

By the Committee on Transportation; and Senator Campbell

596-2128-05

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 defining "household move," "moving broker," and
7 "moving container"; clarifying licensing
8 requirements for household movers and moving
9 brokers; applying the licensing requirements to
10 moving brokers and certain persons who
11 transport or ship household goods in moving
12 containers; clarifying and conforming
13 provisions; amending s. 507.02, F.S.;
14 clarifying the construction, application, and
15 intent of the licensing requirements; amending
16 s. 507.03, F.S.; requiring moving brokers to
17 register with the Department of Agriculture and
18 Consumer Services; providing requirements and
19 fees for such registration; providing for
20 certificate of registration; requiring display
21 of the certificate; clarifying registration
22 requirements for household movers and moving
23 brokers; requiring brokers to obtain local
24 registration or license when required by the
25 county or municipality where the broker's
26 principal place of business is located;
27 deleting provisions for issuance by the
28 department of a certificate of registration
29 when a mover submits proof of local license or
30 registration; revising advertising
31 requirements; requiring a mover's vehicles to

1 display certain signage; providing for denial,
2 refusal to renew, or revocation of registration
3 of mover or moving broker; requiring brokers to
4 provide evidence of certain insurance coverage;
5 revising requirement for mover to provide
6 evidence of certain insurance coverage;
7 amending s. 507.04, F.S.; clarifying
8 requirements that a mover maintain certain
9 insurance coverages; requiring a mover to
10 submit evidence of liability insurance before
11 registration; providing requirements for
12 liability insurance coverage; authorizing the
13 Department of Agriculture and Consumer Services
14 to suspend a mover's registration and seek an
15 injunction in circuit court if the mover fails
16 to maintain insurance coverage; providing
17 penalties; authorizing certain movers and
18 requiring moving brokers to maintain a
19 performance bond or certificate of deposit in
20 lieu of certain liability insurance coverage;
21 providing requirements for the performance bond
22 or certificate of deposit; providing for
23 payment of claims pursuant to department order
24 in an administrative proceeding; specifying
25 that insurance coverages must be issued by a
26 licensed insurance company or carrier;
27 prohibiting certain limits of liability for a
28 mover's loss or damage of a shipper's goods;
29 requiring certain disclosures of liability
30 limitations; authorizing a mover to offer
31 valuation coverage under specified conditions;

1 providing that valuation coverage meeting
2 specified conditions satisfies certain
3 liability of a mover; requiring certain
4 disclosures of valuation coverage; amending s.
5 507.06, F.S.; revising provisions for delivery
6 and storage of household goods; amending s.
7 507.07, F.S.; requiring that moving brokers
8 annually register with the department; revising
9 provisions relating to prohibited acts and
10 violations; specifying that the making of
11 certain false statements is a violation of ch.
12 507, F.S., regardless of whether the statements
13 are material; clarifying and conforming
14 provisions; amending s. 507.11, F.S.; providing
15 penalties; amending ss. 507.05, 507.08, 507.09,
16 507.10, 507.12, and 507.13, F.S., relating to
17 estimates and contracts for service, deceptive
18 and unfair trade practice, administrative
19 remedies and penalties, civil penalties and
20 remedies, the General Inspection Trust Fund,
21 and local regulation; providing for application
22 to moving brokers; clarifying and conforming
23 provisions; providing for the adoption of
24 rules; creating s. 205.1975, F.S.; prohibiting
25 a county or municipality from issuing or
26 renewing an occupational license to a mover or
27 moving broker under certain circumstances;
28 providing an effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:
31

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

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

6 507.01 Definitions.--~~As used in~~ ~~For the purposes of~~
7 this chapter act, the term:

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

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

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

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

12 (5) "Department" means the Department of Agriculture
13 and Consumer Services.

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

20 (7) "Household goods" or "goods" means personal
21 effects or other personal property commonly found in a home,
22 personal residence, ~~storage facility,~~ or other dwelling
23 location, including, but not limited to, household furniture.
24 The term property in a storehouse or warehouse facility that
25 is owned or rented by a shipper or shipper's agent, but does
26 not include freight or personal property moving to or from a
27 factory, store, or other place of business.

28 (8) "Household move" or "move" means the loading of
29 household goods into a vehicle, moving container, or other
30 mode of transportation or shipment; the transportation or
31 shipment of those household goods; and the unloading of those

1 household goods, when the transportation or shipment
2 originates and terminates at one of the following ultimate
3 locations, regardless of whether the mover temporarily stores
4 the goods while en route between the originating and
5 terminating locations:

6 (a) From one dwelling to another dwelling;

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

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

11 (9)(8) "Mover" means a ~~any~~ person who, for
12 compensation, contracts for or engages in the loading,
13 transportation or shipment, or unloading of household goods as
14 part of a household move for compensation. The term does not
15 include a postal, courier, envelope, or package service that
16 does not advertise itself as a mover or moving service.

17 (10) "Moving broker" or "broker" means a person who,
18 for compensation, arranges for another person to load,
19 transport or ship, or unload household goods as part of a
20 household move or who, for compensation, refers a shipper to a
21 mover by telephone, postal or electronic mail, Internet
22 website, or other means.

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

26 (12)(9) "Shipper" means a ~~any~~ person who uses the
27 services of a mover to transport or ship household goods as
28 part of a household move.

29 (13)(10) "Storage" means the warehousing of a ~~the~~
30 shipper's goods while under the care, custody, and control of
31 the mover.

1 Section 3. Section 507.02, Florida Statutes, is
2 amended to read:

3 507.02 Construction; intent; application.--

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

6 (a) Establish the law of this state governing the
7 loading, transportation ~~or~~, shipment, unloading, and
8 affiliated storage of household goods as part of household
9 moves.

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

13 (2) ~~The provisions of This chapter applies act shall~~
14 ~~apply~~ to the operations of any mover or moving broker engaged
15 in the intrastate transportation or shipment of household
16 goods originating in this state and terminating in this
17 state., ~~except This chapter does act shall not apply be~~
18 ~~construed to include~~ shipments contracted by the United
19 States, the state, or any local government or political
20 subdivision of the state. ~~The provisions of this act shall~~
21 ~~only apply to the transportation of household goods~~
22 ~~originating in this state and terminating in this state.~~

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

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

30 Section 4. Section 507.03, Florida Statutes, is
31 amended to read:

1 507.03 Registration.--

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

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

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

28 (4) Any mover or moving broker whose principal place
29 of business is located in a county or municipality that
30 requires, by local ordinance, a local license or registration
31 to engage in the business of moving and storage of household

1 goods ~~must shall~~ obtain the license or registration from the
2 ~~such~~ county or municipality. A mover or broker that obtains a
3 ~~such~~ local license or registration must shall also ~~be required~~
4 ~~to~~ pay the state registration fee under subsection (3), ~~and~~
5 ~~the department shall issue the mover a state certificate of~~
6 ~~registration upon submission of proof of the local license or~~
7 ~~registration by the mover.~~

8 (5) Each contract of a mover or moving broker must
9 include the phrase "(NAME OF FIRM) is registered with the
10 State of Florida as a Mover or Moving Broker. Registration No.
11"

12 (6) Each advertisement of a mover or moving broker
13 must include the phrase "Fla. Mover Reg. No." or "Fla. IM
14 No."
15 Each of the mover's vehicles must clearly and conspicuously
16 display a sign on the driver's side door which includes at
17 least one of these phrases in lettering of at least 1.5 inches
18 in height.

19 (7) ~~A No~~ registration is not shall be valid for any
20 mover or broker transacting business at any place other than
21 that designated in the mover's or broker's its application,
22 unless the department is first notified in writing before in
23 ~~advance~~ of any change of location. A registration issued under
24 this chapter is act shall not ~~be~~ assignable, and the mover or
25 broker may shall not ~~be permitted to~~ conduct business under
26 more than one name except as registered. A mover or broker
27 desiring to change its registered name or location or
28 designated agent for service of process at a time other than
29 upon renewal of registration must shall notify the department
30 of the such change.
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1 (8) The department may deny, ~~or~~ refuse to renew, or
2 revoke the registration of any mover or moving broker based
3 upon a determination that the mover or moving broker, or any
4 of the mover's or moving broker's ~~its~~ directors, officers,
5 owners, or general partners:

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

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

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

15 (d) Has pending against him or her any criminal,
16 administrative, or enforcement proceedings in any
17 jurisdiction, based upon conduct involving fraud, dishonest
18 dealing, or any other act of moral turpitude; or

19 (e) Has had a judgment entered against him or her in
20 any action brought by the department or the Department of
21 Legal Affairs under ~~pursuant to~~ this chapter act or ss.
22 501.201-501.213, the Florida Deceptive and Unfair Trade
23 Practices Act.

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

27 Section 5. Section 507.04, Florida Statutes, is
28 amended to read:

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

31

1 507.04 Required insurance coverages; liability
2 limitations; valuation coverage.--

3 (1) LIABILITY INSURANCE.--

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

9 2. The mover must provide the department with evidence
10 of liability insurance coverage before the mover is registered
11 with the department under s. 507.03. All insurance coverage
12 maintained by a mover must remain in effect throughout the
13 mover's registration period. A mover's failure to maintain
14 insurance coverage in accordance with this paragraph
15 constitutes an immediate threat to the public health, safety,
16 and welfare. If a mover fails to maintain insurance coverage,
17 the department may immediately suspend the mover's
18 registration or eligibility for registration and the mover
19 must immediately cease operating as a mover in this state. In
20 addition, and notwithstanding the availability of any
21 administrative relief pursuant to chapter 120, the department
22 may seek from the appropriate circuit court an immediate
23 injunction prohibiting the mover from operating in this state
24 until the mover complies with this paragraph and pays a civil
25 penalty not to exceed \$5,000 and court costs.

26 (b) A mover that operates two or fewer vehicles, in
27 lieu of maintaining the liability insurance coverage required
28 under paragraph (a), may, and each moving broker must,
29 maintain one of the following alternative coverages:
30
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1 1. A performance bond in the amount of \$25,000, for
2 which the surety of the bond must be a surety company
3 authorized to conduct business in this state; or

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

6
7 The original bond or certificate of deposit must be filed with
8 the department and must designate the department as the sole
9 beneficiary. The department must use the bond or certificate
10 of deposit exclusively for the payment of claims to consumers
11 who are injured by the fraud, misrepresentation, breach of
12 contract, misfeasance, malfeasance, or financial failure of
13 the mover or moving broker or by a violation of this chapter
14 by the mover or broker. Liability for these injuries may be
15 determined in an administrative proceeding of the department
16 or through a civil action in a court of competent
17 jurisdiction. However, claims against the bond or certificate
18 of deposit must be paid only, in amounts not to exceed the
19 determined liability for these injuries, by order of the
20 department in an administrative proceeding. The bond or
21 certificate of deposit is subject to successive claims, but
22 the aggregate amount of these claims may not exceed the amount
23 of the bond or certificate of deposit.

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

29 (a) Fifty thousand dollars per occurrence for a
30 commercial motor vehicle with a gross weight of less than
31 35,000 pounds.

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

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

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

17 (4) LIABILITY LIMITATIONS; VALUATION RATES.--A mover
18 may not limit its liability for the loss or damage of
19 household goods to a valuation rate that is less than 60 cents
20 per pound per article. A provision of a contract for moving
21 services is void if the provision limits a mover's liability
22 to a valuation rate that is less than this minimum rate. If a
23 mover limits its liability for a shipper's goods, the mover
24 must disclose the limitation, including the valuation rate, to
25 the shipper in writing at the time that the estimate and
26 contract for services is executed and before any moving or
27 accessorial services are provided. The disclosure must also
28 inform the shipper of the opportunity to purchase valuation
29 coverage if the mover offers that coverage under subsection
30 (5).

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

17 Section 6. Section 507.05, Florida Statutes, is
18 amended to read:

19 507.05 Estimates and contracts for service.--Before
20 ~~Prior to~~ providing any moving or accessorial services, a
21 contract and estimate must be provided to a prospective
22 shipper in writing, must be signed and dated by the shipper
23 and the mover, and must include:

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

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

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

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

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

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

12 (a) Cash, cashier's check, money order, or traveler's
13 check;

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

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

19
20 A mover ~~must shall~~ clearly and conspicuously disclose to the
21 shipper in the estimate and contract for services the forms of
22 payments the mover will accept, including the forms of payment
23 ~~from those categories~~ described in paragraphs (a)-(c).

24 Section 7. Section 507.06, Florida Statutes, is
25 amended to read:

26 507.06 Delivery and storage of household goods.--

27 (1) A mover must relinquish household goods to a
28 shipper and must place the goods inside a shipper's dwelling
29 or, if directed by the shipper, inside a storehouse or
30 warehouse that is owned or rented by the shipper or the
31 shipper's agent, unless the shipper has not tendered payment

1 | in the amount specified in a written contract or estimate
2 | signed and dated by the shipper. A mover may not refuse to
3 | relinquish prescription medicines and goods for use by
4 | children, including children's furniture, clothing, or toys,
5 | under any circumstances.

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

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

21 | Section 8. Section 507.07, Florida Statutes, is
22 | amended to read:

23 | 507.07 Violations.--It is a violation of this chapter
24 | ~~act~~ to:

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

29 | (2) Knowingly make any false statement,
30 | representation, or certification in any application, document,
31 |

1 or record required to be submitted or retained under this
2 chapter act.

3 (3) Misrepresent or deceptively represent:

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

6 (b) The timeframe or schedule for delivery or storage
7 of household goods estimated.

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

10 (d) The nature or extent of other goods, services, or
11 amenities offered.

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

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

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

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

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

26 (c) Use a local mailing address, registration
27 facility, drop box, or answering service in the promotion,
28 advertising, solicitation, or sale of contracts, unless the
29 mover's, and, if applicable, the moving broker's, fixed
30 business address is clearly disclosed during any telephone
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1 solicitation and is prominently and conspicuously disclosed on
2 all solicitation materials and on the contract.

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

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

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

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

15 507.08 Deceptive and unfair trade practice.--Acts,
16 conduct, practices, omissions, failings, misrepresentations,
17 or nondisclosures committed in ~~which constitute a~~ violation of
18 this chapter are ~~act also constitute a~~ deceptive and unfair
19 trade practices under ~~practice for the purpose of~~ ss.
20 501.201-501.213, the Florida Deceptive and Unfair Trade
21 Practices Act, and administrative rules adopted in accordance
22 with the act thereunder.

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

25 507.09 Administrative remedies; penalties.--

26 (1) The department may enter an order doing one or
27 more of the following if the department finds that a mover or
28 moving broker, or a person employed or contracted by a mover
29 or broker, has violated or is operating in violation of ~~any of~~
30 ~~the provisions of this chapter act~~ or the rules or orders
31 issued in accordance with this chapter thereunder:

1 (a) Issuing a notice of noncompliance under ~~pursuant~~
2 ~~to~~ s. 120.695.

3 (b) Imposing an administrative fine not to exceed
4 \$5,000 for each act or omission.

5 (c) Directing that the person cease and desist
6 specified activities.

7 (d) Refusing to register or revoking or suspending a
8 registration.

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

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

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

18 Section 11. Section 507.10, Florida Statutes, is
19 amended to read:

20 507.10 Civil penalties; remedies.--

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

25 (2) The department may seek a civil penalty of up to
26 \$5,000 for each violation of this chapter ~~act~~.

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

30 (4) Any provision in a contract for services or bill
31 of lading from a mover or moving broker that purports to

1 waive, limit, restrict, or avoid any of the duties,
2 obligations, or prescriptions of the mover or broker, as
3 provided in this chapter act, is void ~~and unenforceable and~~
4 ~~against public policy.~~

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

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

15 Section 12. Section 507.11, Florida Statutes, is
16 amended to read:

17 507.11 Criminal penalties.--

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

31

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

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

7 507.12 General Inspection Trust Fund; payments.--Any
8 moneys recovered by the department as a penalty under this
9 chapter ~~act~~ shall be deposited in the General Inspection Trust
10 Fund.

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

13 507.13 Local regulation.--

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

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

26 Section 15. Section 205.1975, Florida Statutes, is
27 created to read:

28 205.1975 Household moving services; consumer
29 protection.--A county or municipality may not issue or renew
30 an occupational license for the operation of a mover or moving
31 broker under chapter 507 unless the mover or broker exhibits a

1 current registration from the Department of Agriculture and
2 Consumer Services.

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

4
5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 Senate Bill 970

8 This CS makes technical changes to reference moving brokers in
9 several instances, in which it was inadvertently omitted.

10 The CS provides, notwithstanding the availability of any
11 administrative relief pursuant to ch. 120, F.S., the
12 Department of Agriculture and Consumer Services may seek an
13 immediate injunction prohibiting a mover who fails to maintain
14 the required insurance coverage from operating in this state
15 until certain criteria are met. This exemption relating to
16 certain proceedings conducted by the Department of Agriculture
17 and Consumer Services against a mover who fails to maintain
18 the required insurance coverage from hearing requirements of
19 the Administrative Procedure Act was removed from another
20 section of the bill.

21 The CS includes misfeasance and malfeasance in the provision
22 relating to the authorized uses of the original bond or
23 certificate of deposit for the payment of claims to consumers
24 who are injured.