

By the Committee on Commerce; and Senator Garcia

577-02779-10

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

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

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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 shall be deposited by the Chief Financial Officer to the credit

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59 of the General Inspection Trust Fund of the department for the  
60 sole purpose of administration of this chapter.

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

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

74 507.04 Required insurance coverages; liability limitations;  
75 valuation coverage.—

76 (4) LIABILITY LIMITATIONS; VALUATION RATES.—

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

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

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

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

97        507.06 Transportation or shipment, delivery, and storage of  
98 household goods.—

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

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

112        (3)~~(2)~~ A mover may not refuse to relinquish household goods  
113 to a shipper or fail to place the goods inside a shipper's  
114 dwelling or, if directed by the shipper, inside a storehouse or  
115 warehouse that is owned or rented by the shipper or the  
116 shipper's agent, based on the mover's refusal to accept an

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117 acceptable form of payment.

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

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

129 507.07 Violations.—It is a violation of this chapter to:

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

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

136 507.13 Local regulation.—

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

142 (b) This chapter does not preempt an ordinance or  
143 regulation originally enacted by a county before January 1,  
144 2010, or a subsequent amendment to such an ordinance or  
145 regulation. However, registration fees required by such an

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146 ordinance or regulation must be reasonable and may not exceed  
147 the cost of administering the ordinance or regulation. Such an  
148 ordinance may apply only to the mover or moving broker whose  
149 principal place of business is located within that jurisdiction.

150 (c) This section does not preempt a local government's  
151 authority to levy a local business tax pursuant to chapter 205.  
152 ~~As provided in s. 507.03(4), counties and municipalities may~~  
153 ~~require , levy, or collect any registration fee or tax or~~  
154 ~~require the registration or bonding in any manner of any mover~~  
155 ~~or moving broker.~~

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