

CS/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; authorizing certain counties to  
24          require registration and bonding of movers and moving  
25          brokers; specifying that local business taxes are not  
26          preempted; providing an effective date.

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

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

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

507.03 Registration.--

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

(3) Registration fees shall be calculated at the rate of \$300 per year per mover or moving broker. All amounts collected

57 shall be deposited by the Chief Financial Officer to the credit  
 58 of the General Inspection Trust Fund of the department for the  
 59 sole purpose of administration of this chapter.

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

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

73 507.04 Required insurance coverages; liability  
 74 limitations; valuation coverage.--

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

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

82 (b) A mover may exclude liability for any household goods  
 83 packed by the shipper if the exclusion is declared, and the  
 84 shipper declines, in writing, to allow the mover to open and

85 inspect the box or crate in which the goods were packed by the  
 86 shipper.

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

94 Section 4. Section 507.06, Florida Statutes, is amended to  
 95 read:

96 507.06 Transportation or shipment, delivery, and storage  
 97 of household goods.--

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

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

111 (3)~~(2)~~ A mover may not refuse to relinquish household  
 112 goods to a shipper or fail to place the goods inside a shipper's

113 dwelling or, if directed by the shipper, inside a storehouse or  
 114 warehouse that is owned or rented by the shipper or the  
 115 shipper's agent, based on the mover's refusal to accept an  
 116 acceptable form of payment.

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

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

128 507.07 Violations.--It is a violation of this chapter to:

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

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

135 507.13 Local regulation.--

136 (1) (a) Except as provided in paragraphs (b) and (c), this  
 137 chapter preempts ~~does not preempt~~ local ordinances or  
 138 regulations of a county or municipality which regulate  
 139 transactions relating to movers of household goods or moving  
 140 brokers.

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141 (b) This chapter does not preempt ordinances or  
142 regulations enacted by a county before January 1, 2009, or  
143 subsequent amendments to such ordinances or regulations.  
144 However, the ~~As provided in s. 507.03(4), counties and~~  
145 ~~municipalities may require, levy, or collect any registration~~  
146 fees required by such ordinances or regulations must be  
147 reasonable and may not exceed the cost of administering the  
148 ordinances or regulations. ~~fee or tax or require~~ The  
149 registration or bonding ~~in any manner~~ of any mover or moving  
150 broker may only be required by such ordinances or regulations if  
151 the mover's or moving broker's principal place of business is  
152 located within the county's jurisdiction.

153 (c) This section does not preempt a local government's  
154 authority to levy a local business tax pursuant to chapter 205.

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