

By the Committees on Community Affairs; Commerce; and Senator
Saunders

578-2670-07

1 A bill to be entitled
2 An act relating to household moving services;
3 amending s. 507.01, F.S.; amending the
4 definition of the term "storage"; amending s.
5 507.02, F.S.; providing that a mover's right to
6 refuse to transport certain items is not
7 superseded if certain conditions are met;
8 amending s. 507.03, F.S.; removing a
9 requirement that each mover and moving broker
10 annually register with the Department of
11 Agriculture and Consumer Services; providing
12 for the calculation of registration fees;
13 requiring that each registration be renewed
14 biennially on or before the expiration date of
15 the current registration; authorizing the
16 department to adopt certain rules; providing an
17 expiration date for such rulemaking authority;
18 amending s. 507.04, F.S.; authorizing a mover
19 to exclude liability for items packed by the
20 shipper under certain conditions; amending s.
21 507.05, F.S.; requiring a mover to provide a
22 shipper with a written estimate before the
23 mover provides any moving or accessorial
24 services; prohibiting a mover from requiring
25 the waiver of the written estimate; prohibiting
26 the shipper from waiving the written estimate;
27 requiring that the written estimate contain
28 certain information; creating s. 507.055, F.S.;
29 requiring that a mover offer to prepare a
30 written inventory of all items to be moved by
31 the shipper, at an additional cost to the

1 shipper; authorizing a shipper to waive the
2 preparation of an inventory in writing;
3 providing requirements for the preparation of
4 an inventory; providing conditions that must be
5 fulfilled before a mover may charge for the
6 preparation of an inventory; prohibiting a
7 mover from requiring a shipper to waive the
8 preparation of an inventory; amending s.
9 507.07, F.S.; providing that a mover commits a
10 violation of state law if the mover fails to
11 present a shipper with a written estimate of
12 moving and accessorial services, to present a
13 shipper with the required disclosure statement,
14 to offer to prepare a written inventory, or to
15 clearly and conspicuously disclose any charges
16 associated with the preparation of an
17 inventory; amending s. 507.13, F.S.; providing
18 for the preemption of certain local ordinances;
19 limiting such preemption; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:
23

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

26 507.01 Definitions.--As used in this chapter, the
27 term:

28 (13) "Storage" means the temporary warehousing of a
29 shipper's goods while under the care, custody, and control of
30 the mover.
31

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

3 507.02 Construction; intent; application.--

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

7 Section 3. Subsections (1) ,(3), and (4) of section
8 507.03, Florida Statutes, are amended, and subsection (10) is
9 added to that section, to read:

10 507.03 Registration.--

11 (1) Each mover and moving broker must ~~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; the date on which the mover or
20 broker registered its fictitious name if the mover or broker
21 is operating under a fictitious or trade name; the name of all
22 other corporations, business entities, and trade names through
23 which each owner of the mover or broker operated, was known,
24 or did business as a mover or moving broker within the
25 preceding 5 years; and proof of the insurance or alternative
26 coverages required under s. 507.04.

27 (3) Registration fees shall be calculated at a rate of
28 \$300 per year per mover or moving broker. All amounts
29 collected shall be deposited by the Chief Financial Officer to
30 the credit of the General Inspection Trust Fund of the
31

1 department for the sole purpose of administration of this
2 chapter.

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

12 (10) In order to implement the biennial registration
13 requirements set forth in this section, the department shall
14 have rulemaking authority to stagger the registrations over a
15 2-year period. This subsection expires June 30, 2009.

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

18 507.04 Required insurance coverages; liability
19 limitations; valuation coverage.--

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

21 (a) A mover may not limit its liability for the loss
22 or damage of household goods to a valuation rate that is less
23 than 60 cents per pound per article. A provision of a contract
24 for moving services is void if the provision limits a mover's
25 liability to a valuation rate that is less than the minimum
26 rate allowed under this subsection.

27 (b) A mover may exclude liability for items packed by
28 the shipper if the exclusion is declared and the shipper
29 declines, in writing, to allow the mover the opportunity to
30 open and inspect each container packed by the shipper.

31

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

9 Section 5. Section 507.05, Florida Statutes, is
10 amended to read:

11 507.05 Estimates and contracts for moving and
12 accessorial services ~~service~~.--Before providing any moving or
13 accessorial services, a contract and estimate for services
14 must be provided to a prospective shipper in writing and must
15 be signed and dated by the shipper and the mover. A mover may
16 not require the waiver of, and a shipper may not waive, the
17 required written estimate. The written estimate and contract
18 ~~and~~ must include:

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

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

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

27 (4) The name, telephone number, and physical address
28 of any location where the goods will be held pending further
29 transportation, including situations where the mover retains
30 possession of goods pending resolution of a fee dispute with
31 the shipper.

1 (5) An itemized breakdown and description and total of
2 all costs and services for loading, transportation or
3 shipment, unloading, and accessorial services to be provided
4 during a household move or storage of household goods.

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

9 ~~(7)(6)~~ Acceptable forms of payment. A mover shall
10 accept a minimum of two of the three following forms of
11 payment:

12 (a) Cash, cashier's check, money order, or traveler's
13 check;

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

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

19
20 A mover must clearly and conspicuously disclose to the shipper
21 in the estimate and contract for services the forms of
22 payments the mover will accept, including the forms of payment
23 described in paragraphs (a)-(c).

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

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

1 (10) A statement of acknowledgement to be signed by
2 the shipper verifying that the shipper received a copy of a
3 consumer's bill of rights entitled "Now You Know: Intrastate
4 Household Moving," the content of which the department shall
5 establish by rule. This information must be provided to the
6 shipper at the time of the estimate.

7 (11) Notice to the shipper of the opportunity to
8 request, at an additional cost to the shipper, a written
9 inventory.

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

13
14 PLEASE READ CAREFULLY:

15 THIS CONTRACT FOR SERVICE IS REQUIRED BY STATE
16 LAW AND MUST INCLUDE THE TERMS AND COSTS
17 ASSOCIATED WITH YOUR MOVE. IN ORDER FOR THE
18 CONTRACT FOR SERVICE TO BE ACCURATE, YOU MUST
19 DISCLOSE TO THE MOVER ALL INFORMATION RELEVANT
20 TO THE MOVE. STATE LAW REQUIRES THAT A MOVER
21 RELINQUISH POSSESSION OF YOUR GOODS AND
22 COMPLETE YOUR MOVE UPON PAYMENT OF NO MORE THAN
23 THE SPECIFIED MAXIMUM AMOUNT DUE AT DELIVERY.

24
25 Section 6. Section 507.055, Florida Statutes, is
26 created to read:

27 507.055 Written inventory; offer to shipper
28 required.--

29 (1) A mover shall offer to prepare a written inventory
30 of all items to be moved by the shipper at an additional cost
31 to the shipper. A shipper may waive, in writing, the

1 preparation of a written inventory, and such waiver shall be
2 executed at the time the written estimate for moving and
3 accessorial services is prepared and signed by the mover and
4 shipper. If the preparation of a written inventory is not
5 waived, the inventory shall be prepared and signed by both the
6 shipper and the mover prior to departure of the mover's motor
7 vehicle from the shipper's pickup point or points.

8 (2) A mover may not charge for the preparation of an
9 inventory unless, prior to preparing the inventory, the mover
10 clearly and conspicuously discloses in writing to the shipper
11 the amount of the charge for preparation of the inventory or,
12 if the amount cannot be determined, the complete basis upon
13 which the charge will be calculated.

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

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

18 507.07 Violations.--It is a violation of this chapter
19 to:

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

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

24 (9) Fail to offer to prepare for the shipper a written
25 inventory of the household goods to be moved, unless such
26 inventory is waived by the shipper, or to clearly and
27 conspicuously disclose to a shipper any charges associated
28 with the preparation of a written inventory as required in s.
29 507.055.

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

1 507.13 Local regulation.--

2 (1) This chapter preempts ~~does not preempt~~ local
3 ordinances or regulations of a county or municipality which
4 regulate transactions relating to movers of household goods or
5 moving brokers. This preemption does not extend to local
6 business taxes as provided in chapter 205. As provided in s.
7 507.03(4), counties and municipalities may require, levy, or
8 collect any registration fee or tax or require the
9 registration or bonding in any manner of any mover or moving
10 broker.

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

12
13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 CS/SB 1788

16 The committee substitute for committee substitute (CS) allows
17 an exclusion from liability for items packed by a shipper if
18 the mover is not given an opportunity to inspect the boxes
19 regardless of whether such an exclusion is declared in the
20 estimate and the contract. It prohibits a mover and shipper
21 from waiving the requirement for a written estimate. The CS
22 specifies additional information that must be included in a
23 written estimate and contract, including a notice to the
24 shipper that must be in the same form as provided in the CS.

25 This CS requires a mover to offer to prepare, at an additional
26 cost to the shipper, a written inventory of all items to be
27 moved by the shipper. It also makes the failure to provide a
28 shipper with: a written estimate of moving and accessorial
29 services, a disclosure statement required by s. 507.05, F.S.;
30 or an offer to prepare a written inventory, a violation of ch.
31 507, F.S., which subjects the mover to administrative fines
and penalties.