

By Senator Lynn

7-154-06

1                                   A bill to be entitled  
2           An act relating to moving and storage services;  
3           amending s. 83.803, F.S.; redefining the term  
4           "self-contained storage unit" to include  
5           smaller units; requesting the Division of  
6           Statutory Revision to redesignate the title of  
7           ch. 507, F.S.; amending s. 507.01, F.S.;  
8           revising and providing definitions; clarifying  
9           licensing requirements for household movers and  
10          moving brokers; applying the licensing  
11          requirements to moving brokers and certain  
12          persons who transport or ship household goods  
13          in moving containers; clarifying and conforming  
14          provisions; amending s. 507.02, F.S.;  
15          clarifying the construction, application, and  
16          intent of the licensing requirements; amending  
17          s. 507.03, F.S.; requiring moving brokers to  
18          register with the Department of Agriculture and  
19          Consumer Services; providing requirements and  
20          fees for such registration; providing for a  
21          certificate of registration; requiring the  
22          certificate to be displayed; clarifying  
23          registration requirements for household movers  
24          and moving brokers; requiring brokers to obtain  
25          a local registration or license when required  
26          by the county or municipality where the  
27          broker's principal place of business is  
28          located; deleting provisions for issuance by  
29          the department of a certificate of registration  
30          when a mover submits proof of a local license  
31          or registration; revising advertising

1 requirements; requiring a mover's vehicles to  
2 display certain signage; providing for denial,  
3 refusal to renew, or revocation of registration  
4 of mover or moving broker; requiring brokers to  
5 provide evidence of certain insurance coverage;  
6 revising a requirement for movers to provide  
7 evidence of certain insurance coverage;  
8 amending s. 507.04, F.S.; clarifying  
9 requirements that a mover maintain certain  
10 insurance coverages; requiring a mover to  
11 submit evidence of liability insurance before  
12 registration; providing requirements for  
13 liability insurance coverage; authorizing the  
14 Department of Agriculture and Consumer Services  
15 to suspend a mover's registration and seek an  
16 injunction in circuit court if the mover does  
17 not maintain insurance coverage; providing  
18 penalties; authorizing certain movers and  
19 requiring moving brokers to maintain a  
20 performance bond or certificate of deposit in  
21 lieu of certain liability insurance coverage;  
22 providing requirements for the performance bond  
23 or certificate of deposit; providing for  
24 payment of claims pursuant to a department  
25 order in an administrative proceeding;  
26 specifying that insurance coverages must be  
27 issued by a licensed insurance company or  
28 carrier; prohibiting certain limits of  
29 liability for a mover's loss or damage of a  
30 shipper's goods; requiring certain disclosures  
31 of liability limitations; authorizing a mover

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

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

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

3           83.803 Definitions.--As used in ss. 83.801-83.809:

4           (2) "Self-contained storage unit" means any unit not  
5 less than 200 ~~600~~ cubic feet in size, including, but not  
6 limited to, a trailer, box, or other shipping container, which  
7 is leased by a tenant primarily for use as storage space  
8 whether the unit is located at a facility owned or operated by  
9 the owner or at another location designated by the tenant.

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

13           Section 3. Section 507.01, Florida Statutes, is  
14 amended to read:

15           507.01 Definitions.--As used in ~~For the purposes of~~  
16 this chapter act, the term:

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

1 | third party at the request of the shipper or mover, if the  
2 | charges for these ~~such~~ services are to be paid to the mover by  
3 | the shipper at or before ~~prior to~~ the time of delivery.

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

11 |         (3) "Compensation" means money, fee, emolument, quid  
12 | pro quo, barter, remuneration, pay, reward, indemnification,  
13 | or satisfaction.

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

20 |         (5) "Department" means the Department of Agriculture  
21 | and Consumer Services.

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

28 |         (7) "Household goods" or "goods" means personal  
29 | effects or other personal property commonly found in a home,  
30 | personal residence, ~~storage facility,~~ or other dwelling  
31 | location, including, but not limited to, household furniture.

1 ~~The term property in a storehouse or warehouse facility that~~  
2 ~~is owned or rented by a shipper or shipper's agent, but does~~  
3 ~~not include freight or personal property moving to or from a~~  
4 ~~factory, store, or other place of business.~~

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

14 (a) From one dwelling to another dwelling;

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

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

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

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

31

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

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

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

10           Section 4. Section 507.02, Florida Statutes, is  
11 amended to read:

12           507.02 Construction; intent; application.--

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

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

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

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

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

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

8           Section 5. Section 507.03, Florida Statutes, is  
9 amended to read:

10           507.03 Registration.--

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

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



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

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

17           (5) Each contract of a mover or moving broker must  
18 include the phrase "(NAME OF FIRM) is registered with the  
19 State of Florida as a Mover or Moving Broker. Registration No.  
20 ....."

21           (6) Each advertisement of a mover or moving broker  
22 must include the phrase "Fla. Mover Reg. No. ..." or "Fla. IM  
23 No. ...."  
24 Each of the mover's vehicles must clearly and conspicuously  
25 display a sign on the driver's side door which includes at  
26 least one of these phrases in lettering of at least 1.5 inches  
27 in height.

28           (7) ~~A No~~ registration ~~is not shall be~~ valid for any  
29 mover or broker transacting business at any place other than  
30 that designated in the mover's or broker's ~~its~~ application,  
31 unless the department is first notified in writing before in

1 ~~advance~~ of any change of location. A registration issued under  
2 ~~this chapter is act shall not be~~ assignable, and the mover or  
3 broker may ~~shall not be permitted to~~ conduct business under  
4 more than one name except as registered. A mover or broker  
5 desiring to change its registered name or location or  
6 designated agent for service of process at a time other than  
7 upon renewal of registration must ~~shall~~ notify the department  
8 of the ~~such~~ change.

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

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

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

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

23 (d) Has pending against him or her any criminal,  
24 administrative, or enforcement proceedings in any  
25 jurisdiction, based upon conduct involving fraud, dishonest  
26 dealing, or any other act of moral turpitude; or

27 (e) Has had a judgment entered against him or her in  
28 any action brought by the department or the Department of  
29 Legal Affairs under ~~pursuant to~~ this chapter act or ss.  
30 501.201-501.213, the Florida Deceptive and Unfair Trade  
31 Practices Act.

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

4           Section 6. Section 507.04, Florida Statutes, is  
5 amended to read:

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

8           507.04 Required insurance coverages; liability  
9 limitations; valuation coverage.--

10          (1) LIABILITY INSURANCE.--

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

16          2. The mover must provide the department with evidence  
17 of liability insurance coverage before the mover is registered  
18 with the department under s. 507.03. All insurance coverage  
19 maintained by a mover must remain in effect throughout the  
20 mover's registration period. A mover's failure to maintain the  
21 insurance coverage required by this paragraph constitutes an  
22 immediate threat to the public health, safety, and welfare. If  
23 a mover fails to maintain such insurance coverage, the  
24 department may immediately suspend the mover's registration or  
25 eligibility for registration and the mover must immediately  
26 cease operating as a mover in this state. In addition, and  
27 notwithstanding the availability of any administrative relief  
28 pursuant to chapter 120, the department may seek from the  
29 appropriate circuit court an immediate injunction prohibiting  
30 the mover from operating in this state until the mover

1 complies with this paragraph, a civil penalty not to exceed  
2 \$5,000, and court costs.

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

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

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

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

30 (2) MOTOR VEHICLE INSURANCE.--Each mover operating in  
31 this state must maintain current and valid motor vehicle

1 insurance coverage, including combined bodily injury and  
2 property damage liability coverage in the following minimum  
3 amounts:

4 (a) Fifty thousand dollars per occurrence for a  
5 commercial motor vehicle with a gross weight of less than  
6 35,000 pounds.

7 (b) One hundred thousand dollars per occurrence for a  
8 commercial motor vehicle with a gross weight of more than  
9 35,000 pounds, but less than 44,000 pounds.

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

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

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

1 contract for services is executed and before any moving or  
2 accessorial services are provided. The disclosure must also  
3 inform the shipper of the opportunity to purchase valuation  
4 coverage if the mover offers that coverage under subsection  
5 (5).

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

21 Section 7. Section 507.05, Florida Statutes, is  
22 amended to read:

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

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

31

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

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

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

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

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

17           (a) Cash, cashier's check, money order, or traveler's  
18 check;

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

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

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

29           Section 8. Section 507.06, Florida Statutes, is  
30 amended to read:

31           507.06 Delivery and storage of household goods.--

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

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

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

26           Section 9. Section 507.07, Florida Statutes, is  
27 amended to read:

28           507.07 Violations.--It is a violation of this chapter  
29 ~~act~~ to:

30           (1) Conduct business as a mover or moving broker, or  
31 advertise to engage in the business of moving or offering to



1 | move, without first being registered annually with the  
2 | department.

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

7 |         (3) Misrepresent or deceptively represent:

8 |             (a) The contract for services, bill of lading, or  
9 | inventory of household goods for the move estimated.

10 |            (b) The timeframe or schedule for delivery or storage  
11 | of household goods estimated.

12 |            (c) The price, size, nature, extent, qualities, or  
13 | characteristics of accessorial or moving services offered.

14 |            (d) The nature or extent of other goods, services, or  
15 | amenities offered.

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

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

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

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

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

30 |            (c) Use a local mailing address, registration  
31 | facility, drop box, or answering service in the promotion,

1 advertising, solicitation, or sale of contracts, unless the  
2 mover's, and, if applicable, the moving broker's, fixed  
3 business address is clearly disclosed during any telephone  
4 solicitation and is prominently and conspicuously disclosed on  
5 all solicitation materials and on the contract.

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

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

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

16 Section 10. Section 507.08, Florida Statutes, is  
17 amended to read:

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

26 Section 11. Section 507.09, Florida Statutes, is  
27 amended to read:

28 507.09 Administrative remedies; penalties.--

29 (1) The department may enter an order doing one or  
30 more of the following if the department finds that a mover or  
31 moving broker, or a person employed or contracted by a mover

1 ~~or broker,~~ has violated or is operating in violation of ~~any of~~  
2 ~~the provisions of this chapter act~~ or the rules or orders  
3 issued in accordance with this chapter ~~thereunder~~:

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

6 (b) Imposing an administrative fine not to exceed  
7 \$5,000 for each act or omission.

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

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

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

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

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

21 Section 12. Section 507.10, Florida Statutes, is  
22 amended to read:

23 507.10 Civil penalties; remedies.--

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

28 (2) The department may seek a civil penalty of up to  
29 \$5,000 for each violation of this chapter act.

30  
31

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

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

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

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

20           Section 13. Section 507.11, Florida Statutes, is  
21 amended to read:

22           507.11 Criminal penalties.--

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

1 compliance with an order from a law enforcement officer to  
2 relinquish goods to a shipper is not a waiver or finding of  
3 fact regarding any right to seek further payment from the  
4 shipper.

5 (2) Except as provided in subsection (1), any person  
6 or business that violates this chapter ~~act~~ commits a  
7 misdemeanor of the first degree, punishable as provided in s.  
8 775.082 or s. 775.083.

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

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

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

17 507.13 Local regulation.--

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

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

30 Section 16. Section 205.1975, Florida Statutes, is  
31 created to read:

1           205.1975 Household moving services; consumer  
2 protection.--A county or municipality may not issue or renew  
3 an occupational license for the operation of a mover or moving  
4 broker under chapter 507 unless the mover or broker exhibits a  
5 current registration from the Department of Agriculture and  
6 Consumer Services.

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

8  
9           \*\*\*\*\*

10                               SENATE SUMMARY

11       Revises licensing requirements for household movers and  
12       moving brokers. Requires moving brokers to register with  
13       the Department of Agriculture and Consumer Services.  
14       Provides requirements and fees. Requires brokers to  
15       obtain a local registration or license when required by  
16       the county or municipality where the broker's principal  
17       place of business is located. Deletes provisions for  
18       issuance by the department of a certificate of  
19       registration when a mover submits proof of a local  
20       license or registration. Revises advertising  
21       requirements. Requires a mover's vehicles to display  
22       certain signage. Provides for denial, refusal to renew,  
23       or revocation of registration as a mover or moving  
24       broker. Requires brokers to provide evidence of certain  
25       insurance coverage. Revises a requirement for movers to  
26       provide evidence of certain insurance coverage. Requires  
27       that a mover maintain certain insurance coverages.  
28       Requires a mover to submit evidence of liability  
29       insurance before registration. Provides requirements for  
30       liability insurance coverage. Authorizes the Department  
31       of Agriculture and Consumer Services to suspend a mover's  
      registration and seek an injunction in circuit court if  
      the mover does not maintain insurance coverage.  
      Authorizes certain movers and requires moving brokers to  
      maintain a performance bond or certificate of deposit in  
      lieu of certain liability insurance coverage. Provides  
      for payment of claims pursuant to a department order in  
      an administrative proceeding. Requires that insurance  
      coverages be issued by a licensed insurance company or  
      carrier. Prohibits certain limits of liability for a  
      mover's loss or damage of a shipper's goods. Requires  
      certain disclosures of liability limitations. Authorizes  
      a mover to offer valuation coverage under specified  
      conditions. Requires that moving brokers annually  
      register with the department. Revises provisions relating  
      to prohibited acts and violations. Prohibits a county or  
      municipality from issuing or renewing an occupational  
      license to a mover or moving broker under certain  
      circumstances.