

Bill No. CS for SB 1788

Barcode 291210

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Comm: RCS
04/24/2007 06:29 PM

.
. .
. .
. .
. .
. .

The Committee on Community Affairs (Crist) recommended the following **substitute for amendment** (031004):

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (13) of section 507.01, Florida Statutes, is amended to read:

507.01 Definitions.--As used in this chapter, the term:

(13) "Storage" means the temporary warehousing of a shipper's goods while under the care, custody, and control of the mover.

Section 2. Subsection (5) is added to section 507.02, Florida Statutes, to read:

507.02 Construction; intent; application.--

(5) This chapter does not supersede a mover's right to refuse to transport certain items if the terms are provided in the estimate and contract for services.

Section 3. Subsections (1) ,(3), and (4) of section

Bill No. CS for SB 1788

Barcode 291210

1 507.03, Florida Statutes, are amended, and subsection (10) is
2 added to that section, to read:

3 507.03 Registration.--

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

20 (3) Registration fees shall be calculated at a rate of
21 \$300 per year per mover or moving broker. All amounts
22 collected shall be deposited by the Chief Financial Officer to
23 the credit of the General Inspection Trust Fund of the
24 department for the sole purpose of administration of this
25 chapter.

26 (4) Each registration must be renewed biennially on or
27 before the expiration date of the current registration ~~Any~~
28 ~~mover or moving broker whose principal place of business is~~
29 ~~located in a county or municipality that requires, by local~~
30 ~~ordinance, a local license or registration to engage in the~~
31 ~~business of moving and storage of household goods must obtain~~

Bill No. CS for SB 1788

Barcode 291210

1 ~~the license or registration from the county or municipality. A~~
2 ~~mover or broker that obtains a local license or registration~~
3 ~~must also pay the state registration fee under subsection (3).~~

4 (10) In order to implement the biennial registration
5 requirements set forth in this section, the department shall
6 have rulemaking authority to stagger the registrations over a
7 2-year period. This subsection expires June 30, 2009.

8 Section 4. Subsection (4) of section 507.04, Florida
9 Statutes, is amended to read:

10 507.04 Required insurance coverages; liability
11 limitations; valuation coverage.--

12 (4) LIABILITY LIMITATIONS; VALUATION RATES.--

13 (a) A mover may not limit its liability for the loss
14 or damage of household goods to a valuation rate that is less
15 than 60 cents per pound per article. A provision of a contract
16 for moving services is void if the provision limits a mover's
17 liability to a valuation rate that is less than the minimum
18 rate allowed under this subsection.

19 (b) A mover may exclude liability for items packed by
20 the shipper if the exclusion is declared and the shipper
21 declines, in writing, to allow the mover the opportunity to
22 open and inspect each container packed by the shipper.

23 (c) If a mover limits its liability for a shipper's
24 goods, the mover must disclose the limitation, including the
25 valuation rate, to the shipper in writing at the time that the
26 estimate and contract for services are executed and before any
27 moving or accessorial services are provided. The disclosure
28 must also inform the shipper of the opportunity to purchase
29 valuation coverage if the mover offers that coverage under
30 subsection (5).

31 Section 5. Section 507.05, Florida Statutes, is

Bill No. CS for SB 1788

Barcode 291210

1 amended to read:

2 507.05 Estimates and contracts for moving and
3 accessorial services ~~service~~.--Before providing any moving or
4 accessorial services, a contract and estimate for services
5 must be provided to a prospective shipper in writing and must
6 be signed and dated by the shipper and the mover. A mover may
7 not require the waiver of, and a shipper may not waive, the
8 required written estimate. The written estimate and contract,

9 ~~and~~ must include:

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

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

15 (3) The name and address of the shipper, the addresses
16 where the articles are to be picked up and delivered, and a
17 telephone number where the shipper may be reached.

18 (4) The name, telephone number, and physical address
19 of any location where the goods will be held pending further
20 transportation, including situations where the mover retains
21 possession of goods pending resolution of a fee dispute with
22 the shipper.

23 (5) An itemized breakdown and description and total of
24 all costs and services for loading, transportation or
25 shipment, unloading, and accessorial services to be provided
26 during a household move or storage of household goods.

27 (6) The name and telephone number of any other person
28 authorized by the shipper to direct the pickup or delivery of
29 any items to be transported. The shipper's authorization to
30 the third party must be in writing.

31 ~~(7)(6)~~ Acceptable forms of payment. A mover shall

Bill No. CS for SB 1788

Barcode 291210

1 accept a minimum of two of the three following forms of
2 payment:

3 (a) Cash, cashier's check, money order, or traveler's
4 check;

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

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

10

11 A mover must clearly and conspicuously disclose to the shipper
12 in the estimate and contract for services the forms of
13 payments the mover will accept, including the forms of payment
14 described in paragraphs (a)-(c).

15 (8) A brief description of the procedures for shipper
16 inquiry and the handling of complaints, and a telephone number
17 that the shipper may use to communicate with the movers,
18 accompanied by a statement disclosing who shall pay for the
19 calls, if the payor is anyone other than the mover.

20 (9) If the cost for services provided is based on
21 weight, a statement that the shipper has a right to observe
22 any weighing before and after loading.

23 (10) A statement of acknowledgement to be signed by
24 the shipper verifying that the shipper received a copy of a
25 consumer's bill of rights entitled "Now You Know: Intrastate
26 Household Moving," the content of which the department shall
27 establish by rule. This information must be provided to the
28 shipper at the time of the estimate.

29 (11) Notice to the shipper of the opportunity to
30 request, at an additional cost to the shipper, a written
31 inventory.

Bill No. CS for SB 1788

Barcode 291210

1 (12) The contract for service provided by a mover to a
2 shipper, which shall include the following language in bold,
3 capitalized letters in at least 12-point type:

4
5 PLEASE READ CAREFULLY:

6 THIS CONTRACT FOR SERVICE IS REQUIRED BY STATE
7 LAW AND MUST INCLUDE THE TERMS AND COSTS
8 ASSOCIATED WITH YOUR MOVE. IN ORDER FOR THE
9 CONTRACT FOR SERVICE TO BE ACCURATE, YOU MUST
10 DISCLOSE TO THE MOVER ALL INFORMATION RELEVANT
11 TO THE MOVE. STATE LAW REQUIRES THAT A MOVER
12 RELINQUISH POSSESSION OF YOUR GOODS AND
13 COMPLETE YOUR MOVE UPON PAYMENT OF NO MORE THAN
14 THE SPECIFIED MAXIMUM AMOUNT DUE AT DELIVERY.

15
16 Section 6. Section 507.055, Florida Statutes,
17 is created to read:

18 507.055 Written inventory; offer to shipper
19 required.--

20 (1) A mover shall offer to prepare a written inventory
21 of all items to be moved by the shipper at an additional cost
22 to the shipper. A shipper may waive, in writing, the
23 preparation of a written inventory, and such waiver shall be
24 executed at the time the written estimate for moving and
25 accessorial services is prepared and signed by the mover and
26 shipper. If the preparation of a written inventory is not
27 waived, the inventory shall be prepared and signed by both the
28 shipper and the mover prior to departure of the mover's motor
29 vehicle from the shipper's pickup point or points.

30 (2) A mover may not charge for the preparation of an
31 inventory unless, prior to preparing the inventory, the mover

Bill No. CS for SB 1788

Barcode 291210

1 clearly and conspicuously discloses in writing to the shipper
2 the amount of the charge for preparation of the inventory or,
3 if the amount cannot be determined, the complete basis upon
4 which the charge will be calculated.

5 (3) A mover may not require a shipper to waive the
6 preparation of an inventory.

7 Section 7. Subsections (7), (8), and (9) are added to
8 section 507.07, Florida Statutes, to read:

9 507.07 Violations.--It is a violation of this chapter
10 to:

11 (7) Fail to provide a shipper with a written estimate
12 of moving and accessorial services as required in s. 507.05.

13 (8) Fail to provide a shipper with the disclosure
14 statement required in s. 507.05.

15 (9) Fail to offer to prepare for the shipper a written
16 inventory of the household goods to be moved, unless such
17 inventory is waived by the shipper, or to clearly and
18 conspicuously disclose to a shipper any charges associated
19 with the preparation of a written inventory as required in s.
20 507.055.

21 Section 8. Subsection (1) of section 507.13, Florida
22 Statutes, is amended to read:

23 507.13 Local regulation.--

24 (1) This chapter preempts ~~does not preempt~~ local
25 ordinances or regulations of a county or municipality which
26 regulate transactions relating to movers of household goods or
27 moving brokers. This preemption does not extend to local
28 business taxes as provided in chapter 205. ~~As provided in s.~~
29 ~~507.03(4), counties and municipalities may require, levy, or~~
30 ~~collect any registration fee or tax or require the~~
31 ~~registration or bonding in any manner of any mover or moving~~

Bill No. CS for SB 1788

Barcode 291210

1 ~~broker.~~

2 Section 9. This act shall take effect July 1, 2007.

3

4

5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 Delete everything before the enacting clause

8

9 and insert:

10 A bill to be entitled

11 An act relating to household moving services;

12 amending s. 507.01, F.S.; amending the

13 definition of the term "storage"; amending s.

14 507.02, F.S.; providing that a mover's right to

15 refuse to transport certain items is not

16 superseded if certain conditions are met;

17 amending s. 507.03, F.S.; removing a

18 requirement that each mover and moving broker

19 annually register with the Department of

20 Agriculture and Consumer Services; providing

21 for the calculation of registration fees;

22 requiring that each registration be renewed

23 biennially on or before the expiration date of

24 the current registration; authorizing the

25 department to adopt certain rules; providing an

26 expiration date for such rulemaking authority;

27 amending s. 507.04, F.S.; authorizing a mover

28 to exclude liability for items packed by the

29 shipper under certain conditions; amending s.

30 507.05, F.S.; requiring a mover to provide a

31 shipper with a written estimate before the

Bill No. CS for SB 1788

Barcode 291210

1 mover provides any moving or accessorial
2 services; prohibiting a mover from requiring
3 the waiver of the written estimate; prohibiting
4 the shipper from waiving the written estimate;
5 requiring that the written estimate contain
6 certain information; creating s. 507.055, F.S.;
7 requiring that a mover offer to prepare a
8 written inventory of all items to be moved by
9 the shipper, at an additional cost to the
10 shipper; authorizing a shipper to waive the
11 preparation of an inventory in writing;
12 providing requirements for the preparation of
13 an inventory; providing conditions that must be
14 fulfilled before a mover may charge for the
15 preparation of an inventory; prohibiting a
16 mover from requiring a shipper to waive the
17 preparation of an inventory; amending s.
18 507.07, F.S.; providing that a mover commits a
19 violation of state law if the mover fails to
20 present a shipper with a written estimate of
21 moving and accessorial services, to present a
22 shipper with the required disclosure statement,
23 to offer to prepare a written inventory, or to
24 clearly and conspicuously disclose any charges
25 associated with the preparation of an
26 inventory; amending s. 507.13, F.S.; providing
27 for the preemption of certain local ordinances;
28 limiting such preemption; providing an
29 effective date.

30
31