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HB 167, Engrossed 1

2006 Legislature

1 A bill to be entitled
2 An act relating to household moving services; amending s.
3 83.803, F.S.; revising the definition of the term "self-
4 contained storage unit" to include smaller units;
5 requesting the Division of Statutory Revision to
6 redesignate the title of ch. 507, F.S.; amending s.
7 507.01, F.S.; revising definitions; defining "household
8 move," "moving broker," and "moving container"; amending
9 s. 507.02, F.S.; revising the construction, application,
10 and intent of regulations for household moving services;
11 providing for application to moving brokers; amending s.
12 507.03, F.S.; revising mover registration provisions and
13 providing for application to moving brokers; requiring
14 moving brokers to register with the Department of
15 Agriculture and Consumer Services; providing requirements
16 and fees for such registration; providing for certificate
17 of registration; requiring display of the certificate;
18 requiring brokers to obtain local registration or license
19 when required by the county or municipality where the
20 broker's principal place of business is located; deleting
21 provisions for issuance by the department of a certificate
22 of registration when a mover submits proof of local
23 license or registration; revising requirements for content
24 of contracts; revising advertising requirements; requiring
25 a mover's vehicles to display certain signage; revising
26 provisions for changes in registration; providing for
27 denial, refusal to renew, or revocation of registration;

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28 | revising requirements to provide evidence of current and
29 | valid insurance coverage to include certain alternative
30 | coverage; amending s. 507.04, F.S.; revising provisions
31 | requiring a mover to maintain certain insurance coverages;
32 | requiring a mover to submit evidence of liability
33 | insurance before registration; providing requirements for
34 | liability insurance coverage; authorizing the Department
35 | of Agriculture and Consumer Services to suspend a mover's
36 | registration and seek an injunction in circuit court if
37 | the mover fails to maintain insurance coverage; providing
38 | penalties; authorizing certain movers and requiring moving
39 | brokers to maintain a performance bond or certificate of
40 | deposit in lieu of certain liability insurance coverage;
41 | providing requirements for the performance bond or
42 | certificate of deposit; providing for payment of claims
43 | pursuant to department order in an administrative
44 | proceeding; revising requirements for motor vehicle
45 | coverage; specifying that insurance coverages must be
46 | issued by a licensed insurance company or carrier;
47 | prohibiting certain limits of liability for a mover's loss
48 | or damage of a shipper's goods; requiring certain
49 | disclosures of liability limitations; authorizing a mover
50 | to offer valuation coverage under specified conditions;
51 | providing that valuation coverage meeting specified
52 | conditions satisfies certain liability of a mover;
53 | requiring certain disclosures of valuation coverage;
54 | amending s. 507.05, F.S.; revising requirements for

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55 | content of contracts; amending s. 507.06, F.S.; revising
56 | provisions for delivery and storage of household goods to
57 | provide for delivery to a storehouse or warehouse;
58 | amending s. 507.07, F.S.; requiring that moving brokers
59 | annually register with the department; revising provisions
60 | relating to prohibited acts and violations; specifying
61 | that making certain false statements is a violation
62 | regardless of whether the statements are material;
63 | amending s. 507.11, F.S.; providing penalties; amending
64 | ss. 507.08, 507.09, 507.10, 507.12, and 507.13, F.S.,
65 | relating to deceptive and unfair trade practice,
66 | administrative remedies and penalties, civil penalties and
67 | remedies, the General Inspection Trust Fund, and local
68 | regulation; providing for application to moving brokers;
69 | clarifying and conforming provisions; providing for the
70 | adoption of rules; creating s. 205.1975, F.S.; prohibiting
71 | a county or municipality from issuing or renewing an
72 | occupational license to a mover or moving broker under
73 | certain circumstances; providing an effective date.

74 |
75 | Be It Enacted by the Legislature of the State of Florida:
76 |

77 | Section 1. Subsection (2) of section 83.803, Florida
78 | Statutes, is amended to read:

79 | 83.803 Definitions.--As used in ss. 83.801-83.809:

80 | (2) "Self-contained storage unit" means any unit not less
81 | than 200 ~~600~~ cubic feet in size, including, but not limited to,

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82 a trailer, box, or other shipping container, which is leased by
 83 a tenant primarily for use as storage space whether the unit is
 84 located at a facility owned or operated by the owner or at
 85 another location designated by the tenant.

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

89 Section 3. Section 507.01, Florida Statutes, is amended to
 90 read:

91 507.01 Definitions.--As used in this chapter ~~For the~~
 92 ~~purposes of this act,~~ the term:

93 (1) "Accessorial services" means any service performed by
 94 a mover which results in a charge to the shipper and is
 95 incidental to the transportation or shipment of household goods
 96 ~~service,~~ including, but not limited to, valuation coverage;
 97 preparation of written inventory; equipment, including dollies,
 98 hand trucks, pads, blankets, and straps; storage, packing,
 99 unpacking, or crating of articles; hoisting or lowering; waiting
 100 time; ~~long carry, which is defined as carrying articles~~
 101 ~~excessive distances~~ to or from ~~between~~ the mover's vehicle,
 102 which may be cited as "long carry" ~~and the residence;~~ overtime
 103 loading and unloading; reweighing; disassembly or reassembly;
 104 elevator or stair carrying; boxing or servicing of appliances;
 105 and furnishing of packing or crating materials. The term
 106 includes ~~Accessorial services also include~~ services not
 107 performed by the mover but performed by a third party at the
 108 request of the shipper or mover, if the charges for these ~~such~~

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109 services are to be paid to the mover by the shipper at or before
 110 ~~prior to~~ the time of delivery.

111 (2) "Advertise" means to advise, announce, give notice of,
 112 publish, or call attention by use of oral, written, or graphic
 113 statement made in a newspaper or other publication or on radio
 114 or television, any electronic medium, or contained in any
 115 notice, handbill, sign, including signage on vehicle, flyer,
 116 catalog or letter, or printed on or contained in any tag or
 117 label attached to or accompanying any good.

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

121 (4) "Contract for service" or "bill of lading" means a
 122 written document approved by the shipper in writing before ~~prior~~
 123 ~~to~~ the performance of any service which authorizes services from
 124 the named mover and lists the services and all costs associated
 125 with the ~~transportation of~~ household move ~~goods~~ and accessorial
 126 services to be performed.

127 (5) "Department" means the Department of Agriculture and
 128 Consumer Services.

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

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135 (7) "Household goods" or "goods" means personal effects or
 136 other personal property commonly found in a home, personal
 137 residence, ~~storage facility,~~ or other dwelling location,
 138 including, but not limited to, household furniture. The term
 139 ~~property in a storehouse or warehouse facility that is owned or~~
 140 ~~rented by a shipper or shipper's agent,~~ but does not include
 141 freight or personal property moving to or from a factory, store,
 142 or other place of business.

143 (8) "Household move" or "move" means the loading of
 144 household goods into a vehicle, moving container, or other mode
 145 of transportation or shipment; the transportation or shipment of
 146 those household goods; and the unloading of those household
 147 goods, when the transportation or shipment originates and
 148 terminates at one of the following ultimate locations,
 149 regardless of whether the mover temporarily stores the goods
 150 while en route between the originating and terminating
 151 locations:

152 (a) From one dwelling to another dwelling;

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

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

157 (9)~~(8)~~ "Mover" means a any person who, for compensation,
 158 contracts for or engages in the loading, transportation or
 159 shipment, or unloading of household goods as part of a household
 160 move for compensation. The term does not include a postal,

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161 courier, envelope, or package service that does not advertise
 162 itself as a mover or moving service.

163 (10) "Moving broker" or "broker" means a person who, for
 164 compensation, arranges for another person to load, transport or
 165 ship, or unload household goods as part of a household move or
 166 who, for compensation, refers a shipper to a mover by telephone,
 167 postal or electronic mail, Internet website, or other means.

168 (11) "Moving container" means a receptacle holding at
 169 least 200 cubic feet of volume which is used to transport or
 170 ship household goods as part of a household move.

171 (12)~~(9)~~ "Shipper" means a ~~any~~ person who uses the services
 172 of a mover to transport or ship household goods as part of a
 173 household move.

174 (13)~~(10)~~ "Storage" means the warehousing of a ~~the~~
 175 shipper's goods while under the care, custody, and control of
 176 the mover.

177 Section 4. Section 507.02, Florida Statutes, is amended to
 178 read:

179 507.02 Construction; intent; application.--

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

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

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

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188 (2) This chapter applies ~~The provisions of this act shall~~
 189 ~~apply~~ to the operations of any mover or moving broker engaged in
 190 the intrastate transportation or shipment of household goods
 191 originating in this state and terminating in this state. ~~This~~
 192 chapter does not apply to, ~~except this act shall not be~~
 193 ~~construed to include~~ shipments contracted by the United States,
 194 the state, or any local government or political subdivision of
 195 the state. ~~The provisions of this act shall only apply to the~~
 196 ~~transportation of household goods originating in this state and~~
 197 ~~terminating in this state.~~

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

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

205 Section 5. Section 507.03, Florida Statutes, is amended to
 206 read:

207 507.03 Registration.--

208 (1) Each mover and moving broker must ~~shall~~ annually
 209 register with the department, providing its legal business and
 210 trade name, mailing address, and business locations; the full
 211 names, addresses, and telephone numbers of its owners or
 212 corporate officers and directors and the Florida agent of the
 213 corporation; a statement whether it is a domestic or foreign
 214 corporation, its state and date of incorporation, its charter

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215 | number, and, if a foreign corporation, the date it registered
 216 | with the Department of State of Florida, ~~and occupational~~
 217 | ~~license where applicable~~; the date on which the a mover or
 218 | broker registered its fictitious name if the mover or broker is
 219 | operating under a fictitious or trade name; the name of all
 220 | other corporations, business entities, and trade names through
 221 | which each owner of the mover or broker operated, was known, or
 222 | did business as a mover or moving broker within the preceding 5
 223 | years; and proof of the insurance or alternative coverages
 224 | ~~coverage as required under s. 507.04 by this act.~~

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

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

233 | (4) Any mover or moving broker whose principal place of
 234 | business is located in a county or municipality that requires,
 235 | by local ordinance, a local license or registration to engage in
 236 | the business of moving and storage of household goods must shall
 237 | obtain the license or registration from the such county or
 238 | municipality. A mover or broker that obtains a such local
 239 | license or registration must shall also ~~be required to~~ pay the
 240 | state registration fee under subsection (3), ~~and the department~~
 241 | ~~shall issue the mover a state certificate of registration upon~~

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242 ~~submission of proof of the local license or registration by the~~
 243 ~~mover.~~

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

247 (6) Each advertisement of a mover or moving broker must
 248 include the phrase "Fla. Mover Reg. No." or "Fla. IM No.
 249" Each of the mover's vehicles must clearly and
 250 conspicuously display a sign on the driver's side door which
 251 includes at least one of these phrases in lettering of at least
 252 1.5 inches in height.

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

264 (8) The department may deny, ~~or~~ refuse to renew, or revoke
 265 the registration of any mover or moving broker based upon a
 266 determination that the mover or moving broker, or any of the
 267 mover's or moving broker's ~~its~~ directors, officers, owners, or
 268 general partners:

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

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

273 (c) Has not satisfied a civil fine or penalty arising out
 274 of any administrative or enforcement action brought by any
 275 governmental agency or private person based upon conduct
 276 involving fraud, dishonest dealing, or any violation of this
 277 chapter act;

278 (d) Has pending against him or her any criminal,
 279 administrative, or enforcement proceedings in any jurisdiction,
 280 based upon conduct involving fraud, dishonest dealing, or any
 281 other act of moral turpitude; or

282 (e) Has had a judgment entered against him or her in any
 283 action brought by the department or the Department of Legal
 284 Affairs under this chapter ~~pursuant to this act~~ or ss. 501.201-
 285 501.213, the Florida Deceptive and Unfair Trade Practices Act.

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

289 Section 6. Section 507.04, Florida Statutes, is amended to
 290 read:

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

293 507.04 Required insurance coverages; liability
 294 limitations; valuation coverage.--

295 (1) LIABILITY INSURANCE.--

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

301 2. The mover must provide the department with evidence of
302 liability insurance coverage before the mover is registered with
303 the department under s. 507.03. All insurance coverage
304 maintained by a mover must remain in effect throughout the
305 mover's registration period. A mover's failure to maintain
306 insurance coverage in accordance with this paragraph constitutes
307 an immediate threat to the public health, safety, and welfare.
308 If a mover fails to maintain insurance coverage, the department
309 may immediately suspend the mover's registration or eligibility
310 for registration and the mover must immediately cease operating
311 as a mover in this state. In addition, and notwithstanding the
312 availability of any administrative relief pursuant to chapter
313 120, the department may seek from the appropriate circuit court
314 an immediate injunction prohibiting the mover from operating in
315 this state until the mover complies with this paragraph, a civil
316 penalty not to exceed \$5,000, and court costs.

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

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

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

326
327 The original bond or certificate of deposit must be filed with
328 the department and must designate the department as the sole
329 beneficiary. The department must use the bond or certificate of
330 deposit exclusively for the payment of claims to consumers who
331 are injured by the fraud, misrepresentation, breach of contract,
332 misfeasance, malfeasance, or financial failure of the mover or
333 moving broker or by a violation of this chapter by the mover or
334 broker. Liability for these injuries may be determined in an
335 administrative proceeding of the department or through a civil
336 action in a court of competent jurisdiction. However, claims
337 against the bond or certificate of deposit must only be paid, in
338 amounts not to exceed the determined liability for these
339 injuries, by order of the department in an administrative
340 proceeding. The bond or certificate of deposit is subject to
341 successive claims, but the aggregate amount of these claims may
342 not exceed the amount of the bond or certificate of deposit.

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

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

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

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

355 (3) INSURANCE COVERAGES.--The insurance coverages required
356 under paragraph (1)(a) and subsection (2) must be issued by an
357 insurance company or carrier licensed to transact business in
358 this state under the Florida Insurance Code as designated in s.
359 624.01. The department shall require a mover to present a
360 certificate of insurance of the required coverages before
361 issuance or renewal of a registration certificate under s.
362 507.03. The department shall be named as a certificateholder in
363 the certificate and must be notified at least 30 days before any
364 changes in insurance coverage.

365 (4) LIABILITY LIMITATIONS; VALUATION RATES.--A mover may
366 not limit its liability for the loss or damage of household
367 goods to a valuation rate that is less than 60 cents per pound
368 per article. A provision of a contract for moving services is
369 void if the provision limits a mover's liability to a valuation
370 rate that is less than the minimum rate under this subsection.
371 If a mover limits its liability for a shipper's goods, the mover
372 must disclose the limitation, including the valuation rate, to
373 the shipper in writing at the time that the estimate and

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374 contract for services are executed and before any moving or
 375 accessorial services are provided. The disclosure must also
 376 inform the shipper of the opportunity to purchase valuation
 377 coverage if the mover offers that coverage under subsection (5).

378 (5) VALUATION COVERAGE.--A mover may offer valuation
 379 coverage to compensate a shipper for the loss or damage of the
 380 shipper's household goods that are lost or damaged during a
 381 household move. If a mover offers valuation coverage, the
 382 coverage must indemnify the shipper for at least the minimum
 383 valuation rate required under subsection (4). The mover must
 384 disclose the terms of the coverage to the shipper in writing at
 385 the time that the estimate and contract for services are
 386 executed and before any moving or accessorial services are
 387 provided. The disclosure must inform the shipper of the cost of
 388 the valuation coverage, the valuation rate of the coverage, and
 389 the opportunity to reject the coverage. If valuation coverage
 390 compensates a shipper for at least the minimum valuation rate
 391 required under subsection (4), the coverage satisfies the
 392 mover's liability for the minimum valuation rate.

393 Section 7. Section 507.05, Florida Statutes, is amended to
 394 read:

395 507.05 Estimates and contracts for service.--~~Before~~ Prior
 396 ~~to~~ providing any moving or accessorial services, a contract and
 397 estimate must be provided to a prospective shipper in writing,
 398 must be signed and dated by the shipper and the mover, and must
 399 include:

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

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

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

408 (4) The name, telephone number, and physical address of
 409 any location where the goods will be held pending further
 410 transportation, including situations where the mover retains
 411 possession of goods pending resolution of a fee dispute with the
 412 shipper.

413 (5) An itemized breakdown and description and total of all
 414 costs and services for loading, transportation or shipment,
 415 unloading, and accessorial services to be provided during a
 416 household move or storage of household goods.

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

419 (a) Cash, cashier's check, money order, or traveler's
 420 check;

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

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

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

430 Section 8. Section 507.06, Florida Statutes, is amended to
431 read:

432 507.06 Delivery and storage of household goods.--

433 (1) A mover must relinquish household goods to a shipper
434 and must place the goods inside a shipper's dwelling or, if
435 directed by the shipper, inside a storehouse or warehouse that
436 is owned or rented by the shipper or the shipper's agent, unless
437 the shipper has not tendered payment in the amount specified in
438 a written contract or estimate signed and dated by the shipper.
439 A mover may not refuse to relinquish prescription medicines and
440 goods for use by children, including children's furniture,
441 clothing, or toys, under any circumstances.

442 (2) A mover may not refuse to relinquish household goods
443 to a shipper or fail to place the goods inside a shipper's
444 dwelling or, if directed by the shipper, inside a storehouse or
445 warehouse that is owned or rented by the shipper or the
446 shipper's agent, based on the mover's refusal to accept an
447 acceptable form of payment.

448 (3) A mover that lawfully fails to relinquish a shipper's
449 household goods may place the goods in storage until payment is
450 tendered; however, the mover must notify the shipper of the
451 location where the goods are stored and the amount due within 5
452 days after receipt of a written request for that information

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453 from the shipper, which request must include the address where
 454 the shipper may receive the notice. A mover may not require a
 455 prospective shipper to waive any rights or requirements under
 456 this section.

457 Section 9. Section 507.07, Florida Statutes, is amended to
 458 read:

459 507.07 Violations.--It is a violation of this chapter ~~act~~
 460 to:

461 (1) Conduct business as a mover or moving broker, or
 462 advertise to engage in the business of moving or offering to
 463 move, without first being registered annually with the
 464 department.

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

468 (3) Misrepresent or deceptively represent:

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

471 (b) The timeframe or schedule for delivery or storage of
 472 household goods estimated.

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

475 (d) The nature or extent of other goods, services, or
 476 amenities offered.

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

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

481 (5) Withhold delivery of household goods or in any way
 482 hold goods in storage against the expressed wishes of the
 483 shipper if payment has been made as delineated in the estimate
 484 or contract for services.

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

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

491 (c) Use a local mailing address, registration facility,
 492 drop box, or answering service in the promotion, advertising,
 493 solicitation, or sale of contracts, unless the mover's, and, if
 494 applicable, the moving broker's, fixed business address is
 495 clearly disclosed during any telephone solicitation and is
 496 prominently and conspicuously disclosed on all solicitation
 497 materials and on the contract.

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

500 (e) Refuse or fail, or for any of the mover's or broker's
 501 principal officers to refuse or fail, after notice, to produce
 502 any document or record or disclose any information required to
 503 be produced or disclosed.

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

507 Section 10. Section 507.08, Florida Statutes, is amended
 508 to read:

509 507.08 Deceptive and unfair trade practice.--Acts,
 510 conduct, practices, omissions, failings, misrepresentations, or
 511 nondisclosures committed in which ~~constitute~~ a violation of this
 512 chapter are ~~act also constitute~~ a deceptive and unfair trade
 513 practices under ~~practice for the purpose of~~ ss. 501.201-501.213,
 514 the Florida Deceptive and Unfair Trade Practices Act, and
 515 administrative rules adopted in accordance with the act
 516 ~~thereunder~~.

517 Section 11. Section 507.09, Florida Statutes, is amended
 518 to read:

519 507.09 Administrative remedies; penalties.--

520 (1) The department may enter an order doing one or more of
 521 the following if the department finds that a mover or moving
 522 broker, or a person employed or contracted by a mover or broker,
 523 has violated or is operating in violation of ~~any of the~~
 524 ~~provisions of this chapter~~ act or the rules or orders issued in
 525 accordance with this chapter ~~thereunder~~:

526 (a) Issuing a notice of noncompliance under ~~pursuant to~~ s.
 527 120.695.

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

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530 (c) Directing that the person cease and desist specified
 531 activities.

532 (d) Refusing to register or revoking or suspending a
 533 registration.

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

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

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

543 Section 12. Section 507.10, Florida Statutes, is amended
 544 to read:

545 507.10 Civil penalties; remedies.--

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

550 (2) The department may seek a civil penalty of up to
 551 \$5,000 for each violation of this chapter act.

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

555 (4) Any provision in a contract for services or bill of
 556 lading from a mover or moving broker that purports to waive,

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557 | limit, restrict, or avoid any of the duties, obligations, or
 558 | prescriptions of the mover or broker, as provided in this
 559 | chapter act, is void ~~and unenforceable and against public~~
 560 | ~~policy~~.

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

564 | (6) Upon motion of the department in any action brought
 565 | under this chapter act, the court may make appropriate orders,
 566 | including appointment of a master or receiver or sequestration
 567 | of assets, to reimburse shippers found to have been damaged, to
 568 | carry out a consumer transaction in accordance with the
 569 | shipper's reasonable expectations, or to grant other appropriate
 570 | relief.

571 | Section 13. Section 507.11, Florida Statutes, is amended
 572 | to read:

573 | 507.11 Criminal penalties.--

574 | (1) The refusal of a mover or a mover's employee, agent,
 575 | or contractor to comply with an order from a law enforcement
 576 | officer to relinquish a shipper's household goods after the
 577 | officer determines that the shipper has tendered payment of the
 578 | amount of a written estimate or contract, or after the officer
 579 | determines that the mover did not produce a signed estimate or
 580 | contract upon which demand is being made for payment, is a
 581 | felony of the third degree, punishable as provided in s.
 582 | 775.082, s. 775.083, or s. 775.084. A mover's compliance with an
 583 | order from a law enforcement officer to relinquish goods to a

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584 shipper is not a waiver or finding of fact regarding any right
 585 to seek further payment from the shipper.

586 (2) Except as provided in subsection (1), any person or
 587 business that violates this chapter ~~act~~ commits a misdemeanor of
 588 the first degree, punishable as provided in s. 775.082 or s.
 589 775.083.

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

592 507.12 General Inspection Trust Fund; payments.--Any
 593 moneys recovered by the department as a penalty under this
 594 chapter ~~act~~ shall be deposited in the General Inspection Trust
 595 Fund.

596 Section 15. Section 507.13, Florida Statutes, is amended
 597 to read:

598 507.13 Local regulation.--

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

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

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610 Section 16. Section 205.1975, Florida Statutes, is created
611 to read:

612 205.1975 Household moving services; consumer
613 protection.--A county or municipality may not issue or renew an
614 occupational license for the operation of a mover or moving
615 broker under chapter 507 unless the mover or broker exhibits a
616 current registration from the Department of Agriculture and
617 Consumer Services.

618 Section 17. This act shall take effect July 1, 2006.