

HB 891

2009

1 A bill to be entitled
2 An act relating to household moving services; amending s.
3 507.01, F.S.; redefining the term "storage"; amending s.
4 507.03, F.S.; providing for the biennial renewal of mover
5 and moving broker registrations; authorizing the
6 Department of Agriculture and Consumer Services to extend
7 registration expiration dates to establish staggered
8 dates; requiring the calculation of biennial registration
9 fees based on an annual rate; deleting a provision
10 requiring certain movers and moving brokers to obtain a
11 local license or registration and pay the state
12 registration fee; amending s. 507.04, F.S.; authorizing a
13 mover to exclude liability for household goods packed by
14 the shipper under certain circumstances; amending s.
15 507.06, F.S.; authorizing a mover to refuse to transport
16 or ship household goods under certain circumstances;
17 amending s. 507.07, F.S.; prohibiting a mover or moving
18 broker from conducting business without being registered
19 with the department; providing penalties; amending s.
20 507.13, F.S.; preempting local ordinances and regulations
21 except in certain counties; restricting the levy or
22 collection of local registration fees and taxes of movers
23 and moving brokers; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsection (13) of section 507.01, Florida
28 Statutes, is amended to read:

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29 507.01 Definitions.--As used in this chapter, the term:

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

33 Section 2. Subsections (1), (3), and (4) of section
 34 507.03, Florida Statutes, are amended to read:

35 507.03 Registration.--

36 (1) Each mover and moving broker must ~~annually~~ register
 37 with the department, providing its legal business and trade
 38 name, mailing address, and business locations; the full names,
 39 addresses, and telephone numbers of its owners or corporate
 40 officers and directors and the Florida agent of the corporation;
 41 a statement whether it is a domestic or foreign corporation, its
 42 state and date of incorporation, its charter number, and, if a
 43 foreign corporation, the date it registered with the Department
 44 of State; the date on which the mover or broker registered its
 45 fictitious name if the mover or broker is operating under a
 46 fictitious or trade name; the name of all other corporations,
 47 business entities, and trade names through which each owner of
 48 the mover or broker operated, was known, or did business as a
 49 mover or moving broker within the preceding 5 years; and proof
 50 of the insurance or alternative coverages required under s.

51 507.04.

52 (3) Registration fees shall be calculated at the rate of
 53 \$300 per year per mover or moving broker. All amounts collected
 54 shall be deposited by the Chief Financial Officer to the credit
 55 of the General Inspection Trust Fund of the department for the
 56 sole purpose of administration of this chapter.

57 (4) A registration must be renewed biennially on or before
 58 its expiration date. In order to establish staggered expiration
 59 dates, the department may extend the expiration date of a
 60 registration for a period not to exceed 12 months. ~~Any mover or~~
 61 ~~moving broker whose principal place of business is located in a~~
 62 ~~county or municipality that requires, by local ordinance, a~~
 63 ~~local license or registration to engage in the business of~~
 64 ~~moving and storage of household goods must obtain the license or~~
 65 ~~registration from the county or municipality. A mover or broker~~
 66 ~~that obtains a local license or registration must also pay the~~
 67 ~~state registration fee under subsection (3).~~

68 Section 3. Subsection (4) of section 507.04, Florida
 69 Statutes, is amended to read:

70 507.04 Required insurance coverages; liability
 71 limitations; valuation coverage.--

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

73 (a) A mover may not limit its liability for the loss or
 74 damage of household goods to a valuation rate that is less than
 75 60 cents per pound per article. A provision of a contract for
 76 moving services is void if the provision limits a mover's
 77 liability to a valuation rate that is less than the minimum rate
 78 allowed under this subsection.

79 (b) A mover may exclude liability for any household goods
 80 packed by the shipper if the exclusion is declared, and the
 81 shipper declines, in writing, to allow the mover to open and
 82 inspect the box or crate in which the goods were packed by the
 83 shipper.

84 (c) If a mover limits its liability for a shipper's goods,
 85 the mover must disclose the limitation, including the valuation
 86 rate, to the shipper in writing at the time that the estimate
 87 and contract for services are executed and before any moving or
 88 accessorial services are provided. The disclosure must also
 89 inform the shipper of the opportunity to purchase valuation
 90 coverage if the mover offers that coverage under subsection (5).

91 Section 4. Section 507.06, Florida Statutes, is amended to
 92 read:

93 507.06 Transportation or shipment, delivery, and storage
 94 of household goods.--

95 (1) A mover, before transporting or shipping a shipper's
 96 household goods, may refuse to transport or ship any of the
 97 goods, if the mover notifies the shipper and the shipper
 98 acknowledges the refusal in writing.

99 (2)~~(1)~~ A mover must relinquish household goods to a
 100 shipper and must place the goods inside a shipper's dwelling or,
 101 if directed by the shipper, inside a storehouse or warehouse
 102 that is owned or rented by the shipper or the shipper's agent,
 103 unless the shipper has not tendered payment in the amount
 104 specified in a written contract or estimate signed and dated by
 105 the shipper. A mover may not refuse to relinquish prescription
 106 medicines and goods for use by children, including children's
 107 furniture, clothing, or toys, under any circumstances.

108 (3)~~(2)~~ A mover may not refuse to relinquish household
 109 goods to a shipper or fail to place the goods inside a shipper's
 110 dwelling or, if directed by the shipper, inside a storehouse or
 111 warehouse that is owned or rented by the shipper or the

112 shipper's agent, based on the mover's refusal to accept an
 113 acceptable form of payment.

114 ~~(4)(3)~~ A mover that lawfully fails to relinquish a
 115 shipper's household goods may place the goods in storage until
 116 payment is tendered; however, the mover must notify the shipper
 117 of the location where the goods are stored and the amount due
 118 within 5 days after receipt of a written request for that
 119 information from the shipper, which request must include the
 120 address where the shipper may receive the notice. A mover may
 121 not require a prospective shipper to waive any rights or
 122 requirements under this section.

123 Section 5. Subsection (1) of section 507.07, Florida
 124 Statutes, is amended to read:

125 507.07 Violations.--It is a violation of this chapter to:

126 (1) Conduct business as a mover or moving broker, or
 127 advertise to engage in the business of moving or offering to
 128 move, without ~~first~~ being registered ~~annually~~ with the
 129 department.

130 Section 6. Subsection (1) of section 507.13, Florida
 131 Statutes, is amended to read:

132 507.13 Local regulation.--

133 (1) (a) Except as provided in paragraph (b), this chapter
 134 preempts ~~does not preempt~~ local ordinances or regulations of a
 135 county or municipality which regulate transactions relating to
 136 movers of household goods or moving brokers.

137 (b) This chapter does not preempt ordinances or
 138 regulations originally enacted by a county before January 1,
 139 2009. The ordinance or regulation ~~As provided in s. 507.03(4),~~

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140 ~~counties and municipalities~~ may require the ~~levy~~ or collection
141 of ~~collect~~ any reasonable registration fee or tax, not to exceed
142 the cost of administering the ordinance or regulation, and may
143 ~~or~~ require the registration or bonding in any manner of any
144 mover or moving broker.

145 Section 7. This act shall take effect July 1, 2009.