

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 367 Household Moving Services
SPONSOR(S): Tant
TIED BILLS: **IDEN./SIM. BILLS:** SB 304

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Regulatory Reform & Economic Development Subcommittee	14 Y, 0 N	Larkin	Anstead
2) Agriculture & Natural Resources Appropriations Subcommittee	14 Y, 0 N	Byrd	Pigott
3) Commerce Committee			

SUMMARY ANALYSIS

In order for an intrastate mover to operate in Florida, the mover must register with the Department of Agriculture and Consumer Services (DACS) and comply with the provisions of ch. 507, F.S., which applies to the operations of any mover or moving broker engaged in the intrastate transportation or shipment of household goods originating in this state and terminating in this state. Movers and brokers engaged in the interstate transportation of household goods are regulated by the Federal Motor Carrier Safety Administration within the United States Department of Transportation.

The bill:

- Revises requirements related to estimates and contracts for moving services prepared by a registered mover.
- Provides certain requirements for moving broker advertisements.
- Requires each moving broker to provide the DACS a list of registered movers that the broker is associated with in some capacity.
- Requires DACS to publish and maintain a list of all moving brokers and registered movers each moving broker is contracted with on its website.
- Revises alternative coverages for movers and moving brokers.
- Provides that DACS must immediately suspend the registration of a moving broker or registered mover that does not maintain a performance bond, certificate of deposit, or liability insurance.
- Requires the shipper, mover, and moving broker, if applicable, to sign or electronically acknowledge, and date an estimate or contract, and provide other detailed information.
- Provides that a broker may only arrange a move with a registered mover and cannot give estimates or provide a consumer with a contract for services; only a registered mover may provide those documents.
- Amends s. 507.11(1), F.S., relating to criminal penalties, for movers who refuse to relinquish a shipper's household goods under certain circumstances.

The bill has no fiscal impact on local governments but may have an indeterminate fiscal impact on the state.

The bill provides an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Moving Scams

The Better Business Bureau (BBB) has seen a marked increase in complaints and negative reviews about movers in recent years.¹ Moving scams were projected to have increased 35% year over year in 2023, according to analysis by Hire-A-Helper, which researches and analyzes Better Business Bureau complaints filed about movers. Scams are being blamed for bilking consumers out of an expected \$1.59 million in 2023, a 42% jump over 2022. The average victim says they've lost \$836 in a moving scam this year, the survey shows.

The most common scams are:

- No-shows: Incidents of movers not showing up for a scheduled move accounted for 26% of the scams reported. This is when a moving company asks the customer to make a deposit or to pay an upfront fee but then fails to show up for the job. Often, the so-called moving company is later unreachable, too.
- Mover fraud: This is when fake moving companies pose as real businesses and perform the work of moving people's possessions—but then demand a ransom for consumers to get their belongings back. This is also known as "hostage load," as these movers extort customers for additional charges. These comprised 24% of BBB complaints in 2023. The growth in these reports has prompted the Federal Motor Carrier Safety Administration to launch a crackdown this spring.
- Change-of-address scam: This is when scammers trick people who have recently moved into paying a fee (usually around \$100 or more) in order to have their address changed to their new residence. Victims are directed to a website disguised to look like the U.S. Postal Service. (The USPS offers a change-of-address service for free in person or at a modest fee of \$1.05 online.) Change of address scams accounted for 31% of complaints—the highest percentage—but that is down from 37% last year, the report notes.²

The report warns of other scams, like movers who fail to adhere to the terms of the contract, overcharge or bribe customers with discounts for positive reviews. The report notes that moving scams this year are the most prevalent in Wyoming (among one in every 4,426 moves), followed by Vermont, South Dakota and Oregon.

To avoid being duped by a moving scam, researchers offer the following tips:

- Compare multiple quotes from moving companies, and be skeptical of significantly lower or higher quotes, lack of details, absence of written contracts and excessive down payments.
- Check the company's online presence, and look up verified customer reviews on websites such as the Better Business Bureau.
- Keep a detailed inventory, including photos, of your possessions in case anything goes missing. Lock up your most expensive valuables.
- Consider buying moving insurance as added protection.

¹ Melissa Dittmann Tracey, National Association of Realtors, Realtor Magazine, Real Estate News, *Moving Costs, Scams Create Relocation Challenges*, Aug. 1, 2023, <https://www.nar.realtor/magazine/real-estate-news/moving-costs-scams-create-relocation-challenges> (last visited Jan. 18, 2024).

² *Id.*

In 2022, nearly 15,198 complaints were filed with the BBB against moving companies,³ which also reported the following frequent scams:

- An initial low-ball estimate (usually provided without an in-person visit to review the belongings that need to be moved) that turns into a demand for a much higher price once all of the household belongings are on the moving truck and awaiting delivery. The truck driver can simply drive away if the consumer refuses to pay the higher price.^{4,5}
- Requiring the shipper to sign a blank or incomplete estimate or contract, which results in a higher than expected price demanded at the time of delivery.⁶

In March of 2021, the Florida Consumer Protection Division within the Office of the Attorney General secured four judgments against moving companies that used deceptive advertising, failed to provide proper estimates, failed to relinquish household goods, and failed to provide timely pick-up or delivery of goods in accordance with service contracts.

In December, 2022, Attorney General Moody filed legal action against three individuals, two holding companies, and multiple fraudulent moving brokerage businesses.⁷ According to the consumer protection investigation, the businesses acted as a common enterprise to deceive more than 400 Floridians into believing the company professionally handled moving services, and promised to provide refunds if anything went wrong. Instead, the companies hired third parties to complete the moving services at subpar quality and refused to provide refunds.⁸

Mover Regulations

In order for an intrastate mover to operate in Florida, the mover must register with the Department of Agriculture and Consumer Services (DACCS) and comply with the provisions of ch. 507, which applies to the operations of any mover or moving broker engaged in the intrastate transportation or shipment of household goods originating in this state and terminating in this state. Movers and brokers engaged in the interstate transportation of household goods are regulated by the Federal Motor Carrier Safety Administration within the United States Department of Transportation.

Movers and moving brokers who do business in Florida must register annually with DACCS.⁹ As of December 4, 2023, there were 1,348 movers and 39 moving brokers with active Florida registrations.¹⁰ In order to obtain a registration certificate, the mover or moving broker must file an application, pay a

³ Better Business Bureau, *BBB Scam Alert: Avoid Moving Scams this National Moving Month* (May 17, 2023) <https://www.bbb.org/article/scams/24198-bbb-scam-alert-avoid-moving-scams-this-national-moving-month> (last visited Jan. 18, 2024).

⁴ Better Business Bureau, *Know Your Mover: BBB Study Reveals Scammers Price Gouge, Take Belongings Hostage, and Destroy Goods* (Jun. 30, 2020), <https://www.bbb.org/article/news-releases/22659-know-your-mover-bbb-study-reveals-scammers-price-gouge-take-belongings-hostage-and-destroy-goods> (last visited Jan. 18, 2024).

⁵ See, e.g., Jackie Callaway, *Record Number of People File Complaints About Florida Movers in 2021; BBB rates 1,300 Companies 'F'*, (Dec. 2, 2021), available at <https://www.abcactionnews.com/money/consumer/taking-action-for-you/record-number-of-people-file-complaints-about-florida-movers-in-2021-bbb-rates-1-300-companies-f> (last visited Jan. 18, 2024).

⁶ Florida Attorney General's Office, *Scams at a Glance: On the Move*, [http://myfloridalegal.com/webfiles.nsf/WF/TDGT-BYLQQL/\\$file/Movers_Scams+at+a+Glance_English.pdf](http://myfloridalegal.com/webfiles.nsf/WF/TDGT-BYLQQL/$file/Movers_Scams+at+a+Glance_English.pdf) (last visited Jan. 18, 2024).

⁷ See Office of Attorney General Ashley Moody, *Attorney General Moody Takes Action to Shut Down Massive Moving Scam* (Dec. 8, 2022), [News Release - Attorney General Moody Takes Action to Shut Down Massive Moving Scam \(myfloridalegal.com\)](https://www.myfloridalegal.com/news-releases/attorney-general-moody-takes-action-to-shut-down-massive-moving-scam) (last visited Jan. 18, 2024).

⁸ *Id.*

⁹ Florida Department of Agriculture and Consumer Services (FDACS), *Moving Companies: Who has to Register?*, <https://www.fdacs.gov/Business-Services/Moving-Companies> (last visited Jan. 18, 2024).

¹⁰ FDACS, *License/Complaint Lookup*, available at <https://csapp.fdacs.gov/cspublicapp/businesssearch/businesssearch.aspx> (last visited Jan. 18, 2024). Search by "program."

\$300 annual registration fee, and meet certain statutory qualifications, including proof of insurance coverage.¹¹

Chapter 507, F.S., governs the loading, transportation, shipment, unloading, and affiliated storage of household goods as part of intrastate household moves. The chapter applies to any mover or moving broker engaged in intrastate transportation or shipment of household goods that originates and terminates in Florida.¹² These regulations co-exist with federal law, which governs interstate moving of household goods.¹³

A “mover” is a person who, for compensation, contracts for or engages in the loading, transportation, shipment, or unloading of household goods as part of a household move.¹⁴ A “moving broker” arranges for another person to load, transport, ship, or unload household goods as part of a household move or who refers a shipper to a mover by telephone, postal, or electronic mail, website, or other means.¹⁵

‘Household move’ means the loading of household goods into a mode of transportation or shipment; the transportation or shipment of those household goods; and the unloading of those household goods, when the transportation or shipment originates and terminates at one of the following ultimate locations:

- From one dwelling to another;
- From a dwelling to a storehouse or warehouse that is owned or rented by the shipper or the shipper’s agent; or
- From a storehouse or warehouse that is owned or rented by the shipper or the shipper’s agent to a dwelling.

Application for Registration

An applicant for a mover registration must provide:

- 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;
- proof of the required insurance or alternative coverages;
- statements attesting to the current and pending history of any mover owners, officers, directors, managing members, or general partners regarding:
 - crimes involving fraud, dishonest dealings, or any act of moral turpitude; and
 - civil fines or penalties arising out of any administrative or enforcement action brought by any government agency or private person based upon conduct involving fraud, dishonest dealing, or any violation of ch. 507, F.S.

DACS may deny, refuse to renew, or revoke the registration of any mover or broker when it determines that the mover or broker, or any of the mover’s or broker’s directors, officers, owners, or general partners has:

- failed to meet the requirements for registration as provided in ch. 507, F.S.;

¹¹ Section 507.03, F.S.

¹² Section 507.02, F.S.

¹³ Interstate movers in the U.S. must be licensed by the Department of Transportation’s Federal Motor Carrier Safety Administration (FMCSA).

¹⁴ Section 507.01(9), F.S.

¹⁵ Section 507.01(10), F.S.

- been convicted of a crime involving fraud, dishonest dealing, or any other act of moral turpitude¹⁶;
- not satisfied a civil fine or penalty arising out of any administrative or enforcement action brought by any governmental agency or private person based upon conduct involving fraud, dishonest dealing, or any violation of this chapter;
- pending against him or her any criminal, administrative, or enforcement proceedings in any jurisdiction, based upon conduct involving fraud, dishonest dealing, or any other act of moral turpitude; or
- had a judgment entered against him or her in any action brought by DACS or the Department of Legal Affairs under this chapter or the Florida Deceptive and Unfair Trade Practices Act.

Contracts and Estimate Requirements

Section 507.05, F.S., requires an intrastate mover to provide an **estimate and contract** to the perspective shipper in writing and must be signed and dated by the shipper and mover **before commencing the move**. The contract and estimate must include:

- The name, telephone number, and physical address where the mover's employees are available during normal business hours.
- The date prepared and any proposed date of the move.
- The name and address of the shipper, the addresses where the articles are to be picked up and delivered, and a telephone number where the shipper may be reached.
- The name, telephone number, and physical address of any location where the goods will be held pending further transportation, including situations where the mover retains possession of goods pending resolution of a fee dispute with the shipper.
- An itemized breakdown and description and total of all costs and services for loading, transportation or shipment, unloading, and accessorial services to be provided during a household move or storage of household goods;
- acceptable forms of payment, and
- a phrase signifying that the mover is state-registered and identifying the mover's registration number.

A mover must clearly and conspicuously disclose to the shipper in the estimate and contract for services the forms of payments the mover will accept. A mover shall accept a minimum of two of the three following forms of payment:

- Cash, cashier's check, money order, or traveler's check;
- Valid personal check; or
- Valid credit card.

Should a dispute arise over payment or costs, s. 507.06, F.S., provides that the mover may place the shipper's goods in a storage unit until payment is tendered. Because of ambiguity regarding what payment may legally be demanded, some shippers have been taken advantage of by deceptive or fraudulent moving practices. Often, moving fraud manifests as an increased fee assessed by the mover, who then refuses to relinquish the shipper's goods until the inflated price has been paid in full.

While administrative, civil, and criminal penalties exist in ch. 507, F.S., for such fraudulent moving practices and other violations, the aggrieved shipper is not guaranteed the return of his or her goods until after such remedies have been finalized.

Administrative Remedies and Penalties

¹⁶ Crimes of moral turpitude have not been defined by statute. Applicable case law has generally defined them as acts of "baseness, vileness, or depravity in the private and social duties which a man owes to his fellow men, or to society in general, contrary to the accepted and customary rule of right and duty between man and man." The determination that a crime involves moral turpitude is made based on the statutory definition or nature of the crime, not the specific conduct predicated a particular conviction.

DACS is authorized to issue an order for one or more of the following administrative remedies if it finds that a mover or broker, or a person employed or contracted by a mover or broker, has violated ch. 507, F.S., or rules or orders issued pursuant thereunder:

- issuing a notice of noncompliance,
- imposing a Class II administrative fine for each act or omission,
- directing that the person cease and desist specified activities,
- refusing to register or revoking or suspending a registration, and/or
- placing the registrant on probation, subject to the conditions specified by DACS.

Rule 5J-15.002 of the Florida Administrative Code provides the specific penalty guidelines for violations of ch. 507, F.S., or rules promulgated thereunder. DACS may issue a notice of noncompliance for certain first violations. DACS may impose fines for “minor violations” that range from \$1,000 to \$2,500. For “major violations,” DACS may impose an administrative fine that ranges from \$1,000 to \$5,000 or impose any of the other penalties provided in s. 507.09(1)(b)-(e), F.S.

Insurance Coverage and Liability Limitations

Movers and moving brokers must maintain liability and motor vehicle insurance. A mover who operates more than two vehicles is required to maintain liability insurance of at least \$10,000 per shipment, and not less than 60 cents per pound, per article.¹⁷ Movers who operate fewer than two vehicles are required only to carry either a \$25,000 performance bond or a \$25,000 certificate of deposit in lieu of liability insurance.¹⁸

Any contractual limitation to a mover’s liability for loss incurred to a shipper’s goods must be disclosed in writing to the shipper, along with the valuation rate, but a mover’s attempt to limit its liability beyond the minimum 60 cents per pound, per article rate is void under s. 507.04(4), F.S. If the mover offers valuation insurance, it must inform the shipper of the opportunity to purchase valuation coverage to compensate the shipper for household goods that are lost or damaged during a household move, prior to execution of the contract for moving services.¹⁹

Local Ordinances and Regulations

Chapter 507, F.S., preempts local ordinances or regulations that relate to household moving, unless the local regulation was adopted prior to January 1, 2011.²⁰ Broward,²¹ Miami-Dade,²² Palm Beach,²³ and Pinellas²⁴ counties currently have such ordinances. Movers or moving brokers whose principal place of business is located in a county or municipality with such an ordinance are required to register under local and state laws. State law also allows for local taxes, fees, and bonding related to movers and moving brokers, so long as any local registration fees are reasonable and do not exceed the cost of administering the ordinance or regulation.²⁵

Effect of the Bill

¹⁷ Sections 507.04(1)(a)1. and 507.04(4), F.S.

¹⁸ Section 507.04(1)(b), F.S.

¹⁹ Section 507.04(5), F.S.

²⁰ Section 507.13, F.S.

²¹ Broward County Government, *Movers*,

<https://www.broward.org/Consumer/ConsumerProtection/Movers/Pages/default.aspx> (last visited Dec. 4, 2023).

²² Miami-Dade County, *Moving Companies—Laws & Tips*, <https://www.miamidade.gov/global/economy/consumer-protection/moving-companies.page#:~:text=Movers%20must%20insure%20your%20property,the%20value%20of%20your%20property.&text=The%20amount%20of%20added%20value%20you%20purchase%20is%20up%20to%20you>.

(last visited Jan. 18, 2024).

²³ Palm Beach County, *Moving*, available at <https://discover.pbcgov.org/publicsafety/consumeraffairs/pages/moving.aspx> (last visited Dec. 4, 2023).

²⁴ Pinellas County, *Moving*, <https://www.pinellascounty.org/consumer/moving.htm> (last visited Jan. 18, 2024).

²⁵ Section 507.13, F.S.

The bill requires contracts and estimates to be prepared by registered movers, which prohibits such documents from being prepared by moving brokers. It also updates the following definition:

- “Moving broker” or “broker” means a person who, for compensation, arranges **with a registered mover for loading, transporting or shipping, or unloading of** household goods as part of a household move or who, for compensation, refers a shipper to a **registered** mover.

The bill clarifies that each estimate or contract of a “mover” must include a phrase that contains the following:

- The name of the firm;
- A statement that indicates the firm is registered with the State of Florida as a mover; and
- A Florida mover registration number.

The bill requires all moving brokers to be registered and clarifies that any document from a “moving broker” must include:

- The name of the firm;
- A statement that indicates the firm is registered with the State of Florida as a moving broker; and
- A Florida moving broker registration number.

Each advertisement of a “moving broker” must include the following:

- A Florida moving broker registration number;
- The name of the firm; and
- A phrase that states the firm is paid by a shipper to arrange, or offer to arrange, the transportation of property by a registered mover.

The bill requires each moving broker to provide DACS with:

- a complete list of registered movers that the moving broker has contracted or is affiliated with, advertises on behalf of, arranges moves for, or refers shippers to, including each mover’s complete name, address, telephone number, email address, and registration number and the name of each mover’s owners, corporate officers, and directors.
- any changes to the provided information.

DACS must publish and maintain a list of all moving brokers and the registered movers each moving broker contracts with on its website.

The bill requires DACS to immediately issue a cease and desist order to a person upon finding that such person is operating as a mover or moving broker without registering. Additionally, DACS may seek an immediate injunction from the appropriate circuit court that prohibits the person from operating in Florida until the person complies with the registration requirement, and may impose a civil penalty not to exceed \$5,000, and court costs.

The bill authorizes a mover that operates two or fewer vehicles to maintain one of the following alternative coverages, in lieu of maintaining liability insurance coverage:

- A performance bond in the amount of **\$50,000**, up from the current \$25,000, by a Florida-approved surety company; or
- A certificate of deposit in a Florida banking institution in the amount of **\$50,000**, up from the current \$25,000.

The bill also requires a moving broker to maintain alternative coverages similar to a mover.

The bill requires DACS to immediately suspend a mover’s or moving broker’s registration if the mover or moving broker fails to maintain the required performance bond, certificate of deposit, or the appropriate insurance. In such cases, the mover or moving broker must immediately cease operating as a mover or moving broker in Florida. Additionally, DACS may seek an immediate injunction from the appropriate circuit court that prohibits the person from operating in Florida until the person complies with the aforementioned requirements, a civil penalty not to exceed \$5,000, and court costs.

Estimates and Contracts for Service

The bill requires that an estimate and a contract must be prepared by a registered mover and provided to a prospective shipper in writing, and **the shipper, mover, and moving broker must sign** or electronically acknowledge and date the estimate and contract.

The bill requires the estimate and contract for service to include the following:

- The name, telephone number, and physical address where the mover's and moving broker's employees are available during normal business hours;
- The date the **estimate and contract** were prepared **by the mover** and the proposed date **or dates** of the **shipper's household** move, **including, but not limited to, loading, transportation, shipment, and unloading of household goods and accessorial services**;
- The name and address of the shipper, the addresses where the articles are to be picked up and delivered, and a telephone number where the shipper may be reached;
- The name, telephone number, and physical address of the location where the household goods will be held pending further transportation, including situations in which the mover retains possession of household goods pending resolution of a fee dispute with the shipper;
- An itemized breakdown and description and total of all costs and services for loading, transportation or shipment, unloading, and accessorial services to be provided during a household move or storage of household goods, including the fees of a moving broker, if used; and
- Acceptable forms of payment, which must be clearly and conspicuously disclosed to the shipper on the binding estimate and the contract for services.

The bill:

- Limits a moving broker to only arrange with a registered mover for the loading, transportation, shipment, or unloading of household goods as part of a household move or refer a shipper to a registered mover.
- Prohibits moving brokers from giving a verbal estimate or preparing a written estimate or contract for services that sets forth the total costs and describes the basis of those costs relating to a shipper's household move, including, but not limited to, the loading, transportation, shipment, or unloading of household goods and accessorial services.
- Requires a moving broker, before providing any service to a prospective shipper, to disclose to the shipper that the broker may only arrange, or offer to arrange, the transportation of property by a registered mover.
- Prohibits a moving broker's fees from including the cost of the shipper's household move, including, but not limited to, the loading, transportation, shipment, or unloading of household goods and accessorial services.

The bill requires any document provided to a shipper by a moving broker to include the following:

- The name of the moving broker and the moving broker's registration number;
- The following statement displayed at the top of the document:
 - The name of the moving broker firm and that the firm is not a mover; and
 - The name of the moving broker firm and a phrase stating the moving broker is paid by the shipper to arrange, or offer to arrange, the transportation of property by a registered mover and that the moving broker's fees do not include the cost of the shipper's household move, including, but not limited to, the loading, transportation, shipment, or unloading of household goods and accessorial services;
- The name, telephone number, and physical address where the moving broker's employees are available during normal business hours;
- An itemized breakdown and description and total of all costs for the moving broker's fees to arrange with a registered mover for the loading, transportation, shipment, or unloading of household goods as part of a household move or to refer the shipper to a registered mover;
- A list of all of the registered movers the moving broker has contracted with or is affiliated with, advertises on behalf of, arranges moves for, or refers shippers to, including each mover's

- complete name, address, telephone number, email address, Florida Intrastate Registration Number, and the name of each mover's owners, corporate officers, and directors; and
- A list of acceptable forms of payment, which must include all of the forms of payment listed in at least two of the following subparagraphs:
 - Cash, cashier's check, money order, or traveler's check;
 - Valid personal check; and
 - Valid credit card.

The bill provides that upon notification and subsequent written verification by a law enforcement agency, a court, a state attorney, or the Department of Law Enforcement, the DACS must immediately suspend a registration or the processing of an application for a registration if the registrant, applicant, or officer or director of the registrant or applicant is formally charged with a crime involving:

- Fraud;
- Theft;
- Larceny;
- Embezzlement;
- Fraudulent conversion;
- Misappropriation of property; or
- A crime arising from conduct during a movement of household goods until final disposition of the case or removal or resignation of that officer or director.

The bill amends the criminal penalties section to clarify that it is a felony of the third degree, if a mover or mover's employee, agent, or contractor refuses to comply with an order from a law enforcement officer to relinquish a shipper's household goods in the following scenarios:

- After the officer determines that the shipper has tendered payment of the amount of a written estimate or contract, and, if applicable, amendments to the contract for services reflecting the price adjustment signed by the shipper; or
- If the officer determines that the mover did not produce a signed or electronically acknowledged binding estimate or contract for service and, if applicable, amendments to the contract for services reflecting the price adjustment signed by the shipper.

B. SECTION DIRECTORY:

Section 1: amends s. 507.01, F.S., relating to definitions.

Section 2: amends s. 507.02, F.S., relating to intent.

Section 3: amends s. 507.03, F.S., relating to registration.

Section 4: amends s. 507.04, F.S., relating to liability insurance.

Section 5: amends s. 507.05, F.S., relating to estimates and contracts for service.

Section 6: amends s. 507.06, F.S., relating to moving brokers and services.

Section 7: amends s. 507.07, F.S., relating to violations.

Section 8: amends s. 507.09, F.S., relating to administrative remedies and penalties.

Section 9: amends s. 507.10, F.S., relating to liability insurance and registration suspension.

Section 10: amends s. 507.11, F.S., relating to criminal penalties.

Section 11: Provides effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill allows DACS to impose a civil penalty up to \$5,000 upon finding that a person is operating as a mover or moving broker without meeting the provisions of the bill.

2. Expenditures:

The bill may have an insignificant negative fiscal related to rulemaking which can be absorbed by DACS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The public may see a faster resolution to moving disputes.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Rulemaking may be necessary for DACS to update applications to reflect the bill changes.²⁶

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill provides that upon notification and subsequent written verification by a law enforcement agency, a court, a state attorney, or the Department of Law Enforcement that a registrant, applicant, or officer or director of the registrant or applicant is formally charged with a crime involving fraud, theft, larceny, embezzlement, or fraudulent conversion, DACS is required to suspend a registration or the processing of an application for registration until final disposition of the case or removal or resignation of that officer or director. However, it is unclear if DACS is receiving notification and subsequent written verification by a law enforcement agency, a court, a state attorney, or the Department of Law Enforcement, or alternatively, if DACS is receiving notification from any person or entity, and then getting a subsequent written verification from one of the aforementioned entities. DACS stated that “notification of exclusionary offenses usually occurs through complaints or news stories that become known to division staff.”²⁷

In several places throughout the bill, the term “mover” has been modified to “registered mover.” These revisions may create unintended consequences.²⁸

²⁶ Florida Department of Agriculture and Consumer Services, Agency Analysis of 2024 House Bill 367, p.3 (Dec. 7, 2023).

²⁷ *Id.*, DACS Agency Analysis at 4.

²⁸ *Id.*

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES