

1 A bill to be entitled
 2 An act relating to real estate profession regulation;
 3 amending s. 475.01, F.S.; providing definitions
 4 applicable to real estate brokers, sales associates,
 5 and schools; amending s. 475.011, F.S.; revising
 6 exemptions from regulations of the real estate
 7 profession; amending s. 475.161, F.S.; requiring
 8 landlords and leading agents to be licensed real
 9 estate sales associates; providing an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Paragraphs (h) through (m) of subsection (1) of
 14 section 475.01, Florida Statutes, are redesignated as paragraphs
 15 (j) through (o), respectively, and new paragraphs (h) and (i)
 16 are added to that subsection to read:

17 475.01 Definitions.—

18 (1) As used in this part:

19 (h) "Landlord" means any operator, keeper, lessor, or
 20 sublessor of real property to the public for rent, or the
 21 landlord's agent or successor-in-interest. The term includes the
 22 landlord of any dwelling unit governed by part II of chapter 83.

23 (i) "Leasing agent" means any agent, employee, or
 24 independent contractor who is employed to make sales, exchanges,
 25 or leases to or with customers in the ordinary course of an
 26 owner's business of selling, exchanging, or leasing real
 27 property to the public.

28 Section 2. Subsections (5) through (13) of section

29 | 475.011, Florida Statutes, are renumbered as subsections (4)
 30 | through (12), respectively, and present subsections (2) and (4)
 31 | are amended to read:

32 | 475.011 Exemptions.—This part does not apply to:

33 | (2) Any individual, corporation, partnership, trust, joint
 34 | venture, or other entity which sells, exchanges, or leases its
 35 | own real property; ~~however, this exemption shall not be~~
 36 | ~~available if and to the extent that an agent, employee, or~~
 37 | ~~independent contractor paid a commission or other compensation~~
 38 | ~~strictly on a transactional basis is employed to make sales,~~
 39 | ~~exchanges, or leases to or with customers in the ordinary course~~
 40 | ~~of an owner's business of selling, exchanging, or leasing real~~
 41 | ~~property to the public.~~

42 | ~~(4) Any salaried employee of an owner, or of a registered~~
 43 | ~~broker for an owner, of an apartment community who works in an~~
 44 | ~~onsite rental office of the apartment community in a leasing~~
 45 | ~~capacity.~~

46 | Section 3. Section 475.161, Florida Statutes, is amended
 47 | to read:

48 | 475.161 Licensing of broker associates and sales
 49 | associates; landlords and leasing agents.—

50 | (1) The commission shall license a broker associate or
 51 | sales associate as an individual or, upon the licensee providing
 52 | the commission with authorization from the Department of State,
 53 | as a professional corporation, limited liability company, or
 54 | professional limited liability company. A license shall be
 55 | issued in the licensee's legal name only and, when appropriate,
 56 | shall include the entity designation. This section shall not

HB 481

2013

57 | operate to permit a broker associate or sales associate to
58 | register or be licensed as a general partner, member, manager,
59 | officer, or director of a brokerage firm under s. 475.15.

60 | (2) Notwithstanding any other the provision of this part,
61 | a landlord or leasing agent, as defined in s. 475.01, must be a
62 | holder of a valid and current real estate sales associate
63 | license.

64 | Section 4. This act shall take effect July 1, 2013.