

CHAPTER 2011-121

Committee Substitute for House Bill No. 901

An act relating to household moving services; amending s. 507.01, F.S.; redefining the term “storage”; amending s. 507.03, F.S.; providing for the biennial renewal of mover and moving broker registrations; authorizing the Department of Agriculture and Consumer Services to extend registration expiration dates in order to establish staggered dates; requiring the calculation of biennial registration fees based on an annual rate; deleting a provision requiring certain movers and moving brokers to obtain a local license or registration and pay the state registration fee; amending s. 507.07, F.S.; prohibiting a mover or moving broker from conducting business without being registered with the department; providing penalties; amending s. 507.13, F.S.; preempting local ordinances and regulations except in certain counties; restricting the levy or collection of local registration fees and taxes of movers and moving brokers; providing for local registration and bonding; exempting local business taxes from preemption; providing for retroactive application; providing an effective date.

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

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

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

Section 3. Subsection (1) of section 507.07, Florida Statutes, is amended to read:

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

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

Section 4. Subsection (1) of section 507.13, Florida Statutes, is amended to read:

507.13 Local regulation.—

~~(1)(a) Except as provided in paragraphs (b) and (c), this chapter preempts a does not preempt local ordinance ordinances or regulation regulations of a county or municipality which regulates regulate transactions relating to movers of household goods or moving brokers.~~

~~(b) This chapter does not preempt an ordinance or regulation originally enacted by a county before January 1, 2011, or a subsequent amendment to such an ordinance or regulation. However, registration fees required by such an ordinance or regulation must be reasonable and may not exceed the cost of administering the ordinance or regulation. In addition, registration and bonding may be required only of a mover or moving broker whose principal place of business is located within that county's jurisdiction.~~

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

Section 5. The amendments made by this act to ss. 570.03 and 507.13, Florida Statutes, apply retroactively to county and municipal ordinances adopted on or after January 1, 2011.

Section 6. This act shall take effect July 1, 2011.

Approved by the Governor June 2, 2011.

Filed in Office Secretary of State June 2, 2011.