, remuneration, pay, reward, indemnification, or
 111 satisfaction.

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

117 services to be performed.

118 (5) "Department" means the Department of Agriculture and
 119 Consumer Services.

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

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

134 (8) "Household move" or "move" means the loading of
 135 household goods into a vehicle, moving container, or other mode
 136 of transportation or shipment; the transportation or shipment of
 137 those household goods; and the unloading of those household
 138 goods, when the transportation or shipment originates and
 139 terminates at one of the following ultimate locations,
 140 regardless of whether the mover temporarily stores the goods
 141 while en route between the originating and terminating
 142 locations:

143 (a) From one dwelling to another dwelling;

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

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

148 (9)(8) "Mover" means a any person who, for compensation,
149 contracts for or engages in the loading, transportation or
150 shipment, or unloading of household goods as part of a household
151 move for compensation. The term does not include a postal,
152 courier, envelope, or package service that does not advertise
153 itself as a mover or moving service.

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

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

162 (12)(9) "Shipper" means a any person who uses the services
163 of a mover to transport or ship household goods as part of a
164 household move.

165 (13)(10) "Storage" means the warehousing of a the
166 shipper's goods while under the care, custody, and control of
167 the mover.

168 Section 3. Section 507.02, Florida Statutes, is amended to
169 read:

170 507.02 Construction; intent; application.--

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

173 (a) Establish the law of this state governing the loading,
174 transportation or shipment, unloading, and affiliated storage

175 of household goods as part of household moves.

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

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

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

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

196 Section 4. Section 507.03, Florida Statutes, is amended to
 197 read:

198 507.03 Registration.--

199 (1) Each mover and moving broker must ~~shall~~ annually
 200 register with the department, providing its legal business and
 201 trade name, mailing address, and business locations; the full
 202 names, addresses, and telephone numbers of its owners or
 203 corporate officers and directors and the Florida agent of the

204 corporation; a statement whether it is a domestic or foreign
 205 corporation, its state and date of incorporation, its charter
 206 number, and, if a foreign corporation, the date it registered
 207 with the Department of State of Florida, ~~and occupational~~
 208 ~~license where applicable~~; the date on which the a mover or
 209 broker registered its fictitious name if the mover or broker is
 210 operating under a fictitious or trade name; the name of all
 211 other corporations, business entities, and trade names through
 212 which each owner of the mover or broker operated, was known, or
 213 did business as a mover or moving broker within the preceding 5
 214 years; and proof of the insurance or alternative coverages
 215 ~~coverage as required under s. 507.04 by this act.~~

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

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

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

233 ~~submission of proof of the local license or registration by the~~
234 ~~mover.~~

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

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

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

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

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

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

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

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

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

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

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

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

284 507.04 Required insurance coverages; liability
 285 limitations; valuation coverage.--

286 (1) LIABILITY INSURANCE.--

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

291 negligence of the mover or its employees or agents.

292 2. The mover must provide the department with evidence of
293 liability insurance coverage before the mover is registered with
294 the department under s. 507.03. All insurance coverage
295 maintained by a mover must remain in effect throughout the
296 mover's registration period. A mover's failure to maintain
297 insurance coverage in accordance with this paragraph constitutes
298 an immediate threat to the public health, safety, and welfare.
299 If a mover fails to maintain insurance coverage, the department
300 may immediately suspend the mover's registration or eligibility
301 for registration and the mover must immediately cease operating
302 as a mover in this state. In addition, and notwithstanding the
303 availability of any administrative relief pursuant to chapter
304 120, the department may seek from the appropriate circuit court
305 an immediate injunction prohibiting the mover from operating in
306 this state until the mover complies with this paragraph, a civil
307 penalty not to exceed \$5,000, and court costs.

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

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

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

317
318 The original bond or certificate of deposit must be filed with
319 the department and must designate the department as the sole

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

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

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

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

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

346 (3) INSURANCE COVERAGES.--The insurance coverages required
347 under paragraph (1)(a) and subsection (2) must be issued by an
348 insurance company or carrier licensed to transact business in

349 this state under the Florida Insurance Code as defined in s.
350 624.01. The department shall require a mover to present a
351 certificate of insurance of the required coverages before
352 issuance or renewal of a registration certificate under s.
353 507.03. The department shall be named as a certificateholder in
354 the certificate and must be notified at least 30 days before any
355 changes in insurance coverage.

356 (4) LIABILITY LIMITATIONS; VALUATION RATES.--A mover may
357 not limit its liability for the loss or damage of household
358 goods to a valuation rate that is less than 60 cents per pound
359 per article. A provision of a contract for moving services is
360 void if the provision limits a mover's liability to a valuation
361 rate that is less than this minimum rate. If a mover limits its
362 liability for a shipper's goods, the mover must disclose the
363 limitation, including the valuation rate, to the shipper in
364 writing at the time that the estimate and contract for services
365 is executed and before any moving or accessorial services are
366 provided. The disclosure must also inform the shipper of the
367 opportunity to purchase valuation coverage if the mover offers
368 that coverage under subsection (5).

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

378 disclosure must inform the shipper of the cost of the valuation
379 coverage, the valuation rate of the coverage, and the
380 opportunity to reject the coverage. If valuation coverage
381 compensates a shipper for at least the minimum valuation rate
382 required under subsection (4), the coverage satisfies the
383 mover's liability for the minimum valuation rate.

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

386 507.05 Estimates and contracts for service.--Before ~~Prior~~
387 ~~to~~ providing any moving or accessorial services, a contract and
388 estimate must be provided to a prospective shipper in writing,
389 must be signed and dated by the shipper and the mover, and must
390 include:

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

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

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

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

404 (5) An itemized breakdown and description and total of all
405 costs and services for loading, transportation or shipment,
406 unloading, and accessorial services to be provided during a

407 household move or storage of household goods.

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

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

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

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

416

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

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

423 507.06 Delivery and storage of household goods.--

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

433 (2) A mover may not refuse to relinquish household goods
434 to a shipper or fail to place the goods inside a shipper's
435 dwelling or, if directed by the shipper, inside a storehouse or

436 warehouse that is owned or rented by the shipper or the
 437 shipper's agent, based on the mover's refusal to accept an
 438 acceptable form of payment.

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

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

450 507.07 Violations.--It is a violation of this chapter act
 451 to:

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

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

459 (3) Misrepresent or deceptively represent:

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

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

464 (c) The price, size, nature, extent, qualities, or

465 characteristics of accessorial or moving services offered.

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

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

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

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

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

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

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

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

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

494 be produced or disclosed.

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

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

500 507.08 Deceptive and unfair trade practice.--Acts,
 501 conduct, practices, omissions, failings, misrepresentations, or
 502 nondisclosures committed in which~~constitute~~ a violation of this
 503 chapter are ~~act also constitute~~ a deceptive and unfair trade
 504 practices under ~~practice for the purpose of~~ ss. 501.201-501.213,
 505 the Florida Deceptive and Unfair Trade Practices Act, and
 506 administrative rules adopted in accordance with the act
 507 ~~thereunder~~.

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

510 507.09 Administrative remedies; penalties.--

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

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

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

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

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

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

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

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

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

536 507.10 Civil penalties; remedies.--

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

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

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

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

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

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

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

564 507.11 Criminal penalties.--

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

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

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

583 507.12 General Inspection Trust Fund; payments.--Any
 584 moneys recovered by the department as a penalty under this
 585 chapter act shall be deposited in the General Inspection Trust
 586 Fund.

587 Section 14. Section 507.13, Florida Statutes, is amended
 588 to read:

589 507.13 Local regulation.--

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

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

601 Section 15. Section 205.1975, Florida Statutes, is created
 602 to read:

603 205.1975 Household moving services; consumer
 604 protection.--A county or municipality may not issue or renew an
 605 occupational license for the operation of a mover or moving
 606 broker under chapter 507 unless the mover or broker exhibits a
 607 current registration from the Department of Agriculture and
 608 Consumer Services.

609 Section 16. This act shall take effect July 1, 2005.