

By Senator Perry

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1 A bill to be entitled
2 An act relating to home delivery services; providing a
3 short title; providing definitions; providing
4 background screening requirements for home delivery
5 service providers who provide home delivery services
6 for a retailer; prohibiting a home delivery service
7 provider from entering the home of or being
8 unsupervised with a consumer upon the conviction, or
9 any other adjudication, of specified crimes;
10 specifying retailer responsibilities and duties;
11 providing civil and criminal penalties; requiring the
12 Office of Insurance Regulation to approve certain
13 rating plans for liability insurance under certain
14 circumstances; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Home delivery services.—

19 (1) SHORT TITLE.—This section may be cited as the “Evy
20 Udell Public Safety Act.”

21 (2) DEFINITIONS.—As used in this section, the term:

22 (a) “Consumer” means a person who purchases a household
23 good from a retailer.

24 (b) “Home” has the same meaning as in s. 468.8311, Florida
25 Statutes.

26 (c) “Home delivery service” means the loading,
27 transportation or shipment, and unloading of household goods
28 when the transportation or shipment originates from a factory,
29 store, or other place of business and terminates within a

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30 consumer's home.

31 (d) "Home delivery service provider" means a person or
32 entity who, for compensation, contracts for or engages in the
33 loading, transportation or shipment, or unloading of household
34 goods as part of a home delivery service. The term does not
35 include a postal, a courier, an envelope, or a package service.

36 (e) "Household goods" or "goods" means personal effects or
37 other personal property commonly found in a home, personal
38 residence, or other dwelling, including, but not limited to,
39 household furniture and appliances.

40 (f) "Retailer" means and includes an entity engaged in the
41 business of making sales at retail of, distributing, or storing
42 household goods in this state.

43 (3) SCREENING OF HOME DELIVERY SERVICE PROVIDERS.—

44 (a) Any home delivery service provider who provides home
45 delivery services for a retailer must complete a local and
46 national criminal background check for each person, employee, or
47 agent performing such home delivery services, regardless of
48 whether such person, employee, or agent intends to enter a
49 consumer's home. The background check required by this
50 subsection includes:

51 1. A search of the Multi-State Criminal Database Records
52 Information or some other similar commercial multijurisdictional
53 nationwide criminal database.

54 2. The validation of any records found during a search
55 under subparagraph 1. through a primary source search.

56 3. A search of the National Sex Offender Public Website
57 maintained by the United States Department of Justice.

58 (b) A home delivery service provider or any employee or

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59 agent of such provider may provide home delivery services before
60 the completion of the background screening required under
61 paragraph (a). However, pending the results of the screening,
62 such home delivery service provider, employee, or agent may not
63 enter the home of or be unsupervised with a consumer.

64 (c) A home delivery service provider must immediately
65 inform any contracted retailer if he or she, or any employee or
66 agent of such provider, is convicted of any disqualifying
67 offense under paragraph (d) while providing or under contract to
68 provide home delivery services.

69 (d) A home delivery service provider or any employee or
70 agent of such provider may not enter the home of a consumer or
71 be unsupervised with a consumer if the home delivery service
72 provider, employee, or agent has been arrested for and is
73 awaiting final disposition of, has been found guilty of,
74 regardless of adjudication, or entered a plea of nolo contendere
75 or guilty to, or has been adjudicated delinquent and the record
76 has not been sealed or expunged for, any offense prohibited
77 under any of the following provisions of state law or similar
78 law of another jurisdiction:

79 1. Section 393.135, Florida Statutes, relating to sexual
80 misconduct with certain developmentally disabled clients and
81 reporting of such sexual misconduct.

82 2. Section 394.4593, Florida Statutes, relating to sexual
83 misconduct with certain mental health patients and reporting of
84 such sexual misconduct.

85 3. Section 415.111, Florida Statutes, relating to
86 vulnerable adult abuse, neglect, or exploitation of aged persons
87 or disabled adults.

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88 4. Section 777.04, Florida Statutes, relating to attempts,
89 solicitation, and conspiracy to commit an offense listed in this
90 paragraph.

91 5. Section 782.04, Florida Statutes, relating to murder.

92 6. Section 782.07, Florida Statutes, relating to
93 manslaughter, aggravated manslaughter of an elderly person or
94 disabled adult, or aggravated manslaughter of a child.

95 7. Section 782.09, Florida Statutes, relating to killing of
96 an unborn child by injury to the mother.

97 8. Chapter 784, Florida Statutes, relating to assault,
98 battery, and culpable negligence, if the offense was a felony.

99 9. Section 784.011, Florida Statutes, relating to assault,
100 if the victim of the offense was a minor.

101 10. Section 784.03, Florida Statutes, relating to battery,
102 if the victim of the offense was a minor.

103 11. Section 794.011, Florida Statutes, relating to sexual
104 battery.

105 12. Section 794.05, Florida Statutes, relating to unlawful
106 sexual activity with certain minors.

107 13. Section 825.102, Florida Statutes, relating to abuse,
108 aggravated abuse, or neglect of an elderly person or disabled
109 adult.

110 14. Section 827.03, Florida Statutes, relating to child
111 abuse, aggravated child abuse, or neglect of a child.

112 15. Section 827.071, Florida Statutes, relating to sexual
113 performance by a child.

114 16. Section 843.01, Florida Statutes, relating to resisting
115 an officer with violence.

116 17. Section 916.1075, Florida Statutes, relating to sexual

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117 misconduct with certain forensic clients and reporting of such
118 sexual misconduct.

119 18. Section 944.35(3), Florida Statutes, relating to
120 inflicting cruel or inhuman treatment on an inmate resulting in
121 great bodily harm.

122 19. Section 985.701, Florida Statutes, relating to sexual
123 misconduct in juvenile justice programs.

124 20. Chapter 741, Florida Statutes, relating to domestic
125 violence.

126 (4) RETAILER DUTIES.—

127 (a) Upon the purchase of a household good that includes a
128 home delivery service or upon entering into a contract for a
129 home delivery service, a retailer must provide to the consumer
130 documentation, which must be signed by both the retailer and the
131 consumer, with the following information:

132 1. The name, telephone number, and physical address of the
133 home delivery service provider, and a statement telling the
134 consumer whether the home delivery service provider is a
135 subcontractor or an employee of the retailer.

136 2. The date of the purchase or when the contract is entered
137 into and any proposed date of the home delivery service.

138 3. The name and address of the consumer, the address, if
139 different, where the household good is to be delivered, and a
140 telephone number where the consumer may be reached.

141 4. An itemized breakdown and description of all costs and
142 services to be provided.

143 5. A statement authorizing the home delivery service
144 provider to enter the home of the consumer during the home
145 delivery service.

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146 (b) A retailer may not knowingly allow a home delivery
147 service provider to perform a home delivery service if the home
148 delivery service provider has not met the requirements of
149 subsection (3).

150 (c) A contract for home delivery services may not waive,
151 limit, restrict, or avoid any of the duties of the retailer or
152 home delivery service provider, as provided in this section.

153 (5) PENALTIES; REMEDIES.—

154 (a) Any person injured as a result of a violation of this
155 section may file a civil action in a court of competent
156 jurisdiction to recover penalties or damages, including
157 reasonable costs and attorney fees.

158 (b) An employee or agent of a retailer who willfully fails
159 to provide the documentation required under subsection (4)
160 commits a felony of the third degree, punishable as provided in
161 s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

162 (c) An owner or officer of a retailer who knowingly and
163 intentionally engages in a pattern of conduct in violation of
164 subsection (4) commits a felony of the third degree, punishable
165 as provided in s. 775.082, s. 775.083, or s. 775.084, Florida
166 Statutes.

167 (6) LIABILITY INSURANCE.—The Office of Insurance Regulation
168 shall approve rating plans for liability insurance that give
169 specific identifiable consideration in the setting of rates to
170 retailers that implement a policy requiring completion of the
171 background screening requirements under subsection (3) before
172 contracting with any home delivery service provider.

173 Section 2. This act shall take effect July 1, 2020.