

## CHAPTER 2024-47

### Senate Bill No. 304

An act relating to household moving services; amending s. 507.01, F.S.; revising definitions; amending s. 507.02, F.S.; providing construction; amending s. 507.03, F.S.; revising requirements for mover and moving broker estimates, contracts, and advertisements; conforming a cross-reference; revising requirements relating to lists that moving brokers must provide to the Department of Agriculture and Consumer Services; requiring the department to publish and maintain a specified list on its website; prohibiting certain persons from operating as or holding themselves out to be a mover or moving broker without first registering with the department; requiring the department to issue cease and desist orders to certain persons under certain circumstances; authorizing the department to seek an immediate injunction under certain circumstances; making technical changes; amending s. 507.04, F.S.; revising alternative insurance coverage requirements for movers; revising liability coverage requirements for moving brokers; requiring the department to immediately suspend a mover's or moving broker's registration under certain circumstances; authorizing the department to seek an immediate injunction under certain circumstances; conforming cross-references; amending s. 507.05, F.S.; revising requirements for contracts and estimates for prospective shippers; creating s. 507.056, F.S.; providing limitations and prohibitions for moving brokers; requiring moving brokers to make a specified disclosure to shippers before providing any services; prohibiting moving brokers' fees from including certain costs; requiring that the documents moving brokers provide to shippers contain specified information; amending s. 507.07, F.S.; providing that it is a violation of ch. 507, F.S., for moving brokers to provide estimates or enter into contracts or agreements that were not prepared and signed or electronically acknowledged by a registered mover; amending s. 507.09, F.S.; conforming a cross-reference; requiring the department, upon verification by certain entities, to immediately suspend a registration or the processing of an application for a registration in certain circumstances; amending s. 507.10, F.S.; conforming a cross-reference; amending s. 507.11, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

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

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

(4) “Contract for service” or “bill of lading” means a written document prepared by a registered mover which is approved and electronically acknowledged or signed by the shipper in writing before the performance of any service by the mover and which authorizes services ~~from~~ the named

mover to perform ~~and lists~~ the services and lists all costs associated with the household move and accessorial services to be performed.

(6) “Estimate” means a written document prepared by a registered mover which ~~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 or shipment, and unloading of household goods and accessorial services.

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

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

507.02 Construction; intent; application.—

(1) This chapter shall be construed liberally to:

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

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

507.03 Registration.—

(1) Each mover and moving broker must 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 moving broker registered its fictitious name if the mover or moving 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 moving 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.

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

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

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

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

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

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

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

(11) ~~At the request of the department,~~ Each moving broker shall provide the department with a complete list of the 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, ~~and~~ e-mail address, and registration number and the name of each mover’s ~~owners, corporate officers, and directors owner or other principal~~. A moving broker must notify the department of any changes to the provided information. The department shall publish and maintain on its website a list of all moving brokers and the registered movers each moving broker is contracted with.

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

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

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

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

(1) LIABILITY INSURANCE.—

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

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

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

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

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

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

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

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

The original bond or certificate of deposit must be filed with the department and must designate the department as the sole beneficiary. The department must use the bond or certificate of deposit exclusively for the payment of claims to consumers who are injured by the fraud, misrepresentation, breach of contract, misfeasance, malfeasance, or financial failure of the mover or moving broker or by a violation of this chapter by the mover or moving broker. Liability for these injuries may be determined in an administrative proceeding of the department or through a civil action in a court of competent jurisdiction. However, claims against the bond or certificate of deposit must only be paid, in amounts not to exceed the determined liability for these injuries, by order of the department in an administrative proceeding. The bond or certificate of deposit is subject to successive claims, but the aggregate amount of these claims may not exceed the amount of the bond or certificate of deposit.

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

(5)(4) LIABILITY LIMITATIONS; VALUATION RATES.—A mover may not limit its liability for the loss or damage of household goods to a valuation rate that is less than 60 cents per pound per article. A provision of a contract for moving services is void if the provision limits a mover’s liability to a valuation rate that is less than the minimum rate under this subsection. If a mover limits its liability for a shipper’s goods, the mover must disclose the limitation, including the valuation rate, to the shipper in writing at the time that the estimate and contract for services are executed and before any moving or accessorial services are provided. The disclosure must also inform the shipper of the opportunity to purchase valuation coverage if the mover offers that coverage under subsection (6) (5).

(6)(5) VALUATION COVERAGE.—A mover may offer valuation coverage to compensate a shipper for the loss or damage of the shipper’s household goods that are lost or damaged during a household move. If a mover offers valuation coverage, the coverage must indemnify the shipper for at least the minimum valuation rate required under subsection (5) (4). The mover must disclose the terms of the coverage to the shipper in writing at the time that the estimate and contract for services are executed and before any moving or accessorial services are provided. The disclosure must inform the shipper of the cost of the valuation coverage, the valuation rate of the coverage, and the opportunity to reject the coverage. If valuation coverage compensates a shipper for at least the minimum valuation rate required under subsection

(5) (4), the coverage satisfies the mover's liability for the minimum valuation rate.

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

507.05 Estimates and contracts for service.—Before providing any moving or accessorial services, an estimate and a contract ~~and estimate~~ must be prepared by a registered mover and provided to a prospective shipper in writing, and the shipper, the mover, and, if applicable, the moving broker must sign or electronically acknowledge and date the estimate and contract. ~~At a minimum, the estimate and contract for service must be signed and dated by the shipper and the mover, and must include:~~

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

(2) The date the estimate and contract were ~~or estimate is~~ prepared by the mover and the ~~any~~ 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.

(3) 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.

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

(5) 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.

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

- (a) Cash, cashier's check, money order, or traveler's check;
- (b) Valid personal check, showing upon its face the name and address of the shipper or authorized representative; or
- (c) Valid credit card, which shall include, but not be limited to, Visa or MasterCard.

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, including the forms of payment described in paragraphs (a)-(c).

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

507.056 Moving brokers; services.—

(1) A moving broker may only arrange with a registered mover for the loading, transportation or shipment, or unloading of household goods as part of a household move or refer a shipper to a registered mover. Moving brokers may not give a verbal estimate or prepare a written estimate or contract for services which 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 or shipment, or unloading of household goods and accessorial services.

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

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

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

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

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

(e) 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, e-mail address, and Florida Intrastate Registration Number and the name of each mover's owners, corporate officers, and directors.

(f) 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:

1. Cash, cashier's check, money order, or traveler's check.
2. Valid personal check, showing upon its face the name and address of the shipper or authorized representative.
3. Valid credit card, including, but not limited to, Visa or MasterCard.

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

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

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

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

507.09 Administrative remedies; penalties.—

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

- (a) Issuing a notice of noncompliance under s. 120.695.
- (b) Imposing an administrative fine in the Class II category pursuant to s. 570.971 for each act or omission. However, the department must impose an administrative fine in the Class IV category for each violation of s. 507.07(10) ~~s. 507.07(9)~~ if the department does not seek a civil penalty for the same offense.
- (c) Directing that the person cease and desist specified activities.
- (d) Refusing to register or revoking or suspending a registration.
- (e) Placing the registrant on probation, subject to the conditions specified by the department.

(2) The department, upon notification and subsequent written verification by a law enforcement agency, a court, a state attorney, or the Department of Law Enforcement, 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, or fraudulent conversion or 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.

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

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

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

507.10 Civil penalties; remedies.—

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

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

507.11 Criminal penalties.—

(1) The refusal of a mover or a mover’s employee, agent, or contractor to comply with an order from a law enforcement officer to relinquish a shipper’s household goods 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 after 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 upon which demand is being made for payment, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A mover’s compliance with an order from a law enforcement officer to relinquish goods to a shipper is not a waiver or finding of fact regarding any right to seek further payment from the shipper.

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

Approved by the Governor April 2, 2024.

Filed in Office Secretary of State April 2, 2024.