

1 A bill to be entitled
 2 An act relating to home delivery services; providing a
 3 short title; providing definitions; providing
 4 background screening requirements for home delivery
 5 service providers who provide home delivery services;
 6 prohibiting a home delivery service provider from
 7 entering the home of or being unsupervised with a
 8 consumer upon the conviction, or any other
 9 adjudication, of specified crimes; specifying retailer
 10 responsibilities and duties; providing civil and
 11 criminal penalties; requiring the Office of Insurance
 12 Regulation to approve certain rating plans for
 13 liability insurance under certain circumstances;
 14 providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Home delivery services.-

19 (1) SHORT TITLE.-This section may be cited as the "Evy
 20 Udell Public Safety Act."

21 (2) DEFINITIONS.-As used in this section, the term:

22 (a) "Consumer" means a person who purchases a household
 23 good from a retailer.

24 (b) "Home" has the same meaning as in s. 468.8311.

25 (c) "Home delivery service" means the loading,

26 | transportation or shipment, and unloading of household goods,
 27 | when the transportation or shipment originates from a factory,
 28 | store, or other place of business and terminates within a
 29 | consumer's home.

30 | (d) "Home delivery service provider" means a person or
 31 | entity who, for compensation, contracts for or engages in the
 32 | loading, transportation or shipment, or unloading of household
 33 | goods as part of a home delivery service. The term does not
 34 | include a postal, courier, envelope, or package service.

35 | (e) "Household goods" or "goods" means personal effects or
 36 | other personal property commonly found in a home, personal
 37 | residence, or other dwelling, including, but not limited to,
 38 | household furniture and appliances.

39 | (f) "Retailer" means and includes an entity engaged in the
 40 | business of making sales at retail, distributing, or storing
 41 | household goods in this state.

42 | (3) SCREENING OF HOME DELIVERY SERVICE PROVIDERS.—

43 | (a) Any home delivery service provider who provides home
 44 | delivery services for a retailer must complete a local and
 45 | national criminal background check for each person, employee, or
 46 | agent performing such home delivery services, regardless of
 47 | whether such person, employee, or agent intends to enter a
 48 | consumer's home. The background check required by this
 49 | subsection includes:

- 50 | 1. A search of the Multi-State Criminal Database Records

51 Information or some other similar commercial multi-
52 jurisdictional nationwide criminal database.

53 2. The validation of any records found during a search
54 under subparagraph 1. through a primary source search.

55 3. A search of the National Sex Offender Public Website
56 maintained by the United States Department of Justice.

57 (b) A home delivery service provider or any employee or
58 agent of such provider may provide home delivery services before
59 the completion of the background screening required under
60 paragraph (a). However, pending the results of the screening,
61 such home delivery service provider, employee, or agent may not
62 enter the home of or be unsupervised with a consumer.

63 (c) A home delivery service provider must immediately
64 inform any contracted retailer if he or she, or any employee or
65 agent of such provider, is convicted of any disqualifying
66 offense under paragraph (d) while providing or under contract to
67 provide home delivery services.

68 (d) A home delivery service provider or any employee or
69 agent of such provider may not enter the home of a consumer or
70 be unsupervised with a consumer if the home delivery service
71 provider, employee, or agent has been arrested for and is
72 awaiting final disposition of, has been found guilty of,
73 regardless of adjudication, or entered a plea of nolo contendere
74 or guilty to, or has been adjudicated delinquent and the record
75 has not been sealed or expunged for, any offense prohibited

76 under any of the following provisions of state law or similar
77 law of another jurisdiction:

78 1. Section 393.135, relating to sexual misconduct with
79 certain developmentally disabled clients and reporting of such
80 sexual misconduct.

81 2. Section 394.4593, relating to sexual misconduct with
82 certain mental health patients and reporting of such sexual
83 misconduct.

84 3. Section 415.111, relating to adult abuse, neglect, or
85 exploitation of aged persons or disabled adults.

86 4. Section 777.04, relating to attempts, solicitation, and
87 conspiracy to commit an offense listed in this paragraph.

88 5. Section 782.04, relating to murder.

89 6. Section 782.07, relating to manslaughter, aggravated
90 manslaughter of an elderly person or disabled adult, or
91 aggravated manslaughter of a child.

92 7. Section 782.09, relating to killing of an unborn child
93 by injury to the mother.

94 8. Chapter 784, relating to assault, battery, and culpable
95 negligence, if the offense was a felony.

96 9. Section 784.011, relating to assault, if the victim of
97 the offense was a minor.

98 10. Section 784.03, relating to battery, if the victim of
99 the offense was a minor.

100 11. Section 794.011, relating to sexual battery.

101 12. Section 794.05, relating to unlawful sexual activity
 102 with certain minors.

103 13. Section 825.102, relating to abuse, aggravated abuse,
 104 or neglect of an elderly person or disabled adult.

105 14. Section 827.03, relating to child abuse, aggravated
 106 child abuse, or neglect of a child.

107 15. Section 827.071, relating to sexual performance by a
 108 child.

109 16. Section 843.01, relating to resisting arrest with
 110 violence.

111 17. Section 916.1075, relating to sexual misconduct with
 112 certain forensic clients and reporting of such sexual
 113 misconduct.

114 18. Section 944.35(3), relating to inflicting cruel or
 115 inhuman treatment on an inmate resulting in great bodily harm.

116 19. Section 985.701, relating to sexual misconduct in
 117 juvenile justice programs.

118 20. Chapter 741, relating to domestic violence.

119 (4) RETAILER DUTIES.—

120 (a) Upon the purchase of a household good that includes a
 121 home delivery service or upon entering into a contract for a
 122 home delivery service, a retailer must provide documentation to
 123 the consumer, which must be signed by both the retailer and the
 124 consumer, with the following information:

125 1. The name, telephone number, and physical address of the

126 home delivery service provider, and a statement telling the
127 consumer whether the home delivery service provider is a
128 subcontractor or an employee of the retailer.

129 2. The date of the purchase or when the contract is
130 entered into and any proposed date of the home delivery service.

131 3. The name and address of the consumer, the address, if
132 different, where the household goods are to be delivered, and a
133 telephone number where the consumer may be reached.

134 4. An itemized breakdown and description of all costs and
135 services to be provided.

136 5. A statement authorizing the home delivery service
137 provider to enter the home of the consumer during the home
138 delivery service.

139 (b) A retailer may not knowingly allow a home delivery
140 service provider to perform a home delivery service if the home
141 delivery service provider has not met the requirements of
142 subsection (3).

143 (c) A contract for home delivery services may not waive,
144 limit, restrict, or avoid any of the duties of the retailer or
145 home delivery service provider, as provided in this section.

146 (5) PENALTIES; REMEDIES.—

147 (a) Any person injured by a violation of this section may
148 file a civil action in a court of competent jurisdiction to
149 recover penalties or damages, including reasonable costs and
150 attorney fees.

151 (b) An employee or agent of a retailer who willfully fails
152 to provide the documentation required under subsection (4),
153 commits a third degree felony, punishable as provided in s.
154 775.082, s. 775.083, or s. 775.084.

155 (c) An owner or officer of a retailer who knowingly and
156 intentionally engages in a pattern of conduct in violation of
157 subsection (4) commits a third degree felony, punishable as
158 provided in s. 775.082, s. 775.083, or s. 775.084.

159 (6) LIABILITY INSURANCE.—The Office of Insurance
160 Regulation shall approve rating plans for liability insurance
161 that give specific identifiable consideration in the setting of
162 rates to retailers that implement a policy requiring completion
163 of the background screening requirements under subsection (3)
164 before contracting with any home delivery service provider.

165 Section 2. This act shall take effect July 1, 2020.