

By Senator Saunders

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6 superseded if certain conditions are met; amending s.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

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30 preparation of an inventory; prohibiting a mover from
31 requiring a shipper to waive the preparation of an
32 inventory; amending s. 507.07, F.S.; providing that a
33 mover commits a violation of state law if the mover fails
34 to present a shipper with a written estimate of moving and
35 accessorial services, to present a shipper with the
36 required disclosure statement, to offer to prepare a
37 written inventory, or to clearly and conspicuously
38 disclose any charges associated with the preparation of an
39 inventory; amending s. 507.13, F.S.; providing for the
40 preemption of certain local ordinances; limiting such
41 preemption; providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Subsection (13) of section 507.01, Florida
46 Statutes, is amended to read:

47 507.01 Definitions.--As used in this chapter, the term:

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

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

53 507.02 Construction; intent; application.--

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

57 Section 3. Subsections (1), (3), and (4) of section 507.03,
58 Florida Statutes, are amended, and subsection (10) is added to

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59 | that section, to read:

60 | 507.03 Registration.--

61 | (1) Each mover and moving broker must ~~annually~~ register
62 | with the department, providing its legal business and trade name,
63 | mailing address, and business locations; the full names,
64 | addresses, and telephone numbers of its owners or corporate
65 | officers and directors and the Florida agent of the corporation;
66 | a statement whether it is a domestic or foreign corporation, its
67 | state and date of incorporation, its charter number, and, if a
68 | foreign corporation, the date it registered with the Department
69 | of State; the date on which the mover or broker registered its
70 | fictitious name if the mover or broker is operating under a
71 | fictitious or trade name; the name of all other corporations,
72 | business entities, and trade names through which each owner of
73 | the mover or broker operated, was known, or did business as a
74 | mover or moving broker within the preceding 5 years; and proof of
75 | the insurance or alternative coverages required under s. 507.04.

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

81 | (4) Each registration must be renewed biennially on or
82 | before the expiration date of the current registration. ~~Any mover~~
83 | ~~or moving broker whose principal place of business is located in~~
84 | ~~a county or municipality that requires, by local ordinance, a~~
85 | ~~local license or registration to engage in the business of moving~~
86 | ~~and storage of household goods must obtain the license or~~
87 | ~~registration from the county or municipality. A mover or broker~~

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88 ~~that obtains a local license or registration must also pay the~~
89 ~~state registration fee under subsection (3).~~

90 (10) In order to implement the biennial registration
91 requirements in this section, the department may adopt rules to
92 stagger the registrations over a 2-year period. This subsection
93 expires June 30, 2010.

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

96 507.04 Required insurance coverages; liability limitations;
97 valuation coverage.--

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

99 (a) A mover may not limit its liability for the loss or
100 damage of household goods to a valuation rate that is less than
101 60 cents per pound per article. A provision of a contract for
102 moving services is void if the provision limits a mover's
103 liability to a valuation rate that is less than the minimum rate
104 allowed under this subsection.

105 (b) A mover may exclude liability for items packed by the
106 shipper if the exclusion is declared and the shipper declines, in
107 writing, to allow the mover to open and inspect each container
108 packed by the shipper.

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

116 Section 5. Section 507.05, Florida Statutes, is amended to

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117 read:

118 507.05 Estimates and contracts for moving and accessorial
119 services ~~service~~.--Before providing any moving or accessorial
120 services, a contract and estimate for services must be provided
121 to a prospective shipper in writing and, must be signed and dated
122 by the shipper and the mover. A mover may not require the waiver
123 of, and a shipper may not waive, the required written estimate.

124 The written estimate and contract, ~~and~~ must include:

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

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

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

132 (4) The name, telephone number, and physical address of any
133 location where the goods will be held pending further
134 transportation, including situations where the mover retains
135 possession of goods pending resolution of a fee dispute with the
136 shipper.

137 (5) An itemized breakdown and description and total of all
138 costs and services for loading, transportation or shipment,
139 unloading, and accessorial services to be provided during a
140 household move or storage of household goods.

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

145 (7) ~~(6)~~ Acceptable forms of payment. A mover shall accept a

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146 minimum of two of the three following forms of payment:

147 (a) Cash, cashier's check, money order, or traveler's
148 check;

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

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

153

154 A mover must clearly and conspicuously disclose to the shipper in
155 the estimate and contract for services the forms of payments the
156 mover will accept, including the forms of payment described in
157 paragraphs (a)-(c).

158 (8) A brief description of the procedures for shipper
159 inquiry and the handling of complaints, and a telephone number
160 that the shipper may use to communicate with the movers,
161 accompanied by a statement disclosing who must pay for the calls,
162 if the payor is anyone other than the mover.

163 (9) If the cost for services provided is based on weight, a
164 statement that the shipper may observe any weighing before and
165 after loading.

166 (10) A statement of acknowledgement to be signed by the
167 shipper verifying that the shipper received a copy of a
168 consumer's bill of rights entitled "Now You Know: Intrastate
169 Household Moving," the content of which the department shall
170 establish by rule. This information must be provided to the
171 shipper at the time of the estimate.

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

174 (12) The contract for service provided by a mover to a

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175 shipper, which must include the following language in bold,
176 capitalized letters in at least 12-point type:

177
178 PLEASE READ CAREFULLY:

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

187
188 Section 6. Section 507.055, Florida Statutes, is created
189 to read:

190 507.055 Written inventory; offer to shipper required.--

191 (1) A mover shall offer to prepare a written inventory of
192 all items to be moved by the shipper at an additional cost to
193 the shipper. A shipper may waive, in writing, the preparation
194 of a written inventory, and such waiver shall be executed at
195 the time the written estimate for moving and accessorial
196 services is prepared and signed by the mover and shipper. If
197 the preparation of a written inventory is not waived, the
198 inventory shall be prepared and signed by the shipper and the
199 mover prior to departure of the mover's motor vehicle from any
200 pickup point of the shipper.

201 (2) A mover may not charge for the preparation of an
202 inventory unless, prior to preparing the inventory, the mover
203 clearly and conspicuously discloses in writing to the shipper

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204 the amount of the charge for preparation of the inventory or,
205 if the amount cannot be determined, the complete basis upon
206 which the charge will be calculated.

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

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

211 507.07 Violations.--It is a violation of this chapter to:

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

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

216 (9) Fail to offer to prepare for the shipper a written
217 inventory of the household goods to be moved, unless such
218 inventory is waived by the shipper, or to clearly and
219 conspicuously disclose to a shipper any charges associated with
220 the preparation of a written inventory as required in s.
221 507.055.

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

224 507.13 Local regulation.--

225 (1) This chapter preempts ~~does not preempt~~ local
226 ordinances or regulations of a county or municipality which
227 regulate transactions relating to movers of household goods or
228 moving brokers. This preemption does not extend to local
229 business taxes as provided in chapter 205. ~~As provided in s.~~
230 ~~507.03(4), counties and municipalities may require, levy, or~~
231 ~~collect any registration fee or tax or require the registration~~
232 ~~or bonding in any manner of any mover or moving broker.~~

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Section 9. This act shall take effect July 1, 2008.