

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6 superseded if certain conditions are met; amending s.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
 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
 50 the 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
 58 507.03, Florida Statutes, are amended, and subsection (10) is
 59 added to 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
 63 name, 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
 75 of the insurance or alternative coverages required under s.

76 507.04.

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

82 (4) Each registration must be renewed biennially on or
 83 before the expiration date of the current registration. ~~Any~~
 84 ~~mover or moving broker whose principal place of business is~~

85 ~~located in a county or municipality that requires, by local~~
 86 ~~ordinance, a local license or registration to engage in the~~
 87 ~~business of moving and storage of household goods must obtain~~
 88 ~~the license or registration from the county or municipality. A~~
 89 ~~mover or broker that obtains a local license or registration~~
 90 ~~must also pay the state registration fee under subsection (3).~~

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

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

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

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

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

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

110 (c) If a mover limits its liability for a shipper's goods,
 111 the mover must disclose the limitation, including the valuation
 112 rate, to the shipper in writing at the time that the estimate

HB 611

2008

113 and contract for services are executed and before any moving or
 114 accessorial services are provided. The disclosure must also
 115 inform the shipper of the opportunity to purchase valuation
 116 coverage if the mover offers that coverage under subsection (5).

117 Section 5. Section 507.05, Florida Statutes, is amended to
 118 read:

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

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

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

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

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

139 (5) An itemized breakdown and description and total of all
 140 costs and services for loading, transportation or shipment,

HB 611

2008

141 unloading, and accessorial services to be provided during a
 142 household move or storage of household goods.

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

147 (7)~~(6)~~ Acceptable forms of payment. A mover shall accept a
 148 minimum of two of the three following forms of payment:

149 (a) Cash, cashier's check, money order, or traveler's
 150 check;

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

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

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

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

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

168 (10) A statement of acknowledgement to be signed by the

169 shipper verifying that the shipper received a copy of a
 170 consumer's bill of rights entitled "Now You Know: Intrastate
 171 Household Moving," the content of which the department shall
 172 establish by rule. This information must be provided to the
 173 shipper at the time of the estimate.

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

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

179
 180 PLEASE READ CAREFULLY:

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

189
 190 Section 6. Section 507.055, Florida Statutes, is created
 191 to read:

192 507.055 Written inventory; offer to shipper required.--

193 (1) A mover shall offer to prepare a written inventory of
 194 all items to be moved by the shipper at an additional cost to
 195 the shipper. A shipper may waive, in writing, the preparation
 196 of a written inventory, and such waiver shall be executed at

197 the time the written estimate for moving and accessorial
 198 services is prepared and signed by the mover and shipper. If
 199 the preparation of a written inventory is not waived, the
 200 inventory shall be prepared and signed by the shipper and the
 201 mover prior to departure of the mover's motor vehicle from any
 202 pickup point of the shipper.

203 (2) A mover may not charge for the preparation of an
 204 inventory unless, prior to preparing the inventory, the mover
 205 clearly and conspicuously discloses in writing to the shipper
 206 the amount of the charge for preparation of the inventory or,
 207 if the amount cannot be determined, the complete basis upon
 208 which the charge will be calculated.

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

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

213 507.07 Violations.--It is a violation of this chapter to:

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

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

218 (9) Fail to offer to prepare for the shipper a written
 219 inventory of the household goods to be moved, unless such
 220 inventory is waived by the shipper, or to clearly and
 221 conspicuously disclose to a shipper any charges associated with
 222 the preparation of a written inventory as required in s.
 223 507.055.

224 Section 8. Subsection (1) of section 507.13, Florida

HB 611

2008

225 Statutes, is amended to read:

226 507.13 Local regulation.--

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

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