

By Senator Garcia

40-00298-10

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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.; redefining the term "storage";
4 amending s. 507.03, F.S.; providing for the biennial
5 renewal of mover and moving broker registrations;
6 authorizing the Department of Agriculture and Consumer
7 Services to extend registration expiration dates in
8 order to establish staggered dates; requiring the
9 calculation of biennial registration fees based on an
10 annual rate; deleting a provision requiring certain
11 movers and moving brokers to obtain a local license or
12 registration and pay the state registration fee;
13 amending s. 507.04, F.S.; authorizing a mover to
14 exclude liability for household goods packed by the
15 shipper under certain circumstances; amending s.
16 507.06, F.S.; authorizing a mover to refuse to
17 transport or ship household goods under certain
18 circumstances; amending s. 507.07, F.S.; prohibiting a
19 mover or moving broker from conducting business
20 without being registered with the department;
21 providing penalties; amending s. 507.13, F.S.;
22 preempting local ordinances and regulations except in
23 certain counties; restricting the levy or collection
24 of local registration fees and taxes of movers and
25 moving brokers; providing for local registration and
26 bonding; exempting local business taxes from
27 preemption; providing an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsection (13) of section 507.01, Florida Statutes, is amended to read:

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

(13) "Storage" means the temporary warehousing of a shipper's goods while under the care, custody, and control of the mover.

Section 2. Subsections (1), (3), and (4) of section 507.03, Florida Statutes, are amended to read:

507.03 Registration.—

(1) Each mover and moving broker must ~~annually~~ register with the department, providing 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; and proof of the insurance or alternative coverages required under s. 507.04.

(3) Registration fees shall be calculated at the rate of \$300 per year per mover or moving broker. All amounts collected shall be deposited by the Chief Financial Officer to the credit

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59 of the General Inspection Trust Fund of the department for the
60 sole purpose of administration of this chapter.

61 (4) A registration must be renewed biennially on or before
62 its expiration date. In order to establish staggered expiration
63 dates, the department may extend the expiration date of a
64 registration for a period not to exceed 12 months. ~~Any mover or~~
65 ~~moving broker whose principal place of business is located in a~~
66 ~~county or municipality that requires, by local ordinance, a~~
67 ~~local license or registration to engage in the business of~~
68 ~~moving and storage of household goods must obtain the license or~~
69 ~~registration from the county or municipality. A mover or broker~~
70 ~~that obtains a local license or registration must also pay the~~
71 ~~state registration fee under subsection (3).~~

72 Section 3. Subsection (4) of section 507.04, Florida
73 Statutes, is amended to read:

74 507.04 Required insurance coverages; liability limitations;
75 valuation coverage.—

76 (4) LIABILITY LIMITATIONS; VALUATION RATES.—

77 (a) A mover may not limit its liability for the loss or
78 damage of household goods to a valuation rate that is less than
79 60 cents per pound per article. A provision of a contract for
80 moving services is void if the provision limits a mover's
81 liability to a valuation rate that is less than the minimum rate
82 allowed under this subsection.

83 (b) A mover may exclude liability for any household goods
84 packed by the shipper if the exclusion is declared, and the
85 shipper declines, in writing, to allow the mover to open and
86 inspect the box or crate in which the goods were packed by the
87 shipper.

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88 (c) If a mover limits its liability for a shipper's goods,
89 the mover must disclose the limitation, including the valuation
90 rate, to the shipper in writing at the time that the estimate
91 and contract for services are executed and before any moving or
92 accessorial services are provided. The disclosure must also
93 inform the shipper of the opportunity to purchase valuation
94 coverage if the mover offers that coverage under subsection (5).

95 Section 4. Section 507.06, Florida Statutes, is amended to
96 read:

97 507.06 Transportation or shipment, delivery, and storage of
98 household goods.—

99 (1) A mover, before transporting or shipping a shipper's
100 household goods, may refuse to transport or ship any of the
101 goods, if the mover notifies the shipper and the shipper
102 acknowledges the refusal.

103 (2)~~(1)~~ A mover must relinquish household goods to a shipper
104 and must place the goods inside a shipper's dwelling or, if
105 directed by the shipper, inside a storehouse or warehouse that
106 is owned or rented by the shipper or the shipper's agent, unless
107 the shipper has not tendered payment in the amount specified in
108 a written contract or estimate signed and dated by the shipper.
109 A mover may not refuse to relinquish prescription medicines and
110 goods for use by children, including children's furniture,
111 clothing, or toys, under any circumstances.

112 (3)~~(2)~~ A mover may not refuse to relinquish household goods
113 to a shipper or fail to place the goods inside a shipper's
114 dwelling or, if directed by the shipper, inside a storehouse or
115 warehouse that is owned or rented by the shipper or the
116 shipper's agent, based on the mover's refusal to accept an

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117 acceptable form of payment.

118 (4)~~(3)~~ A mover that lawfully fails to relinquish a
119 shipper's household goods may place the goods in storage until
120 payment is tendered; however, the mover must notify the shipper
121 of the location where the goods are stored and the amount due
122 within 5 days after receipt of a written request for that
123 information from the shipper, which request must include the
124 address where the shipper may receive the notice. A mover may
125 not require a prospective shipper to waive any rights or
126 requirements under this section.

127 Section 5. Subsection (1) of section 507.07, Florida
128 Statutes, is amended to read:

129 507.07 Violations.—It is a violation of this chapter to:

130 (1) Conduct business as a mover or moving broker, or
131 advertise to engage in the business of moving or offering to
132 move, without ~~first~~ being registered ~~annually~~ with the
133 department.

134 Section 6. Subsection (1) of section 507.13, Florida
135 Statutes, is amended to read:

136 507.13 Local regulation.—

137 (1) (a) Except as provided in paragraph (b), this chapter
138 preempts ~~does not preempt~~ local ordinances or regulations of a
139 county or municipality which regulate transactions relating to
140 movers of household goods or moving brokers.

141 (b) This chapter does not preempt ordinances or regulations
142 originally enacted by a county before January 1, 2010, or
143 subsequent amendments to such ordinances or regulations.
144 However, registration fees required by such ordinances or
145 regulations must be reasonable and may not exceed the cost of

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146 administering the ordinance or regulation. Such ordinances may
147 require only registration and bonding of a mover or moving
148 broker whose principal place of business is located within that
149 jurisdiction.

150 (c) This section does not preempt a local government's
151 authority to levy a local business tax pursuant to chapter 205.
152 ~~As provided in s. 507.03(4), counties and municipalities may~~
153 ~~require , levy, or collect any registration fee or tax or~~
154 ~~require the registration or bonding in any manner of any mover~~
155 ~~or moving broker.~~

156 Section 7. This act shall take effect July 1, 2010.