

1 A bill to be entitled
2 An act relating to household moving services; requesting
3 the Division of Statutory Revision to redesignate the
4 title of ch. 507, F.S.; amending s. 507.01, F.S.; revising
5 definitions; defining "household move," "moving broker,"
6 and "moving container"; amending s. 507.02, F.S.; revising
7 the construction, application, and intent of regulations
8 for household moving services; providing for application
9 to moving brokers; amending s. 507.03, F.S.; revising
10 mover registration provisions and providing for
11 application to moving brokers; requiring moving brokers to
12 register with the Department of Agriculture and Consumer
13 Services; providing requirements and fees for such
14 registration; providing for certificate of registration;
15 requiring display of the certificate; requiring brokers to
16 obtain local registration or license when required by the
17 county or municipality where the broker's principal place
18 of business is located; deleting provisions for issuance
19 by the department of a certificate of registration when a
20 mover submits proof of local license or registration;
21 revising requirements for content of contracts; revising
22 advertising requirements; requiring a mover's vehicles to
23 display certain signage; revising provisions for changes
24 in registration; providing for denial, refusal to renew,
25 or revocation of registration; revising requirements to
26 provide evidence of current and valid insurance coverage
27 to include certain alternative coverage; amending s.
28 507.04, F.S.; revising provisions requiring a mover to

29 maintain certain insurance coverages; requiring a mover to
30 submit evidence of liability insurance before
31 registration; providing requirements for liability
32 insurance coverage; authorizing the Department of
33 Agriculture and Consumer Services to suspend a mover's
34 registration and seek an injunction in circuit court if
35 the mover fails to maintain insurance coverage; providing
36 penalties; authorizing certain movers and requiring moving
37 brokers to maintain a performance bond or certificate of
38 deposit in lieu of certain liability insurance coverage;
39 providing requirements for the performance bond or
40 certificate of deposit; providing for payment of claims
41 pursuant to department order in an administrative
42 proceeding; revising requirements for motor vehicle
43 coverage; specifying that insurance coverages must be
44 issued by a licensed insurance company or carrier;
45 prohibiting certain limits of liability for a mover's loss
46 or damage of a shipper's goods; requiring certain
47 disclosures of liability limitations; authorizing a mover
48 to offer valuation coverage under specified conditions;
49 providing that valuation coverage meeting specified
50 conditions satisfies certain liability of a mover;
51 requiring certain disclosures of valuation coverage;
52 amending s. 507.05, F.S.; revising requirements for
53 content of contracts; amending s. 507.06, F.S.; revising
54 provisions for delivery and storage of household goods to
55 provide for delivery to a storehouse or warehouse;
56 amending s. 507.07, F.S.; requiring that moving brokers

57 | annually register with the department; revising provisions
 58 | relating to prohibited acts and violations; specifying
 59 | that making certain false statements is a violation
 60 | regardless of whether the statements are material;
 61 | amending s. 507.11, F.S.; providing penalties; amending
 62 | ss. 507.08, 507.09, 507.10, 507.12, and 507.13, F.S.,
 63 | relating to deceptive and unfair trade practice,
 64 | administrative remedies and penalties, civil penalties and
 65 | remedies, the General Inspection Trust Fund, and local
 66 | regulation; providing for application to moving brokers;
 67 | clarifying and conforming provisions; providing for the
 68 | adoption of rules; creating s. 205.1975, F.S.; prohibiting
 69 | a county or municipality from issuing or renewing an
 70 | occupational license to a mover or moving broker under
 71 | certain circumstances; providing an effective date.

72 |
 73 | Be It Enacted by the Legislature of the State of Florida:

74 |
 75 | Section 1. The Division of Statutory Revision is requested
 76 | to redesignate the title of chapter 507, Florida Statutes, as
 77 | "HOUSEHOLD MOVING SERVICES."

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

80 | 507.01 Definitions.--As used in this chapter ~~For the~~
 81 | ~~purposes of this act,~~ the term:

82 | (1) "Accessorial services" means any service performed by
 83 | a mover which results in a charge to the shipper and is
 84 | incidental to the transportation or shipment of household goods

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

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

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

110 (4) "Contract for service" or "bill of lading" means a
 111 written document approved by the shipper in writing before ~~prior~~
 112 ~~to~~ the performance of any service which authorizes services from

113 the named mover and lists the services and all costs associated
 114 with the ~~transportation of household move goods~~ and accessorial
 115 services to be performed.

116 (5) "Department" means the Department of Agriculture and
 117 Consumer Services.

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

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

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

- 141 (a) From one dwelling to another dwelling;
- 142 (b) From a dwelling to a storehouse or warehouse that is
- 143 owned or rented by the shipper or the shipper's agent; or
- 144 (c) From a storehouse or warehouse that is owned or rented
- 145 by the shipper or the shipper's agent to a dwelling.

146 (9)(8) "Mover" means a ~~any~~ person who, for compensation,

147 contracts for or engages in the loading, transportation or

148 shipment, or unloading of household goods as part of a household

149 move for compensation. The term does not include a postal,

150 courier, envelope, or package service that does not advertise

151 itself as a mover or moving service.

152 (10) "Moving broker" or "broker" means a person who, for

153 compensation, arranges for another person to load, transport or

154 ship, or unload household goods as part of a household move or

155 who, for compensation, refers a shipper to a mover by telephone,

156 postal or electronic mail, Internet website, or other means.

157 (11) "Moving container" means a receptacle holding at

158 least 225 cubic feet of volume which is used to transport or

159 ship household goods as part of a household move.

160 (12)(9) "Shipper" means a ~~any~~ person who uses the services

161 of a mover to transport or ship household goods as part of a

162 household move.

163 (13)(10) "Storage" means the warehousing of a ~~the~~

164 shipper's goods while under the care, custody, and control of

165 the mover.

166 Section 3. Section 507.02, Florida Statutes, is amended to

167 read:

168 507.02 Construction; intent; application.--

169 (1) This chapter ~~The provisions of this act~~ shall be
 170 construed liberally to:

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

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

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

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

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

194 Section 4. Section 507.03, Florida Statutes, is amended to
 195 read:

196 507.03 Registration.--

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

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

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

222 (4) Any mover or moving broker whose principal place of
 223 business is located in a county or municipality that requires,
 224 by local ordinance, a local license or registration to engage in

225 the business of moving and storage of household goods must ~~shall~~
 226 obtain the license or registration from the ~~such~~ county or
 227 municipality. A mover or broker that obtains a ~~such~~ local
 228 license or registration must ~~shall~~ also ~~be required to~~ pay the
 229 state registration fee under subsection (3), ~~and the department~~
 230 ~~shall issue the mover a state certificate of registration upon~~
 231 ~~submission of proof of the local license or registration by the~~
 232 ~~mover.~~

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

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

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

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

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

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

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

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

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

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

278 Section 5. Section 507.04, Florida Statutes, is amended to
 279 read:

280 (Substantial rewording of section. See

281 s. 507.04, F.S., for present text.)
 282 507.04 Required insurance coverages; liability
 283 limitations; valuation coverage.--
 284 (1) LIABILITY INSURANCE.--
 285 (a)1. Except as provided in paragraph (b), each mover
 286 operating in this state must maintain current and valid
 287 liability insurance coverage of at least \$10,000 per shipment
 288 for the loss or damage of household goods resulting from the
 289 negligence of the mover or its employees or agents.
 290 2. The mover must provide the department with evidence of
 291 liability insurance coverage before the mover is registered with
 292 the department under s. 507.03. All insurance coverage
 293 maintained by a mover must remain in effect throughout the
 294 mover's registration period. A mover's failure to maintain
 295 insurance coverage in accordance with this paragraph constitutes
 296 an immediate threat to the public health, safety, and welfare.
 297 If a mover fails to maintain insurance coverage, the department
 298 may immediately suspend the mover's registration or eligibility
 299 for registration and the mover must immediately cease operating
 300 as a mover in this state. In addition, and notwithstanding the
 301 availability of any administrative relief pursuant to chapter
 302 120, the department may seek from the appropriate circuit court
 303 an immediate injunction prohibiting the mover from operating in
 304 this state until the mover complies with this paragraph, a civil
 305 penalty not to exceed \$5,000, and court costs.
 306 (b) A mover that operates two or fewer vehicles, in lieu
 307 of maintaining the liability insurance coverage required under

308 paragraph (a), may, and each moving broker must, maintain one of
 309 the following alternative coverages:

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

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

315
 316 The original bond or certificate of deposit must be filed with
 317 the department and must designate the department as the sole
 318 beneficiary. The department must use the bond or certificate of
 319 deposit exclusively for the payment of claims to consumers who
 320 are injured by the fraud, misrepresentation, breach of contract,
 321 misfeasance, malfeasance, or financial failure of the mover or
 322 moving broker or by a violation of this chapter by the mover or
 323 broker. Liability for these injuries may be determined in an
 324 administrative proceeding of the department or through a civil
 325 action in a court of competent jurisdiction. However, claims
 326 against the bond or certificate of deposit must only be paid, in
 327 amounts not to exceed the determined liability for these
 328 injuries, by order of the department in an administrative
 329 proceeding. The bond or certificate of deposit is subject to
 330 successive claims, but the aggregate amount of these claims may
 331 not exceed the amount of the bond or certificate of deposit.

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

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

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

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

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

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

364 accessorial services are provided. The disclosure must also
 365 inform the shipper of the opportunity to purchase valuation
 366 coverage if the mover offers that coverage under subsection (5).

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

382 Section 6. Section 507.05, Florida Statutes, is amended to
 383 read:

384 507.05 Estimates and contracts for service.--~~Before~~ ~~Prior~~
 385 ~~to~~ providing any moving or accessorial services, a contract and
 386 estimate must be provided to a prospective shipper in writing,
 387 must be signed and dated by the shipper and the mover, and must
 388 include:

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

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

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

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

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

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

408 (a) Cash, cashier's check, money order, or traveler's
 409 check;

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

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

414
 415 A mover must ~~shall~~ clearly and conspicuously disclose to the
 416 shipper in the estimate and contract for services the forms of
 417 payments the mover will accept, including the forms of payment
 418 ~~from those categories~~ described in paragraphs (a)-(c).

419 Section 7. Section 507.06, Florida Statutes, is amended to
 420 read:

421 507.06 Delivery and storage of household goods.--

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

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

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

446 Section 8. Section 507.07, Florida Statutes, is amended to
 447 read:

448 507.07 Violations.--It is a violation of this chapter ~~act~~
 449 to:

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

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

457 (3) Misrepresent or deceptively represent:

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

460 (b) The timeframe or schedule for delivery or storage of
 461 household goods estimated.

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

464 (d) The nature or extent of other goods, services, or
 465 amenities offered.

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

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

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

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

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

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

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

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

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

496 Section 9. Section 507.08, Florida Statutes, is amended to
 497 read:

498 507.08 Deceptive and unfair trade practice.--Acts,
 499 conduct, practices, omissions, failings, misrepresentations, or
 500 nondisclosures committed in ~~which constitute~~ a violation of this
 501 chapter are ~~act also constitute~~ a deceptive and unfair trade

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

506 Section 10. Section 507.09, Florida Statutes, is amended
 507 to read:

508 507.09 Administrative remedies; penalties.--

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

515 (a) Issuing a notice of noncompliance under ~~pursuant to~~ s.
 516 120.695.

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

519 (c) Directing that the person cease and desist specified
 520 activities.

521 (d) Refusing to register or revoking or suspending a
 522 registration.

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

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

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

532 Section 11. Section 507.10, Florida Statutes, is amended
 533 to read:

534 507.10 Civil penalties; remedies.--

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

539 (2) The department may seek a civil penalty of up to
 540 \$5,000 for each violation of this chapter act.

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

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

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

553 (6) Upon motion of the department in any action brought
 554 under this chapter act, the court may make appropriate orders,
 555 including appointment of a master or receiver or sequestration
 556 of assets, to reimburse shippers found to have been damaged, to

557 | carry out a consumer transaction in accordance with the
 558 | shipper's reasonable expectations, or to grant other appropriate
 559 | relief.

560 | Section 12. Section 507.11, Florida Statutes, is amended
 561 | to read:

562 | 507.11 Criminal penalties.--

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

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

579 | Section 13. Section 507.12, Florida Statutes, is amended
 580 | to read:

581 | 507.12 General Inspection Trust Fund; payments.--Any
 582 | moneys recovered by the department as a penalty under this
 583 | chapter ~~æ~~ shall be deposited in the General Inspection Trust
 584 | Fund.

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

587 507.13 Local regulation.--

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

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

599 Section 15. Section 205.1975, Florida Statutes, is created
 600 to read:

601 205.1975 Household moving services; consumer
 602 protection.--A county or municipality may not issue or renew an
 603 occupational license for the operation of a mover or moving
 604 broker under chapter 507 unless the mover or broker exhibits a
 605 current registration from the Department of Agriculture and
 606 Consumer Services.

607 Section 16. This act shall take effect July 1, 2006.