

By Senator Campbell

32-587A-05

1                                   A bill to be entitled  
2           An act relating to household moving services;  
3           requesting the Division of Statutory Revision  
4           to redesignate the title of ch. 507, F.S.;  
5           amending s. 507.01, F.S.; revising definitions;  
6           clarifying licensing requirements for household  
7           movers and moving brokers; applying the  
8           licensing requirements to certain persons who  
9           transport or ship household goods in moving  
10          containers; clarifying and conforming  
11          provisions; amending s. 507.02, F.S.;  
12          clarifying the construction, application, and  
13          intent of the licensing requirements; amending  
14          s. 507.03, F.S.; clarifying registration  
15          requirements for household movers and moving  
16          brokers; deleting a requirement that a mover  
17          submit proof of local license or registration  
18          before being issued a state registration;  
19          revising advertising requirements; requiring a  
20          mover's vehicles to display certain signage;  
21          amending s. 507.04, F.S.; clarifying  
22          requirements that a mover maintain certain  
23          insurance coverages; requiring a mover to  
24          submit evidence of liability insurance before  
25          registration; providing requirements for  
26          liability insurance coverage; authorizing the  
27          Department of Agriculture and Consumer Services  
28          to suspend a mover's registration and seek an  
29          injunction in circuit court if the mover fails  
30          to maintain insurance coverage; providing  
31          penalties; authorizing a mover to maintain a

1 performance bond or certificate of deposit in  
2 lieu of certain liability insurance coverage  
3 under certain circumstances; specifying that  
4 insurance coverages must be issued by a  
5 licensed insurance company or carrier;  
6 prohibiting certain limits of liability for a  
7 mover's loss or damage or a shipper's goods;  
8 requiring certain disclosures of liability  
9 limitations; authorizing a mover to offer  
10 valuation coverage under specified conditions;  
11 providing that valuation coverage meeting  
12 specified conditions satisfies certain  
13 liability of a mover; requiring certain  
14 disclosures of valuation coverage; amending ss.  
15 507.05 and 507.06, F.S.; clarifying and  
16 conforming provisions; amending s. 507.07,  
17 F.S.; requiring that moving brokers annually  
18 register with the department; specifying that  
19 the making of certain false statements is a  
20 violation of ch. 507, F.S., regardless of  
21 whether the statements are material; clarifying  
22 and conforming provisions; amending ss. 507.08,  
23 507.09, 507.10, 507.11, 507.12, and 507.13,  
24 F.S.; clarifying and conforming provisions;  
25 providing for the adoption of rules; amending  
26 s. 120.80, F.S.; exempting certain proceedings  
27 conducted by the Department of Agriculture and  
28 Consumer Services from the hearing requirements  
29 of the Administrative Procedure Act; creating  
30 s. 205.1975, F.S.; prohibiting a county or  
31 municipality from issuing an occupational

1 license to a mover under certain circumstances;  
2 providing an effective date.

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6 Section 1. The Division of Statutory Revision is  
7 requested to redesignate the title of chapter 507, Florida  
8 Statutes, as "HOUSEHOLD MOVING SERVICES."

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

11 507.01 Definitions.--As used in ~~For the purposes of~~  
12 ~~this chapter act~~, the term:

13 (1) "Accessorial services" means any service performed  
14 by a mover which results in a charge to the shipper and is  
15 incidental to the transportation or shipment of household  
16 goods service, including, but not limited to, valuation  
17 coverage; preparation of written inventory; equipment,  
18 including dollies, hand trucks, pads, blankets, and straps;  
19 storage, packing, unpacking, or crating of articles; hoisting  
20 or lowering; waiting time; ~~long carry, which is defined as~~  
21 ~~carrying articles excessive distances to or from between the~~  
22 ~~mover's vehicle, which may be cited as "long carry" and the~~  
23 ~~residence~~; overtime loading and unloading; reweighing;  
24 disassembly or reassembly; elevator or stair carrying; boxing  
25 or servicing of appliances; and furnishing of packing or  
26 crating materials. The term includes ~~Accessorial services also~~  
27 ~~include~~ services not performed by the mover but performed by a  
28 third party at the request of the shipper or mover, if the  
29 charges for these such services are to be paid to the mover by  
30 the shipper at or before ~~prior to~~ the time of delivery.

1           (2) "Advertise" means to advise, announce, give notice  
2 of, publish, or call attention by use of oral, written, or  
3 graphic statement made in a newspaper or other publication or  
4 on radio or television, any electronic medium, or contained in  
5 any notice, handbill, sign, including signage on vehicle,  
6 flyer, catalog or letter, or printed on or contained in any  
7 tag or label attached to or accompanying any good.

8           (3) "Compensation" means money, fee, emolument, quid  
9 pro quo, barter, remuneration, pay, reward, indemnification,  
10 or satisfaction.

11           (4) "Contract for service" or "bill of lading" means a  
12 written document approved by the shipper in writing before  
13 ~~prior to~~ the performance of any service which authorizes  
14 services from the named mover and lists the services and all  
15 costs associated with the ~~transportation of household move~~  
16 ~~goods~~ and accessorial services to be performed.

17           (5) "Department" means the Department of Agriculture  
18 and Consumer Services.

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

25           (7) "Household goods" or "goods" means personal  
26 effects or other personal property found in a home, personal  
27 residence, ~~storage facility,~~ or other dwelling location,  
28 including, but not limited to, household furniture. The term  
29 ~~property in a storehouse or warehouse facility that is owned~~  
30 ~~or rented by a shipper or shipper's agent, but does not~~

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1 include freight or personal property moving to or from a  
2 factory, store, or other place of business.

3 (8) "Household move" or "move" means the loading of  
4 household goods into a vehicle, moving container, or other  
5 mode of transportation or shipment; the transportation or  
6 shipment of those household goods; and the unloading of those  
7 household goods, when the transportation or shipment  
8 originates and terminates at one of the following ultimate  
9 locations, regardless of whether the mover temporarily stores  
10 the goods while en route between the originating and  
11 terminating locations:

12 (a) From one dwelling to another dwelling;

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

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

17 (9)(8) "Mover" means a ~~any~~ person who, for  
18 compensation, contracts for or engages in the loading,  
19 transportation or shipment, or unloading of household goods as  
20 part of a household move for compensation. The term does not  
21 include a postal, courier, envelope, package, or freight  
22 service that does not advertise itself as a mover or moving  
23 service.

24 (10) "Moving broker" or "broker" means a person who,  
25 for compensation, arranges for another person to load,  
26 transport or ship, or unload household goods as part of a  
27 household move or who, for compensation, refers a shipper to a  
28 mover by telephone, postal or electronic mail, Internet  
29 website, or other means.

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

4           ~~(12)(9)~~ "Shipper" means a ~~any~~ person who uses the  
5 services of a mover to transport or ship household goods as  
6 part of a household move.

7           ~~(13)(10)~~ "Storage" means the warehousing of a ~~the~~  
8 shipper's goods while under the care, custody, and control of  
9 the mover.

10           Section 3. Section 507.02, Florida Statutes, is  
11 amended to read:

12           507.02 Construction; intent; application.--

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

15           (a) Establish the law of this state governing the  
16 loading, transportation or, shipment, unloading, and  
17 affiliated storage of household goods as part of household  
18 moves.

19           (b) Address household moving practices in this state  
20 in a manner that is not inconsistent with federal law  
21 governing relating to consumer protection.

22           (2) ~~The provisions of This chapter applies act shall~~  
23 ~~apply~~ to the operations of any mover engaged in the intrastate  
24 transportation or shipment of household goods originating in  
25 this state and terminating in this state., except This chapter  
26 does act shall not apply be construed to include shipments  
27 contracted by the United States, the state, or any local  
28 government or political subdivision of the state. ~~The~~  
29 ~~provisions of this act shall only apply to the transportation~~  
30 ~~of household goods originating in this state and terminating~~  
31 ~~in this state.~~

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

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

8           Section 4. Section 507.03, Florida Statutes, is  
9 amended to read:

10           507.03 Registration.--

11           (1) Each mover and moving broker must ~~shall~~ annually  
12 register with the department, providing its legal business and  
13 trade name, mailing address, and business locations; the full  
14 names, addresses, and telephone numbers of its owners or  
15 corporate officers and directors and the Florida agent of the  
16 corporation; a statement whether it is a domestic or foreign  
17 corporation, its state and date of incorporation, its charter  
18 number, and, if a foreign corporation, the date it registered  
19 with the Department of State of Florida, ~~and occupational~~  
20 ~~license where applicable;~~ the date on which the a mover or  
21 broker registered its fictitious name if the mover or broker  
22 is operating under a fictitious or trade name; the name of all  
23 other corporations, business entities, and trade names through  
24 which each owner of the mover or broker operated, was known,  
25 or did business as a mover or moving broker within the  
26 preceding 5 years; and proof of the insurance or alternative  
27 coverages ~~coverage as required under s. 507.04 by this act.~~

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

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

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

17           (5) Each contract of a mover or moving broker must  
18 include the phrase "... (NAME OF FIRM)... is registered with  
19 the State of Florida as a Mover. Registration No. ...."

20           (6) Each advertisement of a mover must include the  
21 phrase "Fla. Mover Reg. No. ...." or "FL IM# ....". Each of  
22 the mover's vehicles must clearly and conspicuously display a  
23 sign on the driver's side door which includes at least one of  
24 these phrases in lettering of at least 1 1/2 inches in height.

25           (7) ~~A No~~ registration is not shall be valid for any  
26 mover or broker transacting business at any place other than  
27 that designated in the mover's or broker's its application,  
28 unless the department is first notified in writing before in  
29 ~~advance~~ of any change of location. A registration issued under  
30 this chapter is act shall not ~~be~~ assignable, and the mover or  
31 broker may shall not ~~be permitted to~~ conduct business under



1 more than one name except as registered. A mover or broker  
2 desiring to change its registered name or location or  
3 designated agent for service of process at a time other than  
4 upon renewal of registration ~~must shall~~ notify the department  
5 of the ~~such~~ change.

6 (8) The department may deny, ~~or~~ refuse to renew, or  
7 revoke the registration of any mover or moving broker based  
8 upon a determination that the mover, or any of its directors,  
9 officers, owners, or general partners:

10 (a) Has failed to meet the requirements for  
11 registration as provided in this chapter act;

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

14 (c) Has not satisfied a civil fine or penalty arising  
15 out of any administrative or enforcement action brought by any  
16 governmental agency or private person based upon conduct  
17 involving fraud, dishonest dealing, or any violation of this  
18 chapter act;

19 (d) Has pending against him or her any criminal,  
20 administrative, or enforcement proceedings in any  
21 jurisdiction, based upon conduct involving fraud, dishonest  
22 dealing, or any other act of moral turpitude; or

23 (e) Has had a judgment entered against him or her in  
24 any action brought by the department or the Department of  
25 Legal Affairs under ~~pursuant to~~ this chapter act or ss.  
26 501.201-501.213, the Florida Deceptive and Unfair Trade  
27 Practices Act.

28 (9) Each mover and moving broker shall provide  
29 evidence of the current and valid insurance or alternative  
30 coverages required under ~~coverage as described in~~ s. 507.04.  
31

1           Section 5. Section 507.04, Florida Statutes, is  
2 amended to read:

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

5           507.04 Required insurance coverages; liability  
6 limitations; valuation coverage.--

7           (1) LIABILITY INSURANCE.--

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

13           2. The mover must provide the department with evidence  
14 of liability insurance coverage before the mover is registered  
15 with the department under s. 507.03. All insurance coverage  
16 maintained by a mover must remain in effect throughout the  
17 mover's registration period. A mover's failure to maintain  
18 insurance coverage in accordance with this paragraph  
19 constitutes an immediate threat to the public health, safety,  
20 and welfare. If a mover fails to maintain insurance coverage,  
21 the department may immediately suspend the mover's  
22 registration or eligibility for registration and the mover  
23 must immediately cease operating as a mover in this state. If  
24 a mover without insurance coverage does not cease operating as  
25 a mover, the department may seek from the appropriate circuit  
26 court an immediate injunction prohibiting the mover from  
27 operating in this state until the mover complies with this  
28 paragraph, a civil penalty not to exceed \$5,000, and court  
29 costs.

30           (b) A mover that operates two or fewer vehicles, in  
31 lieu of maintaining the liability insurance coverage required

1 under paragraph (a), may, and each moving broker must,  
2 maintain one of the following alternative coverages:

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

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

8  
9 The original bond or certificate of deposit must be filed with  
10 the department and must designate the department as the sole  
11 beneficiary. The department must use the bond or certificate  
12 of deposit exclusively for the payment of claims to consumers  
13 who are injured by the fraud, misrepresentation, breach of  
14 contract, or financial failure of the mover or moving broker  
15 or by a violation of this chapter by the mover or broker.

16 Liability for these injuries may be determined in an  
17 administrative proceeding of the department or through a civil  
18 action in a court of competent jurisdiction. However, claims  
19 against the bond or certificate of deposit must only be paid,  
20 in amounts not to exceed the determined liability for these  
21 injuries, by order of the department in an administrative  
22 proceeding. The bond or certificate of deposit is subject to  
23 successive claims, but the aggregate amount of these claims  
24 may not exceed the amount of the bond or certificate of  
25 deposit.

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

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1           (a) Fifty thousand dollars per occurrence for a  
2 commercial motor vehicle with a gross weight of less than  
3 35,000 pounds.

4           (b) One hundred thousand dollars per occurrence for a  
5 commercial motor vehicle with a gross weight of more than  
6 35,000 pounds, but less than 44,000 pounds.

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

10           (3) INSURANCE COVERAGES.--The insurance coverages  
11 required under paragraph (1)(a) and subsection (2) must be  
12 issued by an insurance company or carrier licensed to transact  
13 business in this state under the Florida Insurance Code as  
14 defined in s. 624.01. The department shall require a mover to  
15 present a certificate of insurance of the required coverages  
16 before issuance or renewal of a registration certificate under  
17 s. 507.03. The department shall be named as a  
18 certificateholder in the certificate and must be notified at  
19 least 30 days before any changes in insurance coverage.

20           (4) LIABILITY LIMITATIONS; VALUATION RATES.--A mover  
21 may not limit its liability for the loss or damage of  
22 household goods to a valuation rate that is less than 60 cents  
23 per pound per article. A provision of a contract for moving  
24 services is void if the provision limits a mover's liability  
25 to a valuation rate that is less than this minimum rate. If a  
26 mover limits its liability for a shipper's goods, the mover  
27 must disclose the limitation, including the valuation rate, to  
28 the shipper in writing at the time that the estimate or  
29 contract for services is executed and before any moving or  
30 accessorial services are provided. The disclosure must also  
31 inform the shipper of the opportunity to purchase valuation

1 coverage if the mover offers that coverage under subsection  
2 (5).

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

19       Section 6. Section 507.05, Florida Statutes, is  
20 amended to read:

21       507.05 Estimates and contracts for service.--Before  
22 ~~Prior to~~ providing any moving or accessorial services, a  
23 contract and estimate must be provided to a prospective  
24 shipper in writing, must be signed and dated by the shipper  
25 and the mover, and must include:

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

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

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

4 (4) The name, telephone number, and physical address  
5 of any location where the goods will be held pending further  
6 transportation, including situations where the mover retains  
7 possession of goods pending resolution of a fee dispute with  
8 the shipper.

9 (5) An itemized breakdown and description and total of  
10 all costs and services for loading, transportation or  
11 shipment, unloading, and accessorial services to be provided  
12 during a household move or storage of household goods.

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

15 (a) Cash, cashier's check, money order, or traveler's  
16 check;

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

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

22  
23 A mover must ~~shall~~ clearly and conspicuously disclose to the  
24 shipper in the estimate and contract for services the forms of  
25 payments the mover will accept, including the forms of payment  
26 ~~from those categories~~ described in paragraphs (a)-(c).

27 Section 7. Section 507.06, Florida Statutes, is  
28 amended to read:

29 507.06 Delivery and storage of household goods.--

30 (1) A mover must relinquish household goods to a  
31 shipper and must place the goods inside a shipper's dwelling

1 or, if directed by the shipper, inside a storehouse or  
2 warehouse that is owned or rented by the shipper or the  
3 shipper's agent, unless the shipper has not tendered payment  
4 in the amount specified in a written contract or estimate  
5 signed and dated by the shipper. A mover may not refuse to  
6 relinquish prescription medicines and goods for use by  
7 children, including children's furniture, clothing, or toys,  
8 under any circumstances.

9 (2) A mover may not refuse to relinquish household  
10 goods to a shipper or fail to place the goods inside a  
11 shipper's dwelling or, if directed by the shipper, inside a  
12 storehouse or warehouse that is owned or rented by the shipper  
13 or the shipper's agent, based on the mover's refusal to accept  
14 an acceptable form of payment.

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

24 Section 8. Section 507.07, Florida Statutes, is  
25 amended to read:

26 507.07 Violations.--It is a violation of this chapter  
27 ~~act~~ to:

28 (1) Conduct business as a mover or moving broker, or  
29 advertise to engage in the business of moving or offering to  
30 move, without first being registered annually with the  
31 department.

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

5           (3) Misrepresent or deceptively represent:

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

8           (b) The timeframe or schedule for delivery or storage  
9 of household goods estimated.

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

12          (d) The nature or extent of other goods, services, or  
13 amenities offered.

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

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

18          (5) Withhold delivery of household goods or in any way  
19 hold goods in storage against the expressed wishes of the  
20 shipper if payment has been made as delineated in the estimate  
21 or contract for services.

22          (6)(a) Include in any contract any provision  
23 purporting to waive or limit any right or benefit provided to  
24 shippers under this chapter act.

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

28          (c) Use a local mailing address, registration  
29 facility, drop box, or answering service in the promotion,  
30 advertising, solicitation, or sale of contracts, unless the  
31 mover's, and, if applicable, the moving broker's, fixed



1 business address is clearly disclosed during any telephone  
2 solicitation and is prominently and conspicuously disclosed on  
3 all solicitation materials and on the contract.

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

7 (e) Refuse or fail, or for any of the mover's or  
8 broker's principal officers to refuse or fail, after notice,  
9 to produce any document or record or disclose any information  
10 required to be produced or disclosed.

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

14 Section 9. Section 507.08, Florida Statutes, is  
15 amended to read:

16 507.08 Deceptive and unfair trade practice.--Acts,  
17 conduct, practices, omissions, failings, misrepresentations,  
18 or nondisclosures committed in ~~which constitute a~~ violation of  
19 this chapter are ~~act also constitute a~~ deceptive and unfair  
20 trade practices under ~~practice for the purpose of~~ ss.  
21 501.201-501.213, the Florida Deceptive and Unfair Trade  
22 Practices Act, and administrative rules adopted in accordance  
23 with the act thereunder.

24 Section 10. Section 507.09, Florida Statutes, is  
25 amended to read:

26 507.09 Administrative remedies; penalties.--

27 (1) The department may enter an order doing one or  
28 more of the following if the department finds that a mover or  
29 moving broker, or a person employed or contracted by a mover  
30 or broker, has violated or is operating in violation of ~~any of~~  
31

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

3 (a) Issuing a notice of noncompliance under ~~pursuant~~  
4 ~~to~~ s. 120.695.

5 (b) Imposing an administrative fine not to exceed  
6 \$5,000 for each act or omission.

7 (c) Directing that the person cease and desist  
8 specified activities.

9 (d) Refusing to register or revoking or suspending a  
10 registration.

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

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

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

20 Section 11. Section 507.10, Florida Statutes, is  
21 amended to read:

22 507.10 Civil penalties; remedies.--

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

27 (2) The department may seek a civil penalty of up to  
28 \$5,000 for each violation of this chapter act.

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

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

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

10           (6) Upon motion of the department in any action  
11 brought under this chapter act, the court may make appropriate  
12 orders, including appointment of a master or receiver or  
13 sequestration of assets, to reimburse shippers found to have  
14 been damaged, to carry out a consumer transaction in  
15 accordance with the shipper's reasonable expectations, or to  
16 grant other appropriate relief.

17           Section 12. Section 507.11, Florida Statutes, is  
18 amended to read:

19           507.11 Criminal penalties.--

20           (1) The refusal of a mover or a mover's employee,  
21 agent, or contractor to comply with an order from a law  
22 enforcement officer to relinquish a shipper's household goods  
23 after the officer determines that the shipper has tendered  
24 payment of the amount of a written estimate or contract, or  
25 after the officer determines that the mover did not produce a  
26 signed estimate or contract upon which demand is being made  
27 for payment, is a felony of the third degree, punishable as  
28 provided in s. 775.082, s. 775.083, or s. 775.084. A mover's  
29 compliance with an order from a law enforcement officer to  
30 relinquish goods to a shipper is not a waiver or finding of  
31

1 fact regarding any right to seek further payment from the  
2 shipper.

3 (2) Except as provided in subsection (1), any person  
4 or business that violates this chapter ~~act~~ commits a  
5 misdemeanor of the first degree, punishable as provided in s.  
6 775.082 or s. 775.083.

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

9 507.12 General Inspection Trust Fund; payments.--Any  
10 moneys recovered by the department as a penalty under this  
11 chapter ~~act~~ shall be deposited in the General Inspection Trust  
12 Fund.

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

15 507.13 Local regulation.--

16 (1) ~~The provisions of This chapter does act~~ are not  
17 ~~intended to~~ preempt local ordinances or regulations of a  
18 county or municipality which ~~that~~ regulate transactions  
19 relating to movers of household goods. As provided in s.  
20 507.03(4), counties and municipalities may require, levy, or  
21 collect any registration fee or tax or require the  
22 registration or bonding in any manner of any mover.

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

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

29 120.80 Exceptions and special requirements;  
30 agencies.--

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

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

6           Section 16. Section 205.1975, Florida Statutes, is  
7 created to read:

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

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

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16           \*\*\*\*\*

17           SENATE SUMMARY

18           Revises various provisions of ch. 507, F.S., relating to  
19 household moving services. Clarifies the licensure  
20 requirements for movers and requires moving brokers to  
21 register with the Department of Agriculture and Consumer  
22 Services. Revises requirements for insurance coverage.  
23 Requires certain disclosures concerning valuation  
24 coverage. (See bill for details.)  
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