

By the Committee on Commerce; and Senator Saunders

577-2206-07

1 A bill to be entitled
2 An act relating to household moving services;
3 amending s. 507.01, F.S.; redefining the term
4 "storage"; amending s. 507.02, F.S.; stating
5 that ch. 507, F.S., relating to household
6 moving services, does not supersede certain
7 rights of a mover to refuse to transport
8 certain items if terms are in the estimate and
9 contract for services; amending s. 507.03,
10 F.S.; requiring movers and moving brokers to
11 register with the Department of Agriculture and
12 Consumer Services biennially rather than
13 annually; removing the requirement for certain
14 movers and brokers to obtain a local license or
15 registration; removing the requirement for such
16 movers and brokers to pay state registration
17 fees as well as local fees; providing for the
18 biennial registration with the department to be
19 phased in over 2 years; authorizing rulemaking
20 by the department; amending s. 507.04, F.S.;
21 providing for a mover to limit its liability
22 for items packed by a shipper under specified
23 conditions; amending s. 507.13, F.S.;
24 preempting to the state the regulation of
25 movers of household goods and moving brokers;
26 providing that the exemption does not extend to
27 local business taxes; providing an effective
28 date.

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

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

3 507.01 Definitions.--As used in this chapter, the
4 term:

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

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

10 507.02 Construction; intent; application.--

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

14 Section 3. Subsections (1), (3), and (4) of section
15 507.03, Florida Statutes, are amended, and subsection (10) is
16 added to that section, to read:

17 507.03 Registration.--

18 (1) Each mover and moving broker must ~~annually~~
19 register with the department, providing its legal business and
20 trade name, mailing address, and business locations; the full
21 names, addresses, and telephone numbers of its owners or
22 corporate officers and directors and the Florida agent of the
23 corporation; a statement whether it is a domestic or foreign
24 corporation, its state and date of incorporation, its charter
25 number, and, if a foreign corporation, the date it registered
26 with the Department of State; the date on which the mover or
27 broker registered its fictitious name if the mover or broker
28 is operating under a fictitious or trade name; the name of all
29 other corporations, business entities, and trade names through
30 which each owner of the mover or broker operated, was known,
31 or did business as a mover or moving broker within the

1 preceding 5 years; and proof of the insurance or alternative
2 coverages required under s. 507.04.

3 (3) Registration fees shall be calculated at the rate
4 of \$300 per year per mover or moving broker. All amounts
5 ~~collected shall be deposited by~~ The Chief Financial Officer
6 shall deposit all amounts collected to the credit of the
7 General Inspection Trust Fund of the department for the sole
8 purpose of administration of this chapter.

9 (4) Each registration must be renewed biennially on or
10 before its expiration date. Any mover or moving broker whose
11 ~~principal place of business is located in a county or~~
12 ~~municipality that requires, by local ordinance, a local~~
13 ~~license or registration to engage in the business of moving~~
14 ~~and storage of household goods must obtain the license or~~
15 ~~registration from the county or municipality. A mover or~~
16 ~~broker that obtains a local license or registration must also~~
17 ~~pay the state registration fee under subsection (3).~~

18 (10) In order to implement the biennial registration
19 requirements in this section, the department may adopt rules
20 to stagger the registrations over a 2-year period. This
21 subsection expires June 30, 2009.

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

24 507.04 Required insurance coverages; liability
25 limitations; valuation coverage.--

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

27 (a) A mover may not limit its liability for the loss
28 or damage of household goods to a valuation rate that is less
29 than 60 cents per pound per article. A provision of a contract
30 for moving services is void if the provision limits a mover's
31

1 liability to a valuation rate that is less than the minimum
2 rate allowed under this subsection.

3 (b) A mover may exclude itself from liability for
4 items packed by a shipper that declines, in writing, to allow
5 the mover the opportunity to open and inspect each container
6 packed by the shipper if such exclusion is declared in the
7 estimate and the contract.

8 (c) If a mover limits its liability for a shipper's
9 goods, the mover must disclose the limitation, including the
10 valuation rate, to the shipper in writing at the time that the
11 estimate and contract for services are executed and before any
12 moving or accessorial services are provided. The disclosure
13 must also inform the shipper of the opportunity to purchase
14 valuation coverage if the mover offers that coverage under
15 subsection (5).

16 Section 5. Subsection (1) of section 507.13, Florida
17 Statutes, is amended to read:

18 507.13 Local regulation.--

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

28 Section 6. This act shall take effect upon becoming a
29 law.

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

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1788

The CS differs from the bill as filed by;

- Removing a proposed provision stipulating that the chapter supersedes a mover's common law right to exclude liability unless certain conditions are met;
- Changing the requirement that movers and moving brokers must register with the department annually, to biennially;
- Including a new provision allowing movers to exclude themselves from liability for items packed by the shipper, under certain conditions; and
- Clarifying that the preemption of local ordinances does not extend to local business taxes authorized under ch. 205, F.S.