

1 A bill to be entitled
2 An act relating to household moving services; amending s.
3 507.01, F.S.; amending the definition of the term
4 "storage"; amending s. 507.02, F.S.; stating that chapter
5 507, F.S., relating to household moving services, does not
6 supersede a mover's right to refuse to transport certain
7 items provided the terms are in the estimate and contract
8 for services; amending s. 507.03, F.S.; providing for
9 biennial registration; removing the requirement for
10 certain movers and brokers to obtain a local license or
11 registration; removing the requirement for such movers and
12 brokers to pay state registration fees as well as local
13 fees; granting rulemaking authority for implementation of
14 biennial registration; providing an expiration; amending
15 s. 507.04, F.S.; providing for exclusion of certain
16 liability for items packed by the shipper; amending s.
17 507.05, F.S.; providing that a shipper may not waive the
18 right to a written estimate; requiring a bill of rights
19 disclosure statement and providing for content of the
20 statement; providing direction and content for a mover's
21 preparation for a written contract for moving and
22 accessorial services; creating s. 507.055, F.S.; requiring
23 a mover to offer to prepare for the shipper a written
24 inventory of all items to be moved; providing that there
25 be no charge for preparation of the written inventory
26 unless disclosed in writing prior to such preparation;
27 prohibiting a mover from requiring a shipper to waive
28 preparation of an inventory; amending s. 507.07, F.S.;

29 providing violations of the chapter, for which there are
 30 penalties; amending s. 507.13, F.S.; preempting to the
 31 state the regulation of movers of household goods and
 32 moving brokers; providing an exception for local business
 33 taxes as provided in ch. 205, F.S.; providing an effective
 34 date.

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 36 Be It Enacted by the Legislature of the State of Florida:

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

40 507.01 Definitions.--As used in this chapter, the term:

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

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

46 507.02 Construction; intent; application.--

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

50 Section 3. Subsections (1), (3), and (4) of section
 51 507.03, Florida Statutes, are amended, and subsection (10) is
 52 added to that section, to read:

53 507.03 Registration.--

54 (1) Each mover and moving broker must ~~annually~~ register
 55 with the department, providing its legal business and trade
 56 name, mailing address, and business locations; the full names,

57 addresses, and telephone numbers of its owners or corporate
58 officers and directors and the Florida agent of the corporation;
59 a statement whether it is a domestic or foreign corporation, its
60 state and date of incorporation, its charter number, and, if a
61 foreign corporation, the date it registered with the Department
62 of State; the date on which the mover or broker registered its
63 fictitious name if the mover or broker is operating under a
64 fictitious or trade name; the name of all other corporations,
65 business entities, and trade names through which each owner of
66 the mover or broker operated, was known, or did business as a
67 mover or moving broker within the preceding 5 years; and proof
68 of the insurance or alternative coverages required under s.
69 507.04.

70 (3) Registration fees shall be calculated at a rate of
71 \$300 per year per mover or moving broker. All amounts collected
72 shall be deposited by the Chief Financial Officer to the credit
73 of the General Inspection Trust Fund of the department for the
74 sole purpose of administration of this chapter.

75 (4) Each registration must be renewed biennially on or
76 before the expiration date of the current registration ~~Any mover~~
77 ~~or moving broker whose principal place of business is located in~~
78 ~~a county or municipality that requires, by local ordinance, a~~
79 ~~local license or registration to engage in the business of~~
80 ~~moving and storage of household goods must obtain the license or~~
81 ~~registration from the county or municipality. A mover or broker~~
82 ~~that obtains a local license or registration must also pay the~~
83 ~~state registration fee under subsection (3).~~

84 (10) In order to implement the biennial registration
 85 requirements set forth in this section, the department is
 86 granted rulemaking authority to stagger the registrations over a
 87 2-year period. This subsection expires June 30, 2009.

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

90 507.04 Required insurance coverages; liability
 91 limitations; valuation coverage.--

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

93 (a) A mover may not limit its liability for the loss or
 94 damage of household goods to a valuation rate that is less than
 95 60 cents per pound per article. A provision of a contract for
 96 moving services is void if the provision limits a mover's
 97 liability to a valuation rate that is less than the minimum rate
 98 allowed under this subsection.

99 (b) A mover may exclude liability for items packed by the
 100 shipper if the exclusion is declared and the shipper declines,
 101 in writing, to allow the mover the opportunity to open and
 102 inspect each container packed by the shipper.

103 (c) If a mover limits its liability for a shipper's goods,
 104 the mover must disclose the limitation, including the valuation
 105 rate, to the shipper in writing at the time that the estimate
 106 and contract for services are executed and before any moving or
 107 accessorial services are provided. The disclosure must also
 108 inform the shipper of the opportunity to purchase valuation
 109 coverage if the mover offers that coverage under subsection (5).

110 Section 5. Section 507.05, Florida Statutes, is amended to
 111 read:

112 507.05 Estimates and contracts for moving and accessorial
113 services ~~service~~.--Before providing any moving or accessorial
114 services, a contract and estimate for services must be provided
115 to a prospective shipper in writing and, must be signed and
116 dated by the shipper and the mover. A mover may not require, nor
117 shall a shipper be able to waive the requirement for a written
118 estimate. The written estimate and contract ~~and~~ must include:

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

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

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

127 (4) The name, telephone number, and physical address of
128 any location where the goods will be held pending further
129 transportation, including situations where the mover retains
130 possession of goods pending resolution of a fee dispute with the
131 shipper.

132 (5) An itemized breakdown and description and total of all
133 costs and services for loading, transportation or shipment,
134 unloading, and accessorial services to be provided during a
135 household move or storage of household goods.

136 (6) The name and telephone number of any other person who
137 may authorize pickup or delivery of any items to be transported.
138 Authorization for third-party pickup or delivery must be made in
139 writing by the shipper.

140 (7)~~(6)~~ Acceptable forms of payment. A mover shall accept a
 141 minimum of two of the three following forms of payment:

142 (a) Cash, cashier's check, money order, or traveler's
 143 check;

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

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

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149 A mover must clearly and conspicuously disclose to the shipper
 150 in the estimate and contract for services the forms of payments
 151 the mover will accept, including the forms of payment described
 152 in paragraphs (a) - (c).

153 (8) A brief description of the procedures for shipper
 154 inquiry and complaint handling and a telephone number the
 155 shipper may use to communicate with the movers, accompanied by a
 156 statement disclosing who shall pay for the calls, if other than
 157 the mover.

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

161 (10) A statement of acknowledgement to be signed by the
 162 shipper verifying that the shipper received a copy of a
 163 consumer's bill of rights entitled "Now You Know...Intrastate
 164 Household Moving," the content of which the department shall
 165 establish by rule, which must be provided to the shipper at the
 166 time of the estimate.

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

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

172
 173 PLEASE READ CAREFULLY:

174
 175 THIS CONTRACT FOR SERVICE IS REQUIRED BY STATE LAW AND MUST
 176 INCLUDE THE TERMS AND COSTS ASSOCIATED WITH YOUR MOVE. IN ORDER
 177 FOR THE CONTRACT FOR SERVICE TO BE ACCURATE, YOU MUST DISCLOSE
 178 TO THE MOVER ALL INFORMATION RELEVANT TO THE MOVE. STATE LAW
 179 REQUIRES THAT A MOVER RELINQUISH POSSESSION OF YOUR GOODS AND
 180 COMPLETE YOUR MOVE UPON PAYMENT OF NO MORE THAN THE SPECIFIED
 181 MAXIMUM AMOUNT DUE AT DELIVERY.

182 Section 6. Section 507.055, Florida Statutes, is created
 183 to read:

184 507.055 Written inventory; offer to shipper required.--

185 (1) A mover shall offer to prepare a written inventory of
 186 all items to be moved by the shipper at an additional cost to
 187 the shipper. A shipper may waive, in writing, the preparation of
 188 a written inventory, which shall be expressed at the time the
 189 written estimate for moving and accessorial services is prepared
 190 and signed by the mover and shipper. If preparation of a written
 191 inventory is not waived, the inventory shall be prepared and
 192 signed by both the shipper and the mover prior to departure of
 193 the mover's motor vehicle from the shipper's pickup point or
 194 points.

195 (2) No mover shall charge for preparing an inventory
 196 unless, prior to preparing the inventory, the mover clearly and
 197 conspicuously discloses in writing to the shipper the amount of
 198 the charge for preparation of the inventory or, if the amount
 199 cannot be determined, the complete basis upon which the charge
 200 will be calculated.

201 (3) It is unlawful for a mover to require a shipper to
 202 waive the preparation of an inventory.

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

205 507.07 Violations.--It is a violation of this chapter to:

206 (7) Fail to present a shipper with a written estimate of
 207 moving and accessorial services required pursuant to s. 507.05.

208 (8) Fail to present to a shipper the disclosure statement
 209 required under s. 507.05.

210 (9) Fail to offer to a shipper a written inventory of the
 211 household goods to be moved, unless waived by the shipper, or to
 212 clearly and conspicuously disclose to a shipper any charges
 213 associated with the preparation of a written inventory as
 214 required in s. 507.055.

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

217 507.13 Local regulation.--

218 (1) This chapter preempts ~~does not preempt~~ local
 219 ordinances or regulations of a county or municipality which
 220 regulate transactions relating to movers of household goods or
 221 moving brokers. This preemption does not extend to local
 222 business taxes as provided in chapter 205. ~~As provided in s.~~

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223 | ~~507.03(4), counties and municipalities may require, levy, or~~
224 | ~~collect any registration fee or tax or require the registration~~
225 | ~~or bonding in any manner of any mover or moving broker.~~

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