

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Commerce Committee
 2 Representative Tant offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsections (4), (6), and (10) of section
 7 507.01, Florida Statutes, are amended to read:

8 507.01 Definitions.—As used in this chapter, the term:

9 (4) "Contract for service" or "bill of lading" means a
 10 written document prepared by a registered mover which is
 11 approved and electronically acknowledged or signed by the
 12 shipper in writing before the performance of any service by the
 13 mover and which authorizes ~~services from~~ the named mover to
 14 perform and lists the services and lists all costs associated
 15 with the household move and accessorial services to be
 16 performed.

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17 (6) "Estimate" means a written document prepared by a
18 registered mover which ~~that~~ sets forth the total costs and
19 describes the basis of those costs, relating to a shipper's
20 household move, including, but not limited to, the loading,
21 transportation or shipment, and unloading of household goods and
22 accessorial services.

23 (10) "Moving broker" or "broker" means a person who, for
24 compensation, arranges with a registered mover for loading,
25 transporting or shipping, or unloading of ~~for another person to~~
26 ~~load, transport or ship, or unload~~ household goods as part of a
27 household move or who, for compensation, refers a shipper to a
28 registered mover by telephone, postal or electronic mail,
29 ~~Internet website, or other means.~~

30 Section 2. Present paragraph (b) of subsection (1) of
31 section 507.02, Florida Statutes, is redesignated as paragraph
32 (c), and a new paragraph (b) is added to that subsection, to
33 read:

34 507.02 Construction; intent; application.-

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

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

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

41 507.03 Registration.-

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42 (1) Each mover and moving broker must register with the
43 department, providing its legal business and trade name, mailing
44 address, and business locations; the full names, addresses, and
45 telephone numbers of its owners, ~~or~~ corporate officers, and
46 directors and the Florida agent of the corporation; a statement
47 whether it is a domestic or foreign corporation, its state and
48 date of incorporation, its charter number, and, if a foreign
49 corporation, the date it registered with the Department of
50 State; the date on which the mover or moving broker registered
51 its fictitious name if the mover or moving broker is operating
52 under a fictitious or trade name; the name of all other
53 corporations, business entities, and trade names through which
54 each owner of the mover or moving broker operated, was known, or
55 did business as a mover or moving broker within the preceding 5
56 years; and proof of the insurance or alternative coverages
57 required under s. 507.04.

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

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

65 (b) Any document from a moving broker must include the
66 phrase "... (NAME OF FIRM)... is registered with the State of

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67 Florida as a Moving Broker. Fla. Moving Broker Registration No.
68"

69 (6)(a) Each advertisement of a mover ~~or moving broker~~ must
70 include the phrase "Fla. Mover Reg. No." or "Fla. IM No.
71" Each of the mover's vehicles must clearly and
72 conspicuously display a sign on the driver's side door which
73 includes at least one of these phrases in lettering of at least
74 1.5 inches in height.

75 (b) Each advertisement of a moving broker must include the
76 phrase "Fla. Moving Broker Reg. No. (NAME OF MOVING
77 BROKER)... is a moving broker. ...(NAME OF MOVING BROKER)... is
78 paid by a shipper to arrange, or offer to arrange, the
79 transportation of property by a registered mover."

80 (7) A registration is not valid for any mover or moving
81 broker transacting business at any place other than that
82 designated in the mover's or moving broker's application, unless
83 the department is first notified in writing before any change of
84 location. A registration issued under this chapter is not
85 assignable, and the mover or moving broker may not conduct
86 business under more than one name except as registered. A mover
87 or moving broker desiring to change its registered name or
88 location or designated agent for service of process at a time
89 other than upon renewal of registration must notify the
90 department of the change.

91 (9) The department shall deny or refuse to renew the

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92 registration of a mover or a moving broker or deny a
93 registration or renewal request by any of the mover's or moving
94 broker's directors, officers, owners, or general partners if the
95 mover or moving broker has not satisfied a civil penalty or
96 administrative fine for a violation of s. 507.07(10) ~~s.~~
97 ~~507.07(9)~~.

98 ~~(11) At the request of the department,~~ Each moving broker
99 shall provide the department with a complete list of the
100 registered movers that the moving broker has contracted or is
101 affiliated with, advertises on behalf of, arranges moves for, or
102 refers shippers to, including each mover's complete name,
103 address, telephone number, ~~and~~ e-mail address, and registration
104 number and the name of each mover's owners, corporate officers,
105 and directors ~~owner or other principal~~. A moving broker must
106 notify the department of any changes to the provided
107 information. The department shall publish and maintain on its
108 website a list of all moving brokers and the registered movers
109 each moving broker is contracted with.

110 (12) A person required to register pursuant to this
111 section may not operate as or hold itself out to be a mover or
112 moving broker without first registering with the department
113 pursuant to this section.

114 (13) The department must immediately issue a cease and
115 desist order to a person upon finding that the person is
116 operating as a mover or a moving broker without registering

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117 pursuant to this section. In addition, and notwithstanding the
118 availability of any administrative relief under chapter 120, the
119 department may seek from the appropriate circuit court an
120 immediate injunction prohibiting the person from operating in
121 this state until the person complies with this section and pays
122 a civil penalty not to exceed \$5,000 and court costs.

123 Section 4. Present subsections (3), (4), and (5) of
124 section 507.04, Florida Statutes, are redesignated as
125 subsections (4), (5), and (6), respectively, a new subsection
126 (3) is added to that section, and subsection (1) and present
127 subsections (4) and (5) of that section are amended, to read:

128 507.04 Required insurance coverages; liability
129 limitations; valuation coverage.—

130 (1) LIABILITY INSURANCE.—

131 (a)1. Except as provided in paragraph (b), each mover
132 operating in this state must maintain current and valid
133 liability insurance coverage of at least \$10,000 per shipment
134 for the loss or damage of household goods resulting from the
135 negligence of the mover or its employees or agents.

136 2. The mover must provide the department with evidence of
137 liability insurance coverage before the mover is registered with
138 the department under s. 507.03. All insurance coverage
139 maintained by a mover must remain in effect throughout the
140 mover's registration period. A mover's failure to maintain
141 insurance coverage in accordance with this paragraph constitutes

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142 an immediate threat to the public health, safety, and welfare.

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

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

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

152 (c) A moving broker must maintain one of the following
153 coverages:

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

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

159
160 The original bond or certificate of deposit must be filed with
161 the department and must designate the department as the sole
162 beneficiary. The department must use the bond or certificate of
163 deposit exclusively for the payment of claims to consumers who
164 are injured by the fraud, misrepresentation, breach of contract,
165 misfeasance, malfeasance, or financial failure of the mover or
166 moving broker or by a violation of this chapter by the mover or

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167 moving broker. Liability for these injuries may be determined in
168 an administrative proceeding of the department or through a
169 civil action in a court of competent jurisdiction. However,
170 claims against the bond or certificate of deposit must only be
171 paid, in amounts not to exceed the determined liability for
172 these injuries, by order of the department in an administrative
173 proceeding. The bond or certificate of deposit is subject to
174 successive claims, but the aggregate amount of these claims may
175 not exceed the amount of the bond or certificate of deposit.

176 (3) REGISTRATION SUSPENSION.—The department must
177 immediately suspend a mover's or moving broker's registration if
178 the mover or moving broker fails to maintain the performance
179 bond or certificate of deposit required under subsection (1) or
180 the insurance required under subsection (2), and the mover or
181 moving broker must immediately cease operating as a mover or
182 moving broker in this state. In addition, and notwithstanding
183 the availability of any administrative relief pursuant to
184 chapter 120, the department may seek from a circuit court an
185 immediate injunction prohibiting the mover or moving broker from
186 operating in this state until the mover or moving broker
187 complies with subsections (1) and (2) and pays a civil penalty
188 not to exceed \$5,000 and court costs.

189 (5)~~(4)~~ LIABILITY LIMITATIONS; VALUATION RATES.—A mover may
190 not limit its liability for the loss or damage of household
191 goods to a valuation rate that is less than 60 cents per pound

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192 per article. A provision of a contract for moving services is
193 void if the provision limits a mover's liability to a valuation
194 rate that is less than the minimum rate under this subsection.
195 If a mover limits its liability for a shipper's goods, the mover
196 must disclose the limitation, including the valuation rate, to
197 the shipper in writing at the time that the estimate and
198 contract for services are executed and before any moving or
199 accessorial services are provided. The disclosure must also
200 inform the shipper of the opportunity to purchase valuation
201 coverage if the mover offers that coverage under subsection (6)
202 ~~(5)~~.

203 (6)~~(5)~~ VALUATION COVERAGE.—A mover may offer valuation
204 coverage to compensate a shipper for the loss or damage of the
205 shipper's household goods that are lost or damaged during a
206 household move. If a mover offers valuation coverage, the
207 coverage must indemnify the shipper for at least the minimum
208 valuation rate required under subsection (5) ~~(4)~~. The mover must
209 disclose the terms of the coverage to the shipper in writing at
210 the time that the estimate and contract for services are
211 executed and before any moving or accessorial services are
212 provided. The disclosure must inform the shipper of the cost of
213 the valuation coverage, the valuation rate of the coverage, and
214 the opportunity to reject the coverage. If valuation coverage
215 compensates a shipper for at least the minimum valuation rate
216 required under subsection (5) ~~(4)~~, the coverage satisfies the

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217 mover's liability for the minimum valuation rate.

218 Section 5. Section 507.05, Florida Statutes, is amended to
219 read:

220 507.05 Estimates and contracts for service.—Before
221 providing any moving or accessorial services, an estimate and a
222 contract and estimate must be prepared by a registered mover and
223 provided to a prospective shipper in writing, and the shipper,
224 the mover, and, if applicable, the moving broker must sign or
225 electronically acknowledge and date the estimate and contract.

226 At a minimum, the estimate and contract for service must be
227 signed and dated by the shipper and the mover, and must include:

228 (1) The name, telephone number, and physical address where
229 the mover's and, if applicable, the moving broker's employees
230 are available during normal business hours.

231 (2) The date the estimate and contract were ~~or estimate is~~
232 prepared by the mover and the any proposed date or dates of the
233 shipper's household move, including, but not limited to,
234 loading, transportation, shipment, and unloading of household
235 goods and accessorial services.

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

239 (4) The name, telephone number, and physical address of
240 the any location where the household goods will be held pending
241 further transportation, including situations in which ~~where~~ the

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242 mover retains possession of household goods pending resolution
243 of a fee dispute with the shipper.

244 (5) An itemized breakdown and description and total of all
245 costs and services for loading, transportation or shipment,
246 unloading, and accessorial services to be provided during a
247 household move or storage of household goods, including the fees
248 of a moving broker, if used.

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

253 (a) Cash, cashier's check, money order, or traveler's
254 check;

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

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

259

260 A mover must clearly and conspicuously disclose to the shipper
261 in the estimate and contract for services the forms of payments
262 the mover will accept, including the forms of payment described
263 in paragraphs (a)-(c).

264 Section 6. Section 507.056, Florida Statutes, is created
265 to read:

266 507.056 Moving brokers; services.-

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267 (1) A moving broker may only arrange with a registered
268 mover for the loading, transportation or shipment, or unloading
269 of household goods as part of a household move or refer a
270 shipper to a registered mover. Moving brokers may not give a
271 verbal estimate or prepare a written estimate or contract for
272 services which sets forth the total costs and describes the
273 basis of those costs relating to a shipper's household move,
274 including, but not limited to, the loading, transportation or
275 shipment, or unloading of household goods and accessorial
276 services.

277 (2) Before providing any service to a prospective shipper,
278 a moving broker must disclose to the shipper that the broker may
279 only arrange, or offer to arrange, the transportation of
280 property by a registered mover. A moving broker's fees may not
281 include the cost of the shipper's household move, including, but
282 not limited to, the loading, transportation or shipment, or
283 unloading of household goods and accessorial services. Any
284 document provided to a shipper by a moving broker must include
285 all of the following:

286 (a) The name of the moving broker and the moving broker's
287 registration number.

288 (b) The following statement displayed at the top of the
289 document: "... (Name of Moving Broker)... is not a mover.
290 ... (Name of Moving Broker)... is paid by the shipper to arrange,
291 or offer to arrange, the transportation of property by a

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292 registered mover. The moving broker's fees do not include the
293 cost of the shipper's household move, including, but not limited
294 to, the loading, transportation or shipment, or unloading of
295 household goods and accessorial services."

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

299 (d) An itemized breakdown, description, and total of all
300 fees the moving broker charges to arrange with a registered
301 mover for the loading, transportation or shipment, or unloading
302 of household goods as part of a household move or to refer the
303 shipper to a registered mover.

304 (e) A list of all of the registered movers the moving
305 broker has contracted with or is affiliated with, advertises on
306 behalf of, arranges moves for, or refers shippers to, including
307 each mover's complete name, address, telephone number, e-mail
308 address, and Florida Intrastate Registration Number and the name
309 of each mover's owners, corporate officers, and directors.

310 (f) A list of acceptable forms of payment, which must
311 include all of the forms of payment listed in at least two of
312 the following subparagraphs:

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

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

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317 3. Valid credit card, including, but not limited to, Visa
318 or MasterCard.

319 Section 7. Present subsections (8) and (9) of section
320 507.07, Florida Statutes, are redesignated as subsections (9)
321 and (10), respectively, and a new subsection (8) is added to
322 that section, to read:

323 507.07 Violations.—It is a violation of this chapter:

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

329 Section 8. Section 507.09, Florida Statutes, is amended to
330 read:

331 507.09 Administrative remedies; penalties.—

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

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

338 (b) Imposing an administrative fine in the Class II
339 category pursuant to s. 570.971 for each act or omission.

340 However, the department must impose an administrative fine in
341 the Class IV category for each violation of s. 507.07(10) ~~s.~~

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342 ~~507.07(9)~~ if the department does not seek a civil penalty for
343 the same offense.

344 (c) Directing that the person cease and desist specified
345 activities.

346 (d) Refusing to register or revoking or suspending a
347 registration.

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

350 (2) The department, upon notification and subsequent
351 written verification by a law enforcement agency, a court, a
352 state attorney, or the Department of Law Enforcement, must
353 immediately suspend a registration or the processing of an
354 application for a registration if the registrant, applicant, or
355 officer or director of the registrant or applicant is formally
356 charged with a crime involving fraud, theft, larceny,
357 embezzlement, or fraudulent conversion or misappropriation of
358 property or a crime arising from conduct during a movement of
359 household goods until final disposition of the case or removal
360 or resignation of that officer or director.

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

364 (4)~~(3)~~ The department may adopt rules under ss. 120.536(1)
365 and 120.54 to administer this chapter.

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

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367 Statutes, is amended to read:

368 507.10 Civil penalties; remedies.—

369 (2) The department may seek a civil penalty in the Class
370 II category pursuant to s. 570.971 for each violation of this
371 chapter. However, the department must seek a civil penalty in
372 the Class IV category for each violation of s. 507.07(10) ~~s.~~
373 ~~507.07(9)~~ if the department does not impose an administrative
374 fine for the same offense.

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

377 507.11 Criminal penalties.—

378 (1) The refusal of a mover or a mover's employee, agent,
379 or contractor to comply with an order from a law enforcement
380 officer to relinquish a shipper's household goods after the
381 officer determines that the shipper has tendered payment of the
382 amount of a written estimate or contract, and, if applicable,
383 amendments to the contract for services reflecting the price
384 adjustment signed by the shipper or after the officer determines
385 that the mover did not produce a signed or electronically
386 acknowledged binding estimate or contract for service and, if
387 applicable, amendments to the contract for services reflecting
388 the price adjustment signed by the shipper upon which demand is
389 being made for payment, is a felony of the third degree,
390 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
391 A mover's compliance with an order from a law enforcement

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392 officer to relinquish goods to a shipper is not a waiver or
393 finding of fact regarding any right to seek further payment from
394 the shipper.

395 Section 11. This act shall take effect July 1, 2024.

396

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398 **T I T L E A M E N D M E N T**

399 Remove everything before the enacting clause and insert:

400 A bill to be entitled
401 An act relating to household moving services; amending
402 s. 507.01, F.S.; revising definitions; amending s.
403 507.02, F.S.; providing construction; amending s.
404 507.03, F.S.; revising requirements for mover and
405 moving broker estimates, contracts, and
406 advertisements; conforming a cross-reference; revising
407 requirements relating to lists that moving brokers
408 must provide to the Department of Agriculture and
409 Consumer Services; requiring the department to publish
410 and maintain a specified list on its website;
411 prohibiting certain persons from operating as or
412 holding themselves out to be a mover or moving broker
413 without first registering with the department;
414 requiring the department to issue cease and desist
415 orders to certain persons under certain circumstances;
416 authorizing the department to seek an immediate

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417 injunction under certain circumstances; making
418 technical changes; amending s. 507.04, F.S.; revising
419 alternative insurance coverage requirements for
420 movers; revising liability coverage requirements for
421 moving brokers; requiring the department to
422 immediately suspend a mover's or moving broker's
423 registration under certain circumstances; authorizing
424 the department to seek an immediate injunction under
425 certain circumstances; conforming cross-references;
426 amending s. 507.05, F.S.; revising requirements for
427 contracts and estimates for prospective shippers;
428 creating s. 507.056, F.S.; providing limitations and
429 prohibitions for moving brokers; requiring moving
430 brokers to make a specified disclosure to shippers
431 before providing any services; prohibiting moving
432 brokers' fees from including certain costs; requiring
433 that the documents moving brokers provide to shippers
434 contain specified information; amending s. 507.07,
435 F.S.; providing that it is a violation of ch. 507,
436 F.S., for moving brokers to provide estimates or enter
437 into contracts or agreements that were not prepared
438 and signed or electronically acknowledged by a
439 registered mover; amending s. 507.09, F.S.; conforming
440 a cross-reference; requiring the department, upon
441 verification by certain entities, to immediately

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442 suspend a registration or the processing of an
443 application for a registration in certain
444 circumstances; amending s. 507.10, F.S.; conforming a
445 cross-reference; amending s. 507.11, F.S.; conforming
446 provisions to changes made by the act; providing an
447 effective date.