

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
 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.

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
 79 | brokering 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~~ corporate officers, and
 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

101 be 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.

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
 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
 153 section may not operate as or hold itself out to be a mover or
 154 moving broker without first registering with the department
 155 pursuant to 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
 166 section 507.04, Florida Statutes, are redesignated as
 167 subsections (4), (5), and (6), respectively, a new subsection
 168 (3) is added to that section, and subsection (1) and present
 169 subsections (4) and (5) of that section are amended, to read:

170 507.04 Required insurance coverages; liability
 171 limitations; 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
 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
 186 | of 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~~,
 190 | for which the surety of the bond must be a surety company
 191 | authorized 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
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
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:

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
 282 the 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.

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.

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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
307 to 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
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
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
355 check.

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

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

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

364 507.07 Violations.—It is a violation of this chapter:

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

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

372 507.09 Administrative remedies; penalties.—

373 (1) The department may enter an order doing one or more of
374 the following if the department finds that a mover or moving
375 broker, or a person employed or contracted by a mover or broker,

376 | has violated or is operating in violation of this chapter or the
 377 | rules or orders issued pursuant to this chapter:

378 | (a) Issuing a notice of noncompliance under s. 120.695.

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

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

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

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

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

401 or resignation of that officer or director.

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

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

407 Section 9. Subsection (2) of section 507.10, Florida
 408 Statutes, is amended to read:

409 507.10 Civil penalties; remedies.—

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

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

418 507.11 Criminal penalties.—

419 (1) The refusal of a mover or a mover's employee, agent,
 420 or contractor to comply with an order from a law enforcement
 421 officer to relinquish a shipper's household goods after the
 422 officer determines that the shipper has tendered payment of the
 423 amount of a written estimate or contract, or after the officer
 424 determines that the mover did not produce a signed or
 425 electronically acknowledged binding estimate or contract for

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426 | service upon which demand is being made for payment, is a felony
427 | of the third degree, punishable as provided in s. 775.082, s.
428 | 775.083, or s. 775.084. A mover's compliance with an order from
429 | a law enforcement officer to relinquish goods to a shipper is
430 | not a waiver or finding of fact regarding any right to seek
431 | further payment from the shipper.

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