

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Nelson offered the following:

2
3 **Amendment (with title amendment)**

4 On page 5, between lines 20 and 21, insert:

5
6 Section 5. Subsection (13) of section 507.01, Florida
7 Statutes, is amended to read:

8 507.01 Definitions.--As used in this chapter, the term:

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

12 Section 6. Subsection (5) is added to section 507.02,
13 Florida Statutes, to read:

14 507.02 Construction; intent; application.--

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

18 Section 7. Subsections (1), (3), and (4) of section
19 507.03, Florida Statutes, are amended, and subsection (10) is
20 added to that section, to read:

21 507.03 Registration.--

22 (1) Each mover and moving broker must ~~annually~~ register
23 with the department, providing its legal business and trade
24 name, mailing address, and business locations; the full names,
25 addresses, and telephone numbers of its owners or corporate
26 officers and directors and the Florida agent of the corporation;
27 a statement whether it is a domestic or foreign corporation, its
28 state and date of incorporation, its charter number, and, if a
29 foreign corporation, the date it registered with the Department
30 of State; the date on which the mover or broker registered its
31 fictitious name if the mover or broker is operating under a
32 fictitious or trade name; the name of all other corporations,
33 business entities, and trade names through which each owner of
34 the mover or broker operated, was known, or did business as a
35 mover or moving broker within the preceding 5 years; and proof
36 of the insurance or alternative coverages required under s.
37 507.04.

38 (3) Registration fees shall be calculated at a rate of
39 \$300 per year per mover or moving broker. All amounts collected
40 shall be deposited by the Chief Financial Officer to the credit
41 of the General Inspection Trust Fund of the department for the
42 sole purpose of administration of this chapter.

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43 (4) Each registration must be renewed biennially on or
44 before the expiration date of the current registration ~~Any mover~~
45 ~~or moving broker whose principal place of business is located in~~
46 ~~a county or municipality that requires, by local ordinance, a~~
47 ~~local license or registration to engage in the business of~~
48 ~~moving and storage of household goods must obtain the license or~~
49 ~~registration from the county or municipality. A mover or broker~~
50 ~~that obtains a local license or registration must also pay the~~
51 ~~state registration fee under subsection (3).~~

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

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

58 507.04 Required insurance coverages; liability
59 limitations; valuation coverage.--

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

61 (a) A mover may not limit its liability for the loss or
62 damage of household goods to a valuation rate that is less than
63 60 cents per pound per article. A provision of a contract for
64 moving services is void if the provision limits a mover's
65 liability to a valuation rate that is less than the minimum rate
66 allowed under this subsection.

67 (b) A mover may exclude liability for items packed by the
68 shipper if the exclusion is declared and the shipper declines,
69 in writing, to allow the mover the opportunity to open and
70 inspect each container packed by the shipper.

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71 (c) If a mover limits its liability for a shipper's goods,
72 the mover must disclose the limitation, including the valuation
73 rate, to the shipper in writing at the time that the estimate
74 and contract for services are executed and before any moving or
75 accessorial services are provided. The disclosure must also
76 inform the shipper of the opportunity to purchase valuation
77 coverage if the mover offers that coverage under subsection (5).

78 Section 9. Section 507.05, Florida Statutes, is amended to
79 read:

80 507.05 Estimates and contracts for moving and accessorial
81 services ~~service~~.--Before providing any moving or accessorial
82 services, a contract and estimate for services must be provided
83 to a prospective shipper in writing and, must be signed and
84 dated by the shipper and the mover. A mover may not require the
85 waiver of, and a shipper may not waive, the required written
86 estimate. The written estimate and contract, and must include:

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

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

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

95 (4) The name, telephone number, and physical address of
96 any location where the goods will be held pending further
97 transportation, including situations where the mover retains

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98 possession of goods pending resolution of a fee dispute with the
99 shipper.

100 (5) An itemized breakdown and description and total of all
101 costs and services for loading, transportation or shipment,
102 unloading, and accessorial services to be provided during a
103 household move or storage of household goods.

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

108 (7)-(6) Acceptable forms of payment. A mover shall accept a
109 minimum of two of the three following forms of payment:

110 (a) Cash, cashier's check, money order, or traveler's
111 check;

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

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

116

117 A mover must clearly and conspicuously disclose to the shipper
118 in the estimate and contract for services the forms of payments
119 the mover will accept, including the forms of payment described
120 in paragraphs (a) - (c).

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

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

129 (10) A statement of acknowledgement to be signed by the
130 shipper verifying that the shipper received a copy of a
131 consumer's bill of rights entitled "Now You Know: Intrastate
132 Household Moving," the content of which the department shall
133 establish by rule. This information must be provided to the
134 shipper at the time of the estimate.

135 (11) Notice to the shipper of the opportunity to request,
136 at an additional cost to the shipper, a written inventory.

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

140 PLEASE READ CAREFULLY:

141
142 THIS CONTRACT FOR SERVICE IS REQUIRED BY STATE LAW AND MUST
143 INCLUDE THE TERMS AND COSTS ASSOCIATED WITH YOUR MOVE. IN ORDER
144 FOR THE CONTRACT FOR SERVICE TO BE ACCURATE, YOU MUST DISCLOSE
145 TO THE MOVER ALL INFORMATION RELEVANT TO THE MOVE. STATE LAW
146 REQUIRES THAT A MOVER RELINQUISH POSSESSION OF YOUR GOODS AND
147 COMPLETE YOUR MOVE UPON PAYMENT OF NO MORE THAN THE SPECIFIED
148 MAXIMUM AMOUNT DUE AT DELIVERY.

149 Section 10. Section 507.055, Florida Statutes, is created
150 to read:

151 507.055 Written inventory; offer to shipper required.--

152 (1) A mover shall offer to prepare a written inventory of
153 all items to be moved by the shipper at an additional cost to

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154 the shipper. A shipper may waive, in writing, the preparation of
155 a written inventory, and such waiver shall be executed at the
156 time the written estimate for moving and accessorial services is
157 prepared and signed by the mover and shipper. If the preparation
158 of a written inventory is not waived, the inventory shall be
159 prepared and signed by both the shipper and the mover prior to
160 departure of the mover's motor vehicle from the shipper's pickup
161 point or points.

162 (2) A mover may not charge for the preparation of an
163 inventory unless, prior to preparing the inventory, the mover
164 clearly and conspicuously discloses in writing to the shipper
165 the amount of the charge for preparation of the inventory or, if
166 the amount cannot be determined, the complete basis upon which
167 the charge will be calculated.

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

170 Section 11. Subsections (7), (8), and (9) are added to
171 section 507.07, Florida Statutes, to read:

172 507.07 Violations.--It is a violation of this chapter to:

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

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

177 (9) Fail to offer to prepare for the shipper a written
178 inventory of the household goods to be moved, unless such
179 inventory is waived by the shipper, or to clearly and
180 conspicuously disclose to a shipper any charges associated with

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181 the preparation of a written inventory as required in s.
182 507.055.

183 Section 12. Subsection (1) of section 507.13, Florida
184 Statutes, is amended to read:

185 507.13 Local regulation.--

186 (1) This chapter preempts ~~does not preempt~~ local
187 ordinances or regulations of a county or municipality which
188 regulate transactions relating to movers of household goods or
189 moving brokers. This preemption does not extend to local
190 business taxes as provided in chapter 205. ~~As provided in s.~~
191 ~~507.03(4), counties and municipalities may require, levy, or~~
192 ~~collect any registration fee or tax or require the registration~~
193 ~~or bonding in any manner of any mover or moving broker.~~

194
195 ===== T I T L E A M E N D M E N T =====

196 On page 1, line 21,
197 remove: said line

198
199 and insert:

200 formulation of antifreeze; amending s. 507.01, F.S.;
201 amending the definition of the term "storage"; amending s.
202 507.02, F.S.; providing that a mover's right to refuse to
203 transport certain items is not superseded if certain
204 conditions are met; amending s. 507.03, F.S.; removing a
205 requirement that each mover and moving broker annually
206 register with the Department of Agriculture and Consumer
207 Services; providing for the calculation of registration
208 fees; requiring that each registration be renewed

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HOUSE AMENDMENT

Bill No. CS/SB 1952

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209 | biennially on or before the expiration date of the current
210 | registration; authorizing the department to adopt certain
211 | rules; providing an expiration date for such rulemaking
212 | authority; amending s. 507.04, F.S.; authorizing a mover to
213 | exclude liability for items packed by the shipper under
214 | certain conditions; amending s. 507.05, F.S.; requiring a
215 | mover to provide a shipper with a written estimate before
216 | the mover provides any moving or accessorial services;
217 | prohibiting a mover from requiring the waiver of the
218 | written estimate; prohibiting the shipper from waiving the
219 | written estimate; requiring that the written estimate
220 | contain certain information; creating s. 507.055, F.S.;
221 | requiring that a mover offer to prepare a written inventory
222 | of all items to be moved by the shipper, at an additional
223 | cost to the shipper; authorizing a shipper to waive the
224 | preparation of an inventory in writing; providing
225 | requirements for the preparation of an inventory; providing
226 | conditions that must be fulfilled before a mover may charge
227 | for the preparation of an inventory; prohibiting a mover
228 | from requiring a shipper to waive the preparation of an
229 | inventory; amending s. 507.07, F.S.; providing that a mover
230 | commits a violation of state law if the mover fails to
231 | present a shipper with a written estimate of moving and
232 | accessorial services, to present a shipper with the
233 | required disclosure statement, to offer to prepare a
234 | written inventory, or to clearly and conspicuously disclose
235 | any charges associated with the preparation of an
236 | inventory; amending s. 507.13, F.S.; providing for the

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237 | preemption of certain local ordinances; limiting such
238 | preemption; amending s. 525.07,