

By Senator Hooper

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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.; revising definitions; amending s.
4 507.02, F.S.; providing construction; amending s.
5 507.03, F.S.; revising requirements for estimates,
6 contracts, and advertisements; conforming a cross-
7 reference; revising requirements relating to lists
8 provided to the Department of Agriculture and Consumer
9 Services by moving brokers; requiring the department
10 to publish and maintain a specified list on its
11 website; prohibiting certain persons from operating as
12 or holding themselves out to be a mover or moving
13 broker without registering with the department;
14 requiring the department to issue cease and desist
15 orders to certain persons under certain circumstances;
16 authorizing the department to seek an immediate
17 injunction under certain circumstances; amending s.
18 507.04, F.S.; revising alternative coverage
19 requirements; requiring the department to immediately
20 suspend a mover's or moving broker's registration
21 under certain circumstances; authorizing the
22 department to seek an immediate injunction under
23 certain circumstances; amending s. 507.05, F.S.;
24 revising requirements for contracts and estimates for
25 prospective shippers; creating s. 507.056, F.S.;
26 providing limitations and prohibitions for moving
27 brokers; requiring moving brokers to make a specified
28 disclosure to shippers before providing any services;
29 prohibiting moving brokers' fees from including

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30 certain costs; requiring that documents provided to
31 shippers by moving brokers contain specified
32 information; amending s. 507.07, F.S.; providing that
33 it is a violation of ch. 507, F.S., for moving brokers
34 to provide estimates or enter into contracts or
35 agreements that were not prepared and signed or
36 electronically acknowledged by a mover; amending s.
37 507.09, F.S.; conforming a cross-reference; requiring
38 the department, upon verification by certain entities,
39 to immediately suspend a registration or the
40 processing of an application for a registration in
41 certain circumstances; amending s. 507.10, F.S.;
42 conforming a cross-reference; amending s. 507.11,
43 F.S.; conforming provisions to changes made by the
44 act; providing an effective date.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Subsections (4), (6), and (10) of section
49 507.01, Florida Statutes, are amended to read:

50 507.01 Definitions.—As used in this chapter, the term:

51 (4) "Contract for service" or "bill of lading" means a
52 written document prepared by a registered mover which is
53 approved and electronically acknowledged or signed by the
54 shipper in writing before the performance of any service by the
55 mover and which authorizes ~~services from~~ the named mover to
56 perform and lists the services and lists all costs associated
57 with the household move and accessorial services to be
58 performed.

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59 (6) "Estimate" means a written document prepared by a
60 registered mover that sets forth the total costs and describes
61 the basis of those costs, relating to a shipper's household
62 move, including, but not limited to, the loading, transportation
63 or shipment, and unloading of household goods and accessorial
64 services.

65 (10) "Moving broker" or "broker" means a person who, for
66 compensation, arranges with a registered mover for loading,
67 transporting or shipping, or unloading of ~~for another person to~~
68 ~~load, transport or ship, or unload~~ household goods as part of a
69 household move or who, for compensation, refers a shipper to a
70 registered mover by telephone, postal or electronic mail,
71 ~~Internet website, or other means.~~

72 Section 2. Present paragraph (b) of subsection (1) of
73 section 507.02, Florida Statutes, is redesignated as paragraph
74 (c), and a new paragraph (b) is added to that subsection, to
75 read:

76 507.02 Construction; intent; application.—

77 (1) This chapter shall be construed liberally to:

78 (b) Establish the law of this state governing the brokering
79 of moves of household goods by moving brokers.

80 Section 3. Subsections (1), (2), (5), (6), (7), (9), and
81 (11) of section 507.03, Florida Statutes, are amended, and
82 subsections (12) and (13) are added to that section, to read:

83 507.03 Registration.—

84 (1) Each mover and moving broker must register with the
85 department, providing its legal business and trade name, mailing
86 address, and business locations; the full names, addresses, and
87 telephone numbers of its owners, or ~~or~~ corporate officers, and

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88 directors and the Florida agent of the corporation; a statement
89 whether it is a domestic or foreign corporation, its state and
90 date of incorporation, its charter number, and, if a foreign
91 corporation, the date it registered with the Department of
92 State; the date on which the mover or moving broker registered
93 its fictitious name if the mover or moving broker is operating
94 under a fictitious or trade name; the name of all other
95 corporations, business entities, and trade names through which
96 each owner of the mover or moving broker operated, was known, or
97 did business as a mover or moving broker within the preceding 5
98 years; and proof of the insurance or alternative coverages
99 required under s. 507.04.

100 (2) A certificate evidencing proof of registration shall be
101 issued by the department and must be prominently displayed in
102 the mover's or moving broker's primary place of business.

103 (5) (a) Each estimate or contract of a mover ~~or moving~~
104 ~~broker~~ must include the phrase "... (NAME OF FIRM) ... is
105 registered with the State of Florida as a Mover ~~or Moving~~
106 ~~Broker~~. Fla. Mover Registration No."

107 (b) Any document from a moving broker must include the
108 phrase "... (NAME OF FIRM) ... is registered with the State of
109 Florida as a Moving Broker. Fla. Moving Broker Registration No.
110"

111 (6) (a) Each advertisement of a mover ~~or moving broker~~ must
112 include the phrase "Fla. Mover Reg. No." or "Fla. IM No.
113" Each of the mover's vehicles must clearly and
114 conspicuously display a sign on the driver's side door which
115 includes at least one of these phrases in lettering of at least
116 1.5 inches in height.

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117 (b) Each advertisement of a moving broker must include the
118 phrase "Fla. Moving Broker Reg. No. (NAME OF MOVING
119 BROKER)... is a moving broker. . . (NAME OF MOVING BROKER)... is
120 paid by a shipper to arrange, or offer to arrange, the
121 transportation of property by a registered mover."

122 (7) A registration is not valid for any mover or moving
123 broker transacting business at any place other than that
124 designated in the mover's or moving broker's application, unless
125 the department is first notified in writing before any change of
126 location. A registration issued under this chapter is not
127 assignable, and the mover or moving broker may not conduct
128 business under more than one name except as registered. A mover
129 or moving broker desiring to change its registered name or
130 location or designated agent for service of process at a time
131 other than upon renewal of registration must notify the
132 department of the change.

133 (9) The department shall deny or refuse to renew the
134 registration of a mover or a moving broker or deny a
135 registration or renewal request by any of the mover's or moving
136 broker's directors, officers, owners, or general partners if the
137 mover or moving broker has not satisfied a civil penalty or
138 administrative fine for a violation of s. 507.07(10) ~~s.~~
139 ~~507.07(9)~~.

140 ~~(11) At the request of the department,~~ Each moving broker
141 shall provide the department with a complete list of the
142 registered movers that the moving broker has contracted or is
143 affiliated with, advertises on behalf of, arranges moves for, or
144 refers shippers to, including each mover's complete name,
145 address, telephone number, ~~and~~ e-mail address, and registration

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146 number and the name of each mover's owners, corporate officers,
147 and directors ~~owner or other principal~~. A moving broker must
148 notify the department of any changes to the provided
149 information. The department shall publish and maintain a list of
150 all moving brokers and the registered movers each moving broker
151 is contracted with on its website.

152 (12) A person required to register pursuant to this section
153 may not operate as or hold itself out to be a mover or moving
154 broker without first registering with the department pursuant to
155 this section.

156 (13) The department must immediately issue a cease and
157 desist order to a person upon finding that such person is
158 operating as mover or moving broker without registering pursuant
159 to this section. In addition, and notwithstanding the
160 availability of any administrative relief under chapter 120, the
161 department may seek from the appropriate circuit court an
162 immediate injunction prohibiting the person from operating in
163 this state until the person complies with this section, a civil
164 penalty not to exceed \$5,000, and court costs.

165 Section 4. Present subsections (3), (4), and (5) of section
166 507.04, Florida Statutes, are redesignated as subsections (4),
167 (5), and (6), respectively, a new subsection (3) is added to
168 that section, and subsection (1) and present subsections (4) and
169 (5) of that section are amended, to read:

170 507.04 Required insurance coverages; liability limitations;
171 valuation coverage.—

172 (1) LIABILITY INSURANCE.—

173 (a)1. Except as provided in paragraph (b), each mover
174 operating in this state must maintain current and valid

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175 liability insurance coverage of at least \$10,000 per shipment
176 for the loss or damage of household goods resulting from the
177 negligence of the mover or its employees or agents.

178 2. The mover must provide the department with evidence of
179 liability insurance coverage before the mover is registered with
180 the department under s. 507.03. All insurance coverage
181 maintained by a mover must remain in effect throughout the
182 mover's registration period. A mover's failure to maintain
183 insurance coverage in accordance with this paragraph constitutes
184 an immediate threat to the public health, safety, and welfare.

185 (b) A mover that operates two or fewer vehicles, in lieu of
186 maintaining the liability insurance coverage required under
187 paragraph (a), ~~may, and each moving broker must,~~ maintain one of
188 the following alternative coverages:

189 1. A performance bond in the amount of \$50,000 ~~\$25,000~~, for
190 which the surety of the bond must be a surety company authorized
191 to conduct business in this state; or

192 2. A certificate of deposit in a Florida banking
193 institution in the amount of \$50,000 ~~\$25,000~~.

194 (c) A moving broker must maintain one of the following
195 coverages:

196 1. A performance bond in the amount of \$50,000, for which
197 the surety of the bond must be a surety company authorized to
198 conduct business in this state; or

199 2. A certificate of deposit in a Florida banking
200 institution in the amount of \$50,000.

201

202 The original bond or certificate of deposit must be filed with
203 the department and must designate the department as the sole

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204 beneficiary. The department must use the bond or certificate of
205 deposit exclusively for the payment of claims to consumers who
206 are injured by the fraud, misrepresentation, breach of contract,
207 misfeasance, malfeasance, or financial failure of the mover or
208 moving broker or by a violation of this chapter by the mover or
209 moving broker. Liability for these injuries may be determined in
210 an administrative proceeding of the department or through a
211 civil action in a court of competent jurisdiction. However,
212 claims against the bond or certificate of deposit must only be
213 paid, in amounts not to exceed the determined liability for
214 these injuries, by order of the department in an administrative
215 proceeding. The bond or certificate of deposit is subject to
216 successive claims, but the aggregate amount of these claims may
217 not exceed the amount of the bond or certificate of deposit.

218 (3) REGISTRATION SUSPENSION.—The department must
219 immediately suspend a mover's or moving broker's registration if
220 the mover or moving broker fails to maintain the required
221 performance bond or the certificate of deposit under subsection
222 (1) or the insurance required under subsection (2), and the
223 mover or moving broker must immediately cease operating as a
224 mover or moving broker in this state. In addition, and
225 notwithstanding the availability of any administrative relief
226 pursuant to chapter 120, the department may seek from a circuit
227 court an immediate injunction prohibiting the mover or moving
228 broker from operating in this state until the mover or moving
229 broker complies with subsections (1) and (2), a civil penalty
230 not to exceed \$5,000, and court costs.

231 (5)~~(4)~~ LIABILITY LIMITATIONS; VALUATION RATES.—A mover may
232 not limit its liability for the loss or damage of household

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233 goods to a valuation rate that is less than 60 cents per pound
234 per article. A provision of a contract for moving services is
235 void if the provision limits a mover's liability to a valuation
236 rate that is less than the minimum rate under this subsection.
237 If a mover limits its liability for a shipper's goods, the mover
238 must disclose the limitation, including the valuation rate, to
239 the shipper in writing at the time that the estimate and
240 contract for services are executed and before any moving or
241 accessorial services are provided. The disclosure must also
242 inform the shipper of the opportunity to purchase valuation
243 coverage if the mover offers that coverage under subsection (6)
244 ~~(5)~~.

245 (6) ~~(5)~~ VALUATION COVERAGE.—A mover may offer valuation
246 coverage to compensate a shipper for the loss or damage of the
247 shipper's household goods that are lost or damaged during a
248 household move. If a mover offers valuation coverage, the
249 coverage must indemnify the shipper for at least the minimum
250 valuation rate required under subsection (5) ~~(4)~~. The mover must
251 disclose the terms of the coverage to the shipper in writing at
252 the time that the estimate and contract for services are
253 executed and before any moving or accessorial services are
254 provided. The disclosure must inform the shipper of the cost of
255 the valuation coverage, the valuation rate of the coverage, and
256 the opportunity to reject the coverage. If valuation coverage
257 compensates a shipper for at least the minimum valuation rate
258 required under subsection (5) ~~(4)~~, the coverage satisfies the
259 mover's liability for the minimum valuation rate.

260 Section 5. Section 507.05, Florida Statutes, is amended to
261 read:

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262 507.05 Estimates and contracts for service.—Before
263 providing any moving or accessorial services, an estimate and a
264 contract and estimate must be prepared by a registered mover and
265 provided to a prospective shipper in writing, and the shipper,
266 mover, and moving broker, if applicable, must sign or
267 electronically acknowledge and date the estimate and contract.

268 At a minimum, the estimate and contract for service ~~must be~~
269 ~~signed and dated by the shipper and the mover,~~ and must include:

270 (1) The name, telephone number, and physical address where
271 the mover's and moving broker's employees are available during
272 normal business hours.

273 (2) The date the estimate and contract were ~~or estimate is~~
274 prepared by the mover and the any proposed date or dates of the
275 shipper's household move, including, but not limited to,
276 loading, transportation, shipment, and unloading of household
277 goods and accessorial services.

278 (3) The name and address of the shipper, the addresses
279 where the articles are to be picked up and delivered, and a
280 telephone number where the shipper may be reached.

281 (4) The name, telephone number, and physical address of the
282 ~~any~~ location where the household goods will be held pending
283 further transportation, including situations in which ~~where~~ the
284 mover retains possession of household goods pending resolution
285 of a fee dispute with the shipper.

286 (5) An itemized breakdown and description and total of all
287 costs and services for loading, transportation or shipment,
288 unloading, and accessorial services to be provided during a
289 household move or storage of household goods, including the fees
290 of a moving broker, if used.

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291 (6) Acceptable forms of payment, which must be clearly and
292 conspicuously disclosed to the shipper on the binding estimate
293 and the contract for services. A mover must ~~shall~~ accept at
294 least a minimum of two of the three following forms of payment:

295 (a) Cash, cashier's check, money order, or traveler's
296 check;

297 (b) Valid personal check, showing upon its face the name
298 and address of the shipper or authorized representative; or

299 (c) Valid credit card, which shall include, but not be
300 limited to, Visa or MasterCard.

301
302 A mover must clearly and conspicuously disclose to the shipper
303 in the estimate and contract for services the forms of payments
304 the mover will accept, including the forms of payment described
305 in paragraphs (a)-(c).

306 Section 6. Section 507.056, Florida Statutes, is created to
307 read:

308 507.056 Moving brokers; services.-

309 (1) A moving broker may only arrange with a registered
310 mover for the loading, transportation, shipment, or unloading of
311 household goods as part of a household move or refer a shipper
312 to a registered mover. Moving brokers may not give a verbal
313 estimate or prepare a written estimate or contract for services
314 that sets forth the total costs and describes the basis of those
315 costs relating to a shipper's household move, including, but not
316 limited to, the loading, transportation, shipment, or unloading
317 of household goods and accessorial services.

318 (2) Before providing any service to a prospective shipper,
319 a moving broker must disclose to the shipper that the broker may

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320 only arrange, or offer to arrange, the transportation of
321 property by a registered mover. A moving broker's fees may not
322 include the cost of the shipper's household move, including, but
323 not limited to, the loading, transportation, shipment, or
324 unloading of household goods and accessorial services. Any
325 document provided to a shipper by a moving broker must include
326 all of the following:

327 (a) The name of the moving broker and the moving broker's
328 registration number.

329 (b) The following statement displayed at the top of the
330 document: "... (Name of Moving Broker)... is not a mover.
331 ... (Name of Moving Broker)... is paid by the shipper to arrange,
332 or offer to arrange, the transportation of property by a
333 registered mover. The moving broker's fees do not include the
334 cost of the shipper's household move, including, but not limited
335 to, the loading, transportation, shipment, or unloading of
336 household goods and accessorial services."

337 (c) The name, telephone number, and physical address where
338 the moving broker's employees are available during normal
339 business hours.

340 (d) An itemized breakdown and description and total of all
341 costs for the moving broker's fees to arrange with a registered
342 mover for the loading, transportation, shipment, or unloading of
343 household goods as part of a household move or to refer the
344 shipper to a registered mover.

345 (e) A list of all of the registered movers the moving
346 broker has contracted with or is affiliated with, advertises on
347 behalf of, arranges moves for, or refers shippers to, including
348 each mover's complete name, address, telephone number, e-mail

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349 address, Florida Intrastate Registration Number, and the name of
350 each mover's owners, corporate officers, and directors.

351 (f) A list of acceptable forms of payment, which must
352 include all of the forms of payment listed in at least two of
353 the following subparagraphs:

354 1. Cash, cashier's check, money order, or traveler's check.

355 2. Valid personal check, showing upon its face the name and
356 address of the shipper or authorized representative.

357 3. Valid credit card, which shall include, but not be
358 limited to, Visa or MasterCard.

359 Section 7. Present subsections (8) and (9) of section
360 507.07, Florida Statutes, are redesignated as subsections (9)
361 and (10), respectively, and a new subsection (8) is added to
362 that section, to read:

363 507.07 Violations.—It is a violation of this chapter:

364 (8) For a moving broker to provide an estimate or enter
365 into a contract or agreement for moving, loading, shipping,
366 transporting, or unloading services with a shipper which was not
367 prepared and electronically acknowledged or signed by a mover
368 who is registered with the department pursuant to this chapter.

369 Section 8. Section 507.09, Florida Statutes, is amended to
370 read:

371 507.09 Administrative remedies; penalties.—

372 (1) The department may enter an order doing one or more of
373 the following if the department finds that a mover or moving
374 broker, or a person employed or contracted by a mover or broker,
375 has violated or is operating in violation of this chapter or the
376 rules or orders issued pursuant to this chapter:

377 (a) Issuing a notice of noncompliance under s. 120.695.

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378 (b) Imposing an administrative fine in the Class II
379 category pursuant to s. 570.971 for each act or omission.
380 However, the department must impose an administrative fine in
381 the Class IV category for each violation of s. 507.07(10) ~~s.~~
382 ~~507.07(9)~~ if the department does not seek a civil penalty for
383 the same offense.

384 (c) Directing that the person cease and desist specified
385 activities.

386 (d) Refusing to register or revoking or suspending a
387 registration.

388 (e) Placing the registrant on probation, subject to the
389 conditions specified by the department.

390 (2) The department, upon notification and subsequent
391 written verification by a law enforcement agency, a court, a
392 state attorney, or the Department of Law Enforcement, must
393 immediately suspend a registration or the processing of an
394 application for a registration if the registrant, applicant, or
395 officer or director of the registrant or applicant is formally
396 charged with a crime involving fraud, theft, larceny,
397 embezzlement, or fraudulent conversion or misappropriation of
398 property or a crime arising from conduct during a movement of
399 household goods until final disposition of the case or removal
400 or resignation of that officer or director.

401 (3) The administrative proceedings that ~~which~~ could result
402 in the entry of an order imposing any of the penalties specified
403 in subsection (1) or subsection (2) are governed by chapter 120.

404 ~~(4)(3)~~ The department may adopt rules under ss. 120.536(1)
405 and 120.54 to administer this chapter.

406 Section 9. Subsection (2) of section 507.10, Florida

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407 Statutes, is amended to read:

408 507.10 Civil penalties; remedies.—

409 (2) The department may seek a civil penalty in the Class II
410 category pursuant to s. 570.971 for each violation of this
411 chapter. However, the department must seek a civil penalty in
412 the Class IV category for each violation of s. 507.07(10) ~~s.~~
413 ~~507.07(9)~~ if the department does not impose an administrative
414 fine for the same offense.

415 Section 10. Subsection (1) of section 507.11, Florida
416 Statutes, is amended to read:

417 507.11 Criminal penalties.—

418 (1) The refusal of a mover or a mover's employee, agent, or
419 contractor to comply with an order from a law enforcement
420 officer to relinquish a shipper's household goods after the
421 officer determines that the shipper has tendered payment of the
422 amount of a written estimate or contract, or after the officer
423 determines that the mover did not produce a signed or
424 electronically acknowledged binding estimate or contract for
425 service upon which demand is being made for payment, is a felony
426 of the third degree, punishable as provided in s. 775.082, s.
427 775.083, or s. 775.084. A mover's compliance with an order from
428 a law enforcement officer to relinquish goods to a shipper is
429 not a waiver or finding of fact regarding any right to seek
430 further payment from the shipper.

431 Section 11. This act shall take effect July 1, 2023.