

Bill No. SB 970

Barcode 984872

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Margolis) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

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

(1) "Accessorial services" means any service performed by a mover which results in a charge to the shipper and is incidental to the transportation or shipment of household goods service, including, but not limited to, valuation coverage; preparation of written inventory; equipment, including dollies, hand trucks, pads, blankets, and straps; storage, packing, unpacking, or crating of articles; hoisting

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1 or lowering; waiting time; ~~long carry, which is defined as~~
2 carrying articles excessive distances to or from ~~between~~ the
3 mover's vehicle, which may be cited as "long carry" ~~and the~~
4 ~~residence~~; overtime loading and unloading; reweighing;
5 disassembly or reassembly; elevator or stair carrying; boxing
6 or servicing of appliances; and furnishing of packing or
7 crating materials. The term includes ~~Accessorial services also~~
8 ~~include~~ services not performed by the mover but performed by a
9 third party at the request of the shipper or mover, if the
10 charges for these ~~such~~ services are to be paid to the mover by
11 the shipper at or before ~~prior to~~ the time of delivery.

12 (2) "Advertise" means to advise, announce, give notice
13 of, publish, or call attention by use of oral, written, or
14 graphic statement made in a newspaper or other publication or
15 on radio or television, any electronic medium, or contained in
16 any notice, handbill, sign, including signage on vehicle,
17 flyer, catalog or letter, or printed on or contained in any
18 tag or label attached to or accompanying any good.

19 (3) "Compensation" means money, fee, emolument, quid
20 pro quo, barter, remuneration, pay, reward, indemnification,
21 or satisfaction.

22 (4) "Contract for service" or "bill of lading" means a
23 written document approved by the shipper in writing before
24 ~~prior to~~ the performance of any service which authorizes
25 services from the named mover and lists the services and all
26 costs associated with the ~~transportation of household move~~
27 ~~goods~~ and accessorial services to be performed.

28 (5) "Department" means the Department of Agriculture
29 and Consumer Services.

30 (6) "Estimate" means a written document that ~~which~~
31 sets forth the total costs, ~~cost~~ and describes the basis of

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1 those such costs, relating related to a shipper's household
 2 move, including which shall include, but not ~~be~~ limited to,
 3 the loading, transportation or shipment, and unloading of
 4 household goods and accessorial services.

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

13 (8) "Household move" or "move" means the loading of
 14 household goods into a vehicle, moving container, or other
 15 mode of transportation or shipment; the transportation or
 16 shipment of those household goods; and the unloading of those
 17 household goods, when the transportation or shipment
 18 originates and terminates at one of the following ultimate
 19 locations, regardless of whether the mover temporarily stores
 20 the goods while en route between the originating and
 21 terminating locations:

- 22 (a) From one dwelling to another dwelling;
- 23 (b) From a dwelling to a storehouse or warehouse that
 24 is owned or rented by the shipper or the shipper's agent; or
- 25 (c) From a storehouse or warehouse that is owned or
 26 rented by the shipper or the shipper's agent to a dwelling.

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

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1 does not advertise itself as a mover or moving service.

2 (10) "Moving broker" or "broker" means a person who,
3 for compensation, arranges for another person to load,
4 transport or ship, or unload household goods as part of a
5 household move or who, for compensation, refers a shipper to a
6 mover by telephone, postal or electronic mail, Internet
7 website, or other means.

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

11 (12)(9) "Shipper" means a ~~any~~ person who uses the
12 services of a mover to transport or ship household goods as
13 part of a household move.

14 (13)(10) "Storage" means the warehousing of a ~~the~~
15 shipper's goods while under the care, custody, and control of
16 the mover.

17 Section 3. Section 507.02, Florida Statutes, is
18 amended to read:

19 507.02 Construction; intent; application.--

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

22 (a) Establish the law of this state governing the
23 loading, transportation ~~or,~~ shipment, unloading, and
24 affiliated storage of household goods as part of household
25 moves.

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

29 (2) ~~The provisions of This chapter applies act shall~~
30 apply to the operations of any mover or moving broker engaged
31 in the intrastate transportation or shipment of household

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1 goods originating in this state and terminating in this
 2 state., ~~except This chapter does act shall not apply be~~
 3 ~~construed to include~~ shipments contracted by the United
 4 States, the state, or any local government or political
 5 subdivision of the state. ~~The provisions of this act shall~~
 6 ~~only apply to the transportation of household goods~~
 7 ~~originating in this state and terminating in this state.~~

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

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

15 Section 4. Section 507.03, Florida Statutes, is
 16 amended to read:

17 507.03 Registration.--

18 (1) Each mover and moving broker must shall annually
 19 register with the department, providing its legal business and
 20 trade name, mailing address, and business locations; the full
 21 names, addresses, and telephone numbers of its owners or
 22 corporate officers and directors and the Florida agent of the
 23 corporation; a statement whether it is a domestic or foreign
 24 corporation, its state and date of incorporation, its charter
 25 number, and, if a foreign corporation, the date it registered
 26 with the Department of State of Florida, ~~and occupational~~
 27 ~~license where applicable;~~ the date on which the a mover or
 28 broker registered its fictitious name if the mover or broker
 29 is operating under a fictitious or trade name; the name of all
 30 other corporations, business entities, and trade names through
 31 which each owner of the mover or broker operated, was known,

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1 or did business as a mover or moving broker within the
2 preceding 5 years; and proof of the insurance or alternative
3 coverages coverage as required under s. 507.04 by this act.

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

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

13 (4) Any mover or moving broker whose principal place
14 of business is located in a county or municipality that
15 requires, by local ordinance, a local license or registration
16 to engage in the business of moving and storage of household
17 goods must shall obtain the license or registration from the
18 such county or municipality. A mover or broker that obtains a
19 such local license or registration must shall also ~~be required~~
20 ~~to~~ pay the state registration fee under subsection (3), ~~and~~
21 ~~the department shall issue the mover a state certificate of~~
22 ~~registration upon submission of proof of the local license or~~
23 ~~registration by the mover.~~

24 (5) Each contract of a mover or moving broker must
25 include the phrase "(NAME OF FIRM) is registered with the
26 State of Florida as a Mover or Moving Broker. Registration No.
27"

28 (6) Each advertisement of a mover or moving broker
29 must include the phrase "Fla. Mover Reg. No. ..." or "Fla. IM
30 No."

31 Each of the mover's vehicles must clearly and conspicuously

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1 display a sign on the driver's side door which includes at
2 least one of these phrases in lettering of at least 1.5 inches
3 in height.

4 (7) A ~~No~~ registration is not ~~shall be~~ valid for any
5 mover or broker transacting business at any place other than
6 that designated in the mover's or broker's ~~its~~ application,
7 unless the department is first notified in writing before in
8 ~~advance of~~ any change of location. A registration issued under
9 this chapter is ~~act shall~~ not be assignable, and the mover or
10 broker may ~~shall not be permitted to~~ conduct business under
11 more than one name except as registered. A mover or broker
12 desiring to change its registered name or location or
13 designated agent for service of process at a time other than
14 upon renewal of registration must ~~shall~~ notify the department
15 of the ~~such~~ change.

16 (8) The department may deny, ~~or~~ refuse to renew, or
17 revoke the registration of any mover or moving broker based
18 upon a determination that the mover or moving broker, or any
19 of the mover's or moving broker's ~~its~~ directors, officers,
20 owners, or general partners:

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

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

25 (c) Has not satisfied a civil fine or penalty arising
26 out of any administrative or enforcement action brought by any
27 governmental agency or private person based upon conduct
28 involving fraud, dishonest dealing, or any violation of this
29 chapter ~~act~~;

30 (d) Has pending against him or her any criminal,
31 administrative, or enforcement proceedings in any

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1 jurisdiction, based upon conduct involving fraud, dishonest
2 dealing, or any other act of moral turpitude; or

3 (e) Has had a judgment entered against him or her in
4 any action brought by the department or the Department of
5 Legal Affairs under ~~pursuant to this chapter act~~ or ss.
6 501.201-501.213, the Florida Deceptive and Unfair Trade
7 Practices Act.

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

11 Section 5. Section 507.04, Florida Statutes, is
12 amended to read:

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

15 507.04 Required insurance coverages; liability
16 limitations; valuation coverage.--

17 (1) LIABILITY INSURANCE.--

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

23 2. The mover must provide the department with evidence
24 of liability insurance coverage before the mover is registered
25 with the department under s. 507.03. All insurance coverage
26 maintained by a mover must remain in effect throughout the
27 mover's registration period. A mover's failure to maintain
28 insurance coverage in accordance with this paragraph
29 constitutes an immediate threat to the public health, safety,
30 and welfare. If a mover fails to maintain insurance coverage,
31 the department may immediately suspend the mover's

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1 registration or eligibility for registration and the mover
 2 must immediately cease operating as a mover in this state. In
 3 addition, and notwithstanding the availability of any
 4 administrative relief pursuant to chapter 120, the department
 5 may seek from the appropriate circuit court an immediate
 6 injunction prohibiting the mover from operating in this state
 7 until the mover complies with this paragraph and pays a civil
 8 penalty not to exceed \$5,000 and court costs.

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

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

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

18
 19 The original bond or certificate of deposit must be filed with
 20 the department and must designate the department as the sole
 21 beneficiary. The department must use the bond or certificate
 22 of deposit exclusively for the payment of claims to consumers
 23 who are injured by the fraud, misrepresentation, breach of
 24 contract, misfeasance, malfeasance, or financial failure of
 25 the mover or moving broker or by a violation of this chapter
 26 by the mover or broker. Liability for these injuries may be
 27 determined in an administrative proceeding of the department
 28 or through a civil action in a court of competent
 29 jurisdiction. However, claims against the bond or certificate
 30 of deposit must be paid only, in amounts not to exceed the
 31 determined liability for these injuries, by order of the

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1 department in an administrative proceeding. The bond or
2 certificate of deposit is subject to successive claims, but
3 the aggregate amount of these claims may not exceed the amount
4 of the bond or certificate of deposit.

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

10 (a) Fifty thousand dollars per occurrence for a
11 commercial motor vehicle with a gross weight of less than
12 35,000 pounds.

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

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

19 (3) INSURANCE COVERAGES.--The insurance coverages
20 required under paragraph (1)(a) and subsection (2) must be
21 issued by an insurance company or carrier licensed to transact
22 business in this state under the Florida Insurance Code as
23 defined in s. 624.01. The department shall require a mover to
24 present a certificate of insurance of the required coverages
25 before issuance or renewal of a registration certificate under
26 s. 507.03. The department shall be named as a
27 certificateholder in the certificate and must be notified at
28 least 30 days before any changes in insurance coverage.

29 (4) LIABILITY LIMITATIONS; VALUATION RATES.--A mover
30 may not limit its liability for the loss or damage of
31 household goods to a valuation rate that is less than 60 cents

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1 per pound per article. A provision of a contract for moving
 2 services is void if the provision limits a mover's liability
 3 to a valuation rate that is less than this minimum rate. If a
 4 mover limits its liability for a shipper's goods, the mover
 5 must disclose the limitation, including the valuation rate, to
 6 the shipper in writing at the time that the estimate and
 7 contract for services is executed and before any moving or
 8 accessorial services are provided. The disclosure must also
 9 inform the shipper of the opportunity to purchase valuation
 10 coverage if the mover offers that coverage under subsection
 11 (5).

12 (5) VALUATION COVERAGE.--A mover may offer valuation
 13 coverage to compensate a shipper for the loss or damage of the
 14 shipper's household goods that are lost or damaged during a
 15 household move. If a mover offers valuation coverage, the
 16 coverage must indemnify the shipper for at least the minimum
 17 valuation rate required under subsection (4). The mover must
 18 disclose the terms of the coverage to the shipper in writing
 19 at the time that the estimate and contract for services is
 20 executed and before any moving or accessorial services are
 21 provided. The disclosure must inform the shipper of the cost
 22 of the valuation coverage, the valuation rate of the coverage,
 23 and the opportunity to reject the coverage. If valuation
 24 coverage compensates a shipper for at least the minimum
 25 valuation rate required under subsection (4), the coverage
 26 satisfies the mover's liability for the minimum valuation
 27 rate.

28 Section 6. Section 507.05, Florida Statutes, is
 29 amended to read:

30 507.05 Estimates and contracts for service.--Before
 31 ~~Prior to~~ providing any moving or accessorial services, a

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1 contract and estimate must be provided to a prospective
2 shipper in writing, must be signed and dated by the shipper
3 and the mover, and must include:

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

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

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

12 (4) The name, telephone number, and physical address
13 of any location where the goods will be held pending further
14 transportation, including situations where the mover retains
15 possession of goods pending resolution of a fee dispute with
16 the shipper.

17 (5) An itemized breakdown and description and total of
18 all costs and services for loading, transportation or
19 shipment, unloading, and accessorial services to be provided
20 during a household move or storage of household goods.

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

23 (a) Cash, cashier's check, money order, or traveler's
24 check;

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

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

30

31 A mover must ~~shall~~ clearly and conspicuously disclose to the

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1 shipper in the estimate and contract for services the forms of
2 payments the mover will accept, including the forms of payment
3 ~~from those categories~~ described in paragraphs (a)-(c).

4 Section 7. Section 507.06, Florida Statutes, is
5 amended to read:

6 507.06 Delivery and storage of household goods.--

7 (1) A mover must relinquish household goods to a
8 shipper and must place the goods inside a shipper's dwelling
9 or, if directed by the shipper, inside a storehouse or
10 warehouse that is owned or rented by the shipper or the
11 shipper's agent, unless the shipper has not tendered payment
12 in the amount specified in a written contract or estimate
13 signed and dated by the shipper. A mover may not refuse to
14 relinquish prescription medicines and goods for use by
15 children, including children's furniture, clothing, or toys,
16 under any circumstances.

17 (2) A mover may not refuse to relinquish household
18 goods to a shipper or fail to place the goods inside a
19 shipper's dwelling or, if directed by the shipper, inside a
20 storehouse or warehouse that is owned or rented by the shipper
21 or the shipper's agent, based on the mover's refusal to accept
22 an acceptable form of payment.

23 (3) A mover that lawfully fails to relinquish a
24 shipper's household goods may place the goods in storage until
25 payment is tendered; however, the mover must notify the
26 shipper of the location where the goods are stored and the
27 amount due within 5 days after receipt of a written request
28 for that information from the shipper, which request must
29 include the address where the shipper may receive the notice.
30 A mover may not require a prospective shipper to waive any
31 rights or requirements under this section.

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1 Section 8. Section 507.07, Florida Statutes, is
2 amended to read:

3 507.07 Violations.--It is a violation of this chapter
4 ~~act~~ to:

5 (1) Conduct business as a mover or moving broker, or
6 advertise to engage in the business of moving or offering to
7 move, without first being registered annually with the
8 department.

9 (2) Knowingly make any false statement,
10 representation, or certification in any application, document,
11 or record required to be submitted or retained under this
12 chapter act.

13 (3) Misrepresent or deceptively represent:

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

16 (b) The timeframe or schedule for delivery or storage
17 of household goods estimated.

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

20 (d) The nature or extent of other goods, services, or
21 amenities offered.

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

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

26 (5) Withhold delivery of household goods or in any way
27 hold goods in storage against the expressed wishes of the
28 shipper if payment has been made as delineated in the estimate
29 or contract for services.

30 (6)(a) Include in any contract any provision
31 purporting to waive or limit any right or benefit provided to

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1 shippers under this chapter act.

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

5 (c) Use a local mailing address, registration
6 facility, drop box, or answering service in the promotion,
7 advertising, solicitation, or sale of contracts, unless the
8 mover's, and, if applicable, the moving broker's, fixed
9 business address is clearly disclosed during any telephone
10 solicitation and is prominently and conspicuously disclosed on
11 all solicitation materials and on the contract.

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

15 (e) Refuse or fail, or for any of the mover's or
16 broker's principal officers to refuse or fail, after notice,
17 to produce any document or record or disclose any information
18 required to be produced or disclosed.

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

22 Section 9. Section 507.08, Florida Statutes, is
23 amended to read:

24 507.08 Deceptive and unfair trade practice.--Acts,
25 conduct, practices, omissions, failings, misrepresentations,
26 or nondisclosures committed in ~~which constitute a~~ violation of
27 this chapter are ~~act also constitute a~~ deceptive and unfair
28 trade practices under ~~practice for the purpose of~~ ss.
29 501.201-501.213, the Florida Deceptive and Unfair Trade
30 Practices Act, and administrative rules adopted in accordance
31 with the act thereunder.

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1 Section 10. Section 507.09, Florida Statutes, is
2 amended to read:

3 507.09 Administrative remedies; penalties.--

4 (1) The department may enter an order doing one or
5 more of the following if the department finds that a mover or
6 moving broker, or a person employed or contracted by a mover
7 or broker, has violated or is operating in violation of ~~any of~~
8 ~~the provisions of this chapter act~~ or the rules or orders
9 issued in accordance with this chapter ~~thereunder~~:

10 (a) Issuing a notice of noncompliance under ~~pursuant~~
11 ~~to~~ s. 120.695.

12 (b) Imposing an administrative fine not to exceed
13 \$5,000 for each act or omission.

14 (c) Directing that the person cease and desist
15 specified activities.

16 (d) Refusing to register or revoking or suspending a
17 registration.

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

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

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

27 Section 11. Section 507.10, Florida Statutes, is
28 amended to read:

29 507.10 Civil penalties; remedies.--

30 (1) The department may institute a civil action in a
31 court of competent jurisdiction to recover any penalties or

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1 damages authorized ~~allowed~~ in this chapter act and for
2 injunctive relief to enforce compliance with this chapter act.

3 (2) The department may seek a civil penalty of up to
4 \$5,000 for each violation of this chapter act.

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

8 (4) Any provision in a contract for services or bill
9 of lading from a mover or moving broker that purports to
10 waive, limit, restrict, or avoid any of the duties,
11 obligations, or prescriptions of the mover or broker, as
12 provided in this chapter act, is void ~~and unenforceable and~~
13 ~~against public policy~~.

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

17 (6) Upon motion of the department in any action
18 brought under this chapter act, the court may make appropriate
19 orders, including appointment of a master or receiver or
20 sequestration of assets, to reimburse shippers found to have
21 been damaged, to carry out a consumer transaction in
22 accordance with the shipper's reasonable expectations, or to
23 grant other appropriate relief.

24 Section 12. Section 507.11, Florida Statutes, is
25 amended to read:

26 507.11 Criminal penalties.--

27 (1) The refusal of a mover or a mover's employee,
28 agent, or contractor to comply with an order from a law
29 enforcement officer to relinquish a shipper's household goods
30 after the officer determines that the shipper has tendered
31 payment of the amount of a written estimate or contract, or

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1 after the officer determines that the mover did not produce a
 2 signed estimate or contract upon which demand is being made
 3 for payment, is a felony of the third degree, punishable as
 4 provided in s. 775.082, s. 775.083, or s. 775.084. A mover's
 5 compliance with an order from a law enforcement officer to
 6 relinquish goods to a shipper is not a waiver or finding of
 7 fact regarding any right to seek further payment from the
 8 shipper.

9 (2) Except as provided in subsection (1), any person
 10 or business that violates this chapter ~~act~~ commits a
 11 misdemeanor of the first degree, punishable as provided in s.
 12 775.082 or s. 775.083.

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

15 507.12 General Inspection Trust Fund; payments.--Any
 16 moneys recovered by the department as a penalty under this
 17 chapter ~~act~~ shall be deposited in the General Inspection Trust
 18 Fund.

19 Section 14. Section 507.13, Florida Statutes, is
 20 amended to read:

21 507.13 Local regulation.--

22 (1) ~~The provisions of This chapter does act are not~~
 23 ~~intended to~~ preempt local ordinances or regulations of a
 24 county or municipality which ~~that~~ regulate transactions
 25 relating to movers of household goods or moving brokers. As
 26 provided in s. 507.03(4), counties and municipalities may
 27 require, levy, or collect any registration fee or tax or
 28 require the registration or bonding in any manner of any mover
 29 or moving broker.

30 (2) The department may enter into a cooperative
 31 agreement with any county or municipality which ~~that~~ provides

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1 for the referral, investigation, and prosecution of consumer
2 complaints alleging violations of this chapter act.

3 Section 15. Section 205.1975, Florida Statutes, is
4 created to read:

5 205.1975 Household moving services; consumer
6 protection.--A county or municipality may not issue or renew
7 an occupational license for the operation of a mover or moving
8 broker under chapter 507 unless the mover or broker exhibits a
9 current registration from the Department of Agriculture and
10 Consumer Services.

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

12

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

15 And the title is amended as follows:

16 Delete everything before the enacting clause

17

18 and insert:

19

A bill to be entitled

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An act relating to household moving services;

21

requesting the Division of Statutory Revision

22

to redesignate the title of ch. 507, F.S.;

23

amending s. 507.01, F.S.; revising definitions;

24

defining "household move," "moving broker," and

25

"moving container"; clarifying licensing

26

requirements for household movers and moving

27

brokers; applying the licensing requirements to

28

moving brokers and certain persons who

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transport or ship household goods in moving

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containers; clarifying and conforming

31

provisions; amending s. 507.02, F.S.;

Bill No. SB 970

Barcode 984872

1 clarifying the construction, application, and
2 intent of the licensing requirements; amending
3 s. 507.03, F.S.; requiring moving brokers to
4 register with the Department of Agriculture and
5 Consumer Services; providing requirements and
6 fees for such registration; providing for
7 certificate of registration; requiring display
8 of the certificate; clarifying registration
9 requirements for household movers and moving
10 brokers; requiring brokers to obtain local
11 registration or license when required by the
12 county or municipality where the broker's
13 principal place of business is located;
14 deleting provisions for issuance by the
15 department of a certificate of registration
16 when a mover submits proof of local license or
17 registration; revising advertising
18 requirements; requiring a mover's vehicles to
19 display certain signage; providing for denial,
20 refusal to renew, or revocation of registration
21 of mover or moving broker; requiring brokers to
22 provide evidence of certain insurance coverage;
23 revising requirement for mover to provide
24 evidence of certain insurance coverage;
25 amending s. 507.04, F.S.; clarifying
26 requirements that a mover maintain certain
27 insurance coverages; requiring a mover to
28 submit evidence of liability insurance before
29 registration; providing requirements for
30 liability insurance coverage; authorizing the
31 Department of Agriculture and Consumer Services

Bill No. SB 970

Barcode 984872

1 to suspend a mover's registration and seek an
2 injunction in circuit court if the mover fails
3 to maintain insurance coverage; providing
4 penalties; authorizing certain movers and
5 requiring moving brokers to maintain a
6 performance bond or certificate of deposit in
7 lieu of certain liability insurance coverage;
8 providing requirements for the performance bond
9 or certificate of deposit; providing for
10 payment of claims pursuant to department order
11 in an administrative proceeding; specifying
12 that insurance coverages must be issued by a
13 licensed insurance company or carrier;
14 prohibiting certain limits of liability for a
15 mover's loss or damage of a shipper's goods;
16 requiring certain disclosures of liability
17 limitations; authorizing a mover to offer
18 valuation coverage under specified conditions;
19 providing that valuation coverage meeting
20 specified conditions satisfies certain
21 liability of a mover; requiring certain
22 disclosures of valuation coverage; amending s.
23 507.06, F.S.; revising provisions for delivery
24 and storage of household goods; amending s.
25 507.07, F.S.; requiring that moving brokers
26 annually register with the department; revising
27 provisions relating to prohibited acts and
28 violations; specifying that the making of
29 certain false statements is a violation of ch.
30 507, F.S., regardless of whether the statements
31 are material; clarifying and conforming

Bill No. SB 970

Barcode 984872

1 provisions; amending s. 507.11, F.S.; providing
2 penalties; amending ss. 507.05, 507.08, 507.09,
3 507.10, 507.12, and 507.13, F.S., relating to
4 estimates and contracts for service, deceptive
5 and unfair trade practice, administrative
6 remedies and penalties, civil penalties and
7 remedies, the General Inspection Trust Fund,
8 and local regulation; providing for application
9 to moving brokers; clarifying and conforming
10 provisions; providing for the adoption of
11 rules; creating s. 205.1975, F.S.; prohibiting
12 a county or municipality from issuing or
13 renewing an occupational license to a mover or
14 moving broker under certain circumstances;
15 providing an effective date.

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