

1 A bill to be entitled
2 An act relating to household moving services; amending s.
3 507.01, F.S.; revising 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 specifying that local business taxes are not preempted;
22 providing exceptions from preemption for certain counties;
23 restricting such counties from levying or collecting local
24 registration fees and taxes from movers and moving
25 brokers; authorizing such counties to require registration
26 and bonding of movers and moving brokers; providing for
27 expiration of such exceptions from preemption; providing
28 an effective date.

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

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.

57 (3) Registration fees shall be calculated at the rate of
58 \$300 per year per mover or moving broker. All amounts collected
59 shall be deposited by the Chief Financial Officer to the credit
60 of the General Inspection Trust Fund of the department for the
61 sole purpose of administration of this chapter.

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

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

75 507.04 Required insurance coverages; liability
76 limitations; valuation coverage.—

77 (4) LIABILITY LIMITATIONS; VALUATION RATES.—

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

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84 (b) A mover may exclude liability for any household goods
85 packed by the shipper if the exclusion is declared, and the
86 shipper declines, in writing, to allow the mover to open and
87 inspect the box or crate in which the goods were packed by the
88 shipper.

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

96 Section 4. Section 507.06, Florida Statutes, is amended to
97 read:

98 507.06 Transportation or shipment, delivery, and storage
99 of household goods.—

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

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

111 medicines and goods for use by children, including children's
 112 furniture, clothing, or toys, under any circumstances.

113 (3)~~(2)~~ A mover may not refuse to relinquish household
 114 goods to a shipper or fail to place the goods inside a shipper's
 115 dwelling or, if directed by the shipper, inside a storehouse or
 116 warehouse that is owned or rented by the shipper or the
 117 shipper's agent, based on the mover's refusal to accept an
 118 acceptable form of payment.

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

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

130 507.07 Violations.—It is a violation of this chapter to:

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

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

137 507.13 Local regulation.—

138 (1) (a) This chapter preempts the ~~does not preempt~~ local
139 ordinances and ~~or~~ regulations of a county or municipality which
140 regulate transactions relating to movers of household goods or
141 moving brokers. This paragraph does not preempt a local
142 government's authority to levy a local business tax pursuant to
143 chapter 205.

144 (b) Notwithstanding paragraph (a), this chapter does not
145 preempt an ordinance or regulation enacted by a county before
146 January 1, 2010, or subsequent amendments to such ordinance or
147 regulation. However, As provided in s. 507.03(4), counties and
148 municipalities may require, levy, or collect any registration
149 fees required by such ordinance or regulation must be reasonable
150 and may not exceed the cost of administering the ordinance or
151 regulation. Such ordinance or regulation may only apply to a fee
152 or tax or require the registration or bonding in any manner of
153 any mover or moving broker whose principal place of business is
154 located within the county's jurisdiction. This paragraph expires
155 June 30, 2015, unless reviewed and reenacted by the Legislature
156 before that date.

157 Section 7. This act shall take effect July 1, 2010.