

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4153 Real Estate Brokers, Sales Associates, Schools, and Appraisers

SPONSOR(S): Grant

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Consumer Affairs Subcommittee	11 Y, 3 N	Collins	Creamer
2) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill amends ch. 475, F.S., to eliminate provisions that require non-resident applicants for licensure, certification, or registration to file an irrevocable written consent to service of process in Florida.

The bill has no fiscal impact on state funds.

The bill has an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Sections 471.180, 475.6235, and 475.631, F.S., currently require non-resident real estate broker, sales associate, and appraisal applicants to file an irrevocable written consent to service of process, which must be notarized prior to approval of the application. The consent must provide that any suit or action may be commenced in any county of Florida in which a plaintiff resides, and that service of process or pleading may be made by delivering the process or pleading to the director of the Division of Real Estate.

This process hinders and delays the approval process of non-resident applicants, and has been a barrier to the Department of Business and Professional Regulation's (DBPR) transition to online applications. Currently, real estate is the only industry profession overseen by DBPR that requires the irrevocable consent to service.

Effect of Proposed Changes

The bill amends s. 475.180, 475.6235, and 475.631, F.S., to eliminate the requirement that non-resident applicants for licensure, certification, or registration must file an irrevocable written consent to service of process. Thus, the plaintiff in a suit against a licensee would file notice of service directly to the defendant, and would otherwise follow normal court filing proceedings.

B. SECTION DIRECTORY:

Section 1: amends s. 475.180, F.S., to eliminate the requirement that non-resident applicants file an irrevocable consent to service of process.

Section 2: amends s. 475.6235, F.S., to eliminate the requirement that non-resident applicants file an irrevocable consent to service of process.

Section 3: amends s. 475.631, F.S., to eliminate the requirement that non-resident applicants file an irrevocable consent to service of process.

Section 4: provides for an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill will make it less burdensome for non-resident real estate broker, sales associate, and appraisal applicants to get their respective licenses.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill repeals existing rules, as the previously-promulgated consent form will no longer be required.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.