

By the Committee on Real Property & Probate and  
Representatives Arnall, Posey and Kosmas

1                                   A bill to be entitled  
2           An act relating to real estate transactions;  
3           amending s. 475.01, F.S.; defining the terms  
4           "customer," "first contact," and "principal";  
5           redefining the term "transaction broker";  
6           deleting the definition of the terms "buyer,"  
7           "disclosed dual agent," and "seller"; amending  
8           s. 475.25, F.S.; modifying grounds for the  
9           imposition of discipline by the Florida Real  
10          Estate Commission; conforming a statutory  
11          cross-reference; creating ss. 475.270, 475.272,  
12          475.274, 475.276, 475.278, 475.280, F.S.;  
13          establishing the "Brokerage Relationship  
14          Disclosure Act"; providing for notice of  
15          nonrepresentation; providing for disclosure of  
16          authorized brokerage relationships and the  
17          corresponding duties of real estate licensees;  
18          authorizing rulemaking by the Florida Real  
19          Estate Commission; amending s. 475.5015, F.S.;  
20          adding disclosure documents to items to be  
21          retained as brokerage business records;  
22          amending s. 468.383, F.S.; conforming a  
23          statutory cross-reference; providing an  
24          effective date.

25  
26   Be It Enacted by the Legislature of the State of Florida:

27  
28           Section 1. Subsection (1) of section 475.01, Florida  
29   Statutes, is amended to read:

30           475.01 Definitions.--  
31           (1) As used in this part:

1           ~~(a)~~ "Commission" means the Florida Real Estate  
2 Commission.  
3           ~~(b)~~ "Department" means the Department of Business and  
4 Professional Regulation.  
5           (a)~~(c)~~ "Broker" means a person who, for another, and  
6 for a compensation or valuable consideration directly or  
7 indirectly paid or promised, expressly or impliedly, or with  
8 an intent to collect or receive a compensation or valuable  
9 consideration therefor, appraises, auctions, sells, exchanges,  
10 buys, rents, or offers, attempts or agrees to appraise,  
11 auction, or negotiate the sale, exchange, purchase, or rental  
12 of business enterprises or business opportunities or any real  
13 property or any interest in or concerning the same, including  
14 mineral rights or leases, or who advertises or holds out to  
15 the public by any oral or printed solicitation or  
16 representation that he is engaged in the business of  
17 appraising, auctioning, buying, selling, exchanging, leasing,  
18 or renting business enterprises or business opportunities or  
19 real property of others or interests therein, including  
20 mineral rights, or who takes any part in the procuring of  
21 sellers, purchasers, lessors, or lessees of business  
22 enterprises or business opportunities or the real property of  
23 another, or leases, or interest therein, including mineral  
24 rights, or who directs or assists in the procuring of  
25 prospects or in the negotiation or closing of any transaction  
26 which does, or is calculated to, result in a sale, exchange,  
27 or leasing thereof, and who receives, expects, or is promised  
28 any compensation or valuable consideration, directly or  
29 indirectly therefor; and all persons who advertise rental  
30 property information or lists. A broker renders a  
31 professional service and is a professional within the meaning

1 of s. 95.11(4)(a). Where the term "appraise" or "appraising"  
2 appears in the definition of the term "broker," it  
3 specifically excludes those appraisal services which must be  
4 performed only by a state-licensed or state-certified  
5 appraiser, and those appraisal services which may be performed  
6 by a registered appraiser as defined in part II. The term  
7 "broker" also includes any person who is a general partner,  
8 officer, or director of a partnership or corporation which  
9 acts as a broker. The term "broker" also includes any person  
10 or entity who undertakes to list or sell one or more timeshare  
11 periods per year in one or more timeshare plans on behalf of  
12 any number of persons, except as provided in ss. 475.011 and  
13 721.20.

14 ~~(d) "Salesperson" means a person who performs any act~~  
15 ~~specified in the definition of "broker," but who performs such~~  
16 ~~act under the direction, control, or management of another~~  
17 ~~person. A salesperson renders a professional service and is a~~  
18 ~~professional within the meaning of s. 95.11(4)(a).~~

19 (b)(e) "Broker-salesperson" means a person who is  
20 qualified to be issued a license as a broker but who operates  
21 as a salesperson in the employ of another.

22 (c) "Commission" means the Florida Real Estate  
23 Commission.

24 (d) "Customer" means a member of the public who is or  
25 may be a buyer or seller of real property and may or may not  
26 be represented by a real estate licensee in an authorized  
27 brokerage relationship.

28 (e) "Department" means the Department of Business and  
29 Professional Regulation.

30 (f) "Fiduciary" means a broker in a relationship of  
31 trust and confidence between that broker as agent and the

1 seller or buyer as principal. The duties of the broker as a  
2 fiduciary are loyalty, confidentiality, obedience, full  
3 disclosure, and accounting and the duty to use skill, care,  
4 and diligence.

5 (g) "First contact" means at the commencement of the  
6 initial meeting of or communication between a licensee and a  
7 seller or buyer; however, the term does not include:

8 1. A bona fide "open house" or model home showing that  
9 does not involve eliciting confidential information, the  
10 execution of a contractual offer or an agreement for  
11 representation, or negotiations concerning price, terms, or  
12 conditions of a potential sale;

13 2. Unanticipated casual encounters between a licensee  
14 and a seller or buyer that do not involve eliciting  
15 confidential information, the execution of a contractual offer  
16 or an agreement for representation, or negotiations concerning  
17 price, terms, or conditions of a potential sale;

18 3. Responding to general factual questions from a  
19 prospective buyer or seller concerning properties that have  
20 been advertised for sale; or

21 4. Situations in which a licensee's communications  
22 with a customer are limited to providing general factual  
23 information, oral or written, about the qualifications,  
24 background, and services of the licensee or the licensee's  
25 brokerage firm.

26  
27 In any of the situations described in subparagraphs 1.-4.,  
28 "first contact" occurs when the communications between the  
29 licensee and the prospective seller or buyer proceed in any  
30 way beyond the conditions or limitations described in  
31 subparagraphs 1.-4.

1           (h) "Involuntarily inactive status" means the  
2 licensure status that results when a license is not renewed at  
3 the end of the license period prescribed by the department.

4           (i) "Principal" means the party with whom a real  
5 estate licensee has entered into a single agent relationship.

6           (j)(f) "Real property" or "real estate" means any  
7 interest or estate in land and any interest in business  
8 enterprises or business opportunities, including any  
9 assignment, leasehold, subleasehold, or mineral right;  
10 however, the term does not include any cemetery lot or right  
11 of burial in any cemetery; nor does the term include the  
12 renting of a mobile home lot or recreational vehicle lot in a  
13 mobile home park or travel park.

14           (k) "Salesperson" means a person who performs any act  
15 specified in the definition of "broker," but who performs such  
16 act under the direction, control, or management of another  
17 person. A salesperson renders a professional service and is a  
18 professional within the meaning of s. 95.11(4)(a).

19           (l) "Single agent" means a broker who represents, as a  
20 fiduciary, either the buyer or seller but not both in the same  
21 transaction.

22           ~~(g) "Involuntarily inactive status" means the~~  
23 ~~licensure status which results when a license is not renewed~~  
24 ~~at the end of the license period prescribed by the department.~~

25           ~~(h) "Voluntarily inactive status" means the licensure~~  
26 ~~status which results when a licensee has applied to the~~  
27 ~~department to be placed on inactive status and has paid the~~  
28 ~~fee prescribed by rule.~~

29           ~~(i) "Fiduciary" means a broker in a relationship of~~  
30 ~~trust and confidence between that broker as agent and the~~  
31 ~~seller or buyer as principal. The duties of the broker as a~~

1 fiduciary are loyalty, confidentiality, obedience, full  
2 disclosure, and accounting and the duty to use skill, care,  
3 and diligence.

4 ~~(j) "Disclosed dual agent" means a broker who works as~~  
5 ~~an agent for both the buyer and seller. The broker must obtain~~  
6 ~~the informed consent in writing of all parties to the~~  
7 ~~transaction to be a disclosed dual agent. The disclosed dual~~  
8 ~~agent has all the duties of a fiduciary except full disclosure~~  
9 ~~between the buyer and seller.~~

10 (m)(k) "Transaction broker" means a broker who  
11 provides limited representation to a buyer, a seller, or both,  
12 in a real estate transaction, but does not represent either in  
13 a fiduciary capacity or as a single agent. ~~facilitates a~~  
14 ~~brokerage transaction between a buyer and a seller. The~~  
15 ~~transaction broker does not affirmatively represent either the~~  
16 ~~buyer or seller as an agent, and no fiduciary duties exist~~  
17 ~~except for the duty of accounting and the duty to use skill,~~  
18 ~~care, and diligence. However, the transaction broker shall~~  
19 ~~treat the buyer and seller with honesty and fairness and shall~~  
20 ~~disclose all known facts materially affecting the value of the~~  
21 ~~property in residential transactions to both the buyer and~~  
22 ~~seller. The broker's role as a transaction broker must be~~  
23 ~~fully disclosed in writing to the buyer and seller.~~

24 (n) "Voluntarily inactive status" means the licensure  
25 status that results when a licensee has applied to the  
26 department to be placed on inactive status and has paid the  
27 fee prescribed by rule.

28 ~~(l) "Single agent" means a broker who represents, as a~~  
29 ~~fiduciary, either the buyer or seller but not both in the same~~  
30 ~~transaction.~~

31

1           ~~(m) "Buyer" means a transferee or lessee in a real~~  
2 ~~property transaction and includes a person who executes an~~  
3 ~~offer to purchase or lease real property from a seller.~~

4           ~~(n) "Seller" means the transferor or lessor in a real~~  
5 ~~property transaction and includes an owner who lists real~~  
6 ~~property for sale or lease with a broker, whether or not a~~  
7 ~~purchase agreement or lease results, or who receives an offer~~  
8 ~~to purchase or lease real property.~~

9           Section 2. Paragraphs (h) and (q) of subsection (1) of  
10 section 475.25, Florida Statutes, are amended to read:

11           475.25 Discipline.--

12           (1) The commission may deny an application for  
13 licensure, registration, or permit, or renewal thereof; may  
14 place a licensee, registrant, or permittee on probation; may  
15 suspend a license, registration, or permit for a period not  
16 exceeding 10 years; may revoke a license, registration, or  
17 permit; may impose an administrative fine not to exceed \$1,000  
18 for each count or separate offense; and may issue a reprimand,  
19 and any or all of the foregoing, if it finds that the  
20 licensee, registrant, permittee, or applicant:

21           (h) Has shared a commission with, or paid a fee or  
22 other compensation to, a person not properly licensed as a  
23 broker, broker-salesperson, or salesperson under the laws of  
24 this state, for the referral of real estate business, clients,  
25 prospects, or customers, or for any one or more of the  
26 services set forth in s. 475.01(1)(a)~~s. 475.01(1)(c)~~. For  
27 the purposes of this section, it is immaterial that the person  
28 to whom such payment or compensation is given made the  
29 referral or performed the service from within this state or  
30 elsewhere; however, a licensed broker of this state may pay a  
31 referral fee or share a real estate brokerage commission with

1 a broker licensed or registered under the laws of a foreign  
2 state so long as the foreign broker does not violate any law  
3 of this state.

4 (q) Has violated any provision of s. 475.276 or s.  
5 475.278, including the duties owed under those sections.

6 ~~1. Has failed in a single agency to give written~~  
7 ~~notice to all parties to a sale, exchange, purchase, or lease~~  
8 ~~of real property or any interest in real property, revealing~~  
9 ~~the party or parties for whom the licensee is an agent.~~  
10 ~~Disclosure to the party for whom the licensee is an agent must~~  
11 ~~be made at or before the time an agreement for representation~~  
12 ~~is entered into. Disclosure to the party for whom the licensee~~  
13 ~~is not an agent must be made at the time of the first~~  
14 ~~substantive contact.~~

15 ~~2. Has failed in a dual agency to obtain the informed~~  
16 ~~written consent of all parties to a sale, exchange, purchase,~~  
17 ~~or lease of real property or any interest in real property~~  
18 ~~that the licensee intends to operate as a disclosed dual~~  
19 ~~agent. Unless all parties to the transaction grant their~~  
20 ~~written informed consent prior to or at the time of~~  
21 ~~formalization of the dual agency by the licensee, the licensee~~  
22 ~~shall be deemed to be an undisclosed dual agent. The licensee~~  
23 ~~must inform all parties that the licensee is acting as agent~~  
24 ~~for all parties and of the effect of dual agency, including,~~  
25 ~~but not limited to, the fact that, by consenting to the dual~~  
26 ~~agency relationship, the parties are giving up their rights to~~  
27 ~~the undivided loyalty of the licensee, as required by the~~  
28 ~~rules of the commission. When single agency exists, the~~  
29 ~~licensee may change to a disclosed dual agent by making full~~  
30 ~~written disclosure to and obtaining the informed written~~

31

1 ~~consent of all the parties. A disclosed dual agent may not~~  
2 ~~disclose among other items:~~  
3       ~~a. To the buyer that the seller will accept a price~~  
4 ~~less than the asking or listed price, unless otherwise~~  
5 ~~instructed in writing by the seller;~~  
6       ~~b. To the seller that the buyer will pay a price~~  
7 ~~greater than the price submitted in a written offer to the~~  
8 ~~seller, unless otherwise instructed in writing by the buyer;~~  
9       ~~c. The motivation of any party for selling, buying, or~~  
10 ~~leasing a property, unless otherwise instructed in writing by~~  
11 ~~the respective party; or~~  
12       ~~d. That a seller or buyer will agree to financing~~  
13 ~~terms other than those offered.~~  
14       ~~3. Has failed in a transaction brokerage capacity to~~  
15 ~~give written notice to all parties to a sale, exchange,~~  
16 ~~purchase, or lease of real property or an interest in real~~  
17 ~~property prior to or at the time of the licensee becoming a~~  
18 ~~transaction broker or first substantive contact, whichever~~  
19 ~~occurs first, of the licensee's role as a transaction broker.~~  
20 ~~Unless the buyer and seller are given written notice prior to~~  
21 ~~the licensee's acting in a transaction brokerage capacity, the~~  
22 ~~licensee is deemed to be an agent of either the buyer or~~  
23 ~~seller, or both. The licensee shall treat the buyer and seller~~  
24 ~~honestly and fairly and shall disclose all known facts~~  
25 ~~materially affecting the value of the property in residential~~  
26 ~~transactions to both the buyer and seller.~~  
27  
28 ~~For the purposes of this paragraph, the payment or promise of~~  
29 ~~payment of compensation to a licensee does not determine~~  
30 ~~whether an agency or transactional brokerage relationship has~~  
31 ~~been created between any licensee and a seller, landlord,~~

1 ~~buyer, or tenant. The commission shall implement this~~  
2 ~~paragraph by rule. For purposes of this paragraph, the~~  
3 ~~commission shall also define by rule forms for agency~~  
4 ~~disclosure. The forms provided for in this rule shall be~~  
5 ~~written in plain language and shall provide to the buyer or~~  
6 ~~seller or both, as appropriate, an explanation of the agency~~  
7 ~~relationships and shall offer the buyer or seller or both the~~  
8 ~~explicit right to choose or refuse among these agency~~  
9 ~~relationships.~~

10 Section 3. Sections 475.270, 475.272, 475.274,  
11 475.276, 475.278, and 475.280, Florida Statutes, are created  
12 to read:

13 475.270 Short title.--Sections 475.270-475.280 may be  
14 cited as the "Brokerage Relationship Disclosure Act."

15 475.272 Purpose.--In order to eliminate confusion and  
16 provide for a better understanding on the part of customers in  
17 real estate transactions, the Legislature finds that the  
18 intent of the Brokerage Relationship Disclosure Act is to  
19 provide that:

20 (1) Disclosed dual agency as an authorized form of  
21 representation by a real estate licensee in this state is  
22 expressly revoked;

23 (2) Real estate licensees be required to disclose to  
24 customers upon first contact in residential real estate  
25 transactions that they are not and will not be represented by  
26 a licensee in a real estate transaction unless they engage a  
27 real estate licensee in an authorized form of representation,  
28 either as a single agent or as a transaction broker;

29 (3) Disclosure requirements for real estate licensees  
30 relating to nonrepresentation and authorized forms of  
31 brokerage representation are established;

1       (4) Florida law provides that real estate licensees  
2 will operate as single agents or in a limited representative  
3 capacity known as transaction brokers;

4       (5) Single agents may represent either a buyer or a  
5 seller, but not both, in a real estate transaction; and

6       (6) Transaction brokers provide a limited form of  
7 nonfiduciary representation to a buyer, a seller, or both in a  
8 real estate transaction.

9       475.274 Scope of coverage.--The authorized brokerage  
10 relationships described in s. 475.278 apply in all brokerage  
11 activities as defined in s. 475.01(1)(a). The disclosure  
12 requirements of ss. 475.276 and 475.278 apply only to  
13 residential sales as defined in s. 475.276.

14       475.276 Notice of nonrepresentation.--

15       (1) APPLICABILITY.--

16       (a) Residential sales.--The real estate licensee  
17 disclosure requirements of this section and s. 475.278 apply  
18 to all residential sales. As used in this section, the term  
19 "residential sales" means the sale of improved residential  
20 property of four units or fewer, the sale of unimproved  
21 residential property intended for use of four units or less,  
22 or the sale of agricultural property of 10 acres or less.

23       (b) Disclosure limitations.--The real estate licensee  
24 disclosure requirements of this section and s. 475.278 do not  
25 apply to: nonresidential transactions; the rental or leasing  
26 of real property, unless an option to purchase all or a  
27 portion of the property improved with four or less residential  
28 units is given; auctions; appraisals; and dispositions of any  
29 interest in business enterprises or business opportunities,  
30 except for property with four or less residential units.

31



1 advised not to disclose any information you want to be held in  
2 confidence until you make a decision on representation.  
3 Your signature below acknowledges receipt of this form and  
4 does not establish a brokerage relationship.

5  
6 ..... .....  
7 Date (Signature Optional)

8  
9 .....  
10 (Signature Optional)

11 (b) Required format.--The notice required under  
12 subsection (2) must be printed as a separate and distinct form  
13 on paper no smaller than 8 1/2 inches by 11 inches. Nothing  
14 may be added to the form except a brokerage firm logo  
15 containing only the firm name, address, and relevant phone  
16 numbers. The form title and first sentence are to be in bold  
17 typeface of no less than 16-point type. The remainder of the  
18 form must be of 12-point type or larger.

19 475.278 Authorized brokerage relationships; required  
20 disclosures.--

21 (1) AUTHORIZED BROKERAGE RELATIONSHIPS.--A real estate  
22 licensee in this state may enter into a brokerage relationship  
23 as either a single agent or as a transaction broker with  
24 potential buyers and sellers. A real estate licensee may not  
25 operate as a disclosed or nondisclosed dual agent. As used in  
26 this section, the term "dual agent" means a broker who  
27 represents as a fiduciary both the prospective buyer and the  
28 prospective seller in a real estate transaction. Once a  
29 brokerage relationship is established, this part does not  
30 prevent a licensee from changing from one brokerage  
31 relationship to the other as long as the buyer or the seller,

1 or both, gives consent as required by subparagraph (3)(c)2.  
2 before the change and the appropriate disclosure of duties as  
3 provided in this part is made to the buyer or seller. This  
4 part does not require a customer to enter into a brokerage  
5 relationship with any real estate licensee.  
6 (2) TRANSACTION BROKER RELATIONSHIP.--  
7 (a) Transaction broker; duties of limited  
8 representation.--A transaction broker provides a limited form  
9 of representation to a buyer, a seller, or both in a real  
10 estate transaction but does not represent either in a  
11 fiduciary capacity or as a single agent. The duties of the  
12 real estate licensee in this limited form of representation  
13 include the following:  
14 1. Dealing honestly and fairly;  
15 2. Accounting for all funds;  
16 3. Using skill, care, and diligence in the  
17 transaction;  
18 4. Disclosing all known facts that materially affect  
19 the value of real property and are not readily observable to  
20 the buyer;  
21 5. Presenting all offers and counteroffers in a timely  
22 manner;  
23 6. Limited confidentiality, unless waived in writing  
24 by a party. This limited confidentiality will prevent  
25 disclosure that the seller will accept a price less than the  
26 asking or listed price, that the buyer will pay a price  
27 greater than the price submitted in a written offer, of the  
28 motivation of any party for selling or buying property, that a  
29 seller or buyer will agree to financing terms other than those  
30 offered, or of any other information requested by a party to  
31 remain confidential; and

1           7. Any additional duties that are mutually agreed to  
2 with a party.  
3           (b) Disclosure requirements.--Duties of a transaction  
4 broker must be fully described and disclosed in writing to a  
5 buyer or seller either as a separate and distinct disclosure  
6 document or included as part of another document such as a  
7 listing agreement or agreement for representation. The  
8 disclosure must be made before, or at the time of, entering  
9 into a listing agreement or an agreement for representation.  
10 When incorporated into other documents the required notice  
11 must be of the same size type, or larger, as other provisions  
12 of the document and must be conspicuous in its placement so as  
13 to advise customers of the duties of limited representation,  
14 except that the first sentence of the information identified  
15 in paragraph (c) must be printed in uppercase and bold type.  
16           (c) Contents of disclosure.--The required notice given  
17 under paragraph (b) must include the following information in  
18 the following form:  
19  
20 FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES OPERATING AS  
21 TRANSACTION BROKERS DISCLOSE TO BUYERS AND SELLERS THEIR ROLE  
22 AND DUTIES IN PROVIDING A LIMITED FORM OF REPRESENTATION.  
23  
24 As a transaction broker, ..... (insert name of Real  
25 Estate Firm and its Associates), provides to you a limited  
26 form of representation that includes the following duties:  
27           1. Dealing honestly and fairly;  
28           2. Accounting for all funds;  
29           3. Using skill, care, and diligence in the  
30 transaction;  
31

- 1           4. Disclosing all known facts that materially affect
- 2 the value of real property and are not readily observable to
- 3 the buyer;
- 4           5. Presenting all offers and counteroffers in a timely
- 5 manner;
- 6           6. Limited confidentiality, unless waived in writing
- 7 by a party. This limited confidentiality will prevent
- 8 disclosure that the seller will accept a price less than the
- 9 asking or listed price, that the buyer will pay a price
- 10 greater than the price submitted in a written offer, of the
- 11 motivation of any party for selling or buying property, that a
- 12 seller or buyer will agree to financing terms other than those
- 13 offered, or of any other information requested by a party to
- 14 remain confidential; and
- 15           7. Any additional duties that are entered into by this
- 16 or by separate written agreement.

17

18 Limited representation means that a buyer or seller is not

19 responsible for the acts of the licensee. Additionally,

20 parties are giving up their rights to the undivided loyalty of

21 the licensee. This aspect of limited representation allows a

22 licensee to facilitate a real estate transaction by assisting

23 both the buyer and the seller, but a licensee will not work to

24 represent one party to the detriment of the other party.

25

26 .....  
.....

27 Date

.....  
Signature

28

29

.....

Signature

30

31

- 1           (3) SINGLE AGENT RELATIONSHIP.--  
2           (a) Single agent; duties.--The duties of a real estate  
3 licensee owed to a buyer or seller who engages the real estate  
4 licensee as a single agent include the following:  
5           1. Dealing honestly and fairly;  
6           2. Loyalty;  
7           3. Confidentiality;  
8           4. Obedience;  
9           5. Full disclosure;  
10          6. Accounting for all funds;  
11          7. Skill, care, and diligence in the transaction; and  
12          8. Presenting all offers and counteroffers in a timely  
13 manner.  
14          (b) Disclosure requirements.--  
15          1. Single agent disclosure.--Duties of a single agent  
16 must be fully described and disclosed in writing to a buyer or  
17 seller either as a separate and distinct disclosure document  
18 or included as part of another document such as a listing  
19 agreement or other agreement for representation. The  
20 disclosure must be made before, or at the time of, entering  
21 into a listing agreement or an agreement for representation.  
22 When incorporated into other documents the required notice  
23 must be of the same size type, or larger, as other provisions  
24 of the document and must be conspicuous in its placement so as  
25 to advise customers of the duties of a single agent, except  
26 that the first sentence of the information identified in  
27 paragraph (c) must be printed in uppercase and bold type.  
28          2. Transition to transaction broker disclosure.--A  
29 single agent relationship may be changed to a transaction  
30 broker relationship at any time during the relationship  
31 between an agent and principal, provided the agent gives the

1 disclosure required under paragraph (2)(b) and the principal  
2 gives to the agent consent as required under subparagraph  
3 (c)2. before a change in relationship. This disclosure must be  
4 in writing to the principal either as a separate and distinct  
5 document or included as part of other documents such as a  
6 listing agreement or other agreements for representation. When  
7 incorporated into other documents the required notice must be  
8 of the same size type, or larger, as other provisions of the  
9 document and must be conspicuous in its placement so as to  
10 advise customers of the duties of limited representation,  
11 except that the first sentence of the information identified  
12 in subparagraph (c)2. must be printed in uppercase and bold  
13 type.

14 (c) Contents of disclosure.--

15 1. Single agent duties disclosure.--The notice  
16 required under subparagraph (b)1. must include the following  
17 information in the following form:

18

19 FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES OPERATING AS  
20 SINGLE AGENTS DISCLOSE TO BUYERS AND SELLERS THEIR DUTIES.

21

22 As a single agent, ..... (insert name of  
23 Real Estate Entity and its Associates) owe to you the  
24 following duties:

25

1. Dealing honestly and fairly;

26

2. Loyalty;

27

3. Confidentiality;

28

4. Obedience;

29

5. Full disclosure;

30

6. Accounting for all funds;

31

7. Skill, care, and diligence in the transaction; and



1           475.280 Rules.--The commission may adopt rules  
2 establishing disciplinary guidelines, notices of  
3 noncompliance, and citations for violations of ss. 475.276 and  
4 475.278.

5           Section 4. Section 475.5015, Florida Statutes, is  
6 amended to read:

7           475.5015 Brokerage business records.--Each broker  
8 shall keep and make available to the department such books,  
9 accounts, and records as will enable the department to  
10 determine whether such broker is in compliance with the  
11 provisions of this chapter. Each broker shall preserve at  
12 least one legible copy of all books, accounts, and records  
13 pertaining to his real estate brokerage business for at least  
14 5 years from the date of receipt of any money, fund, deposit,  
15 check, or draft entrusted to the broker or, in the event no  
16 funds are entrusted to the broker, for at least 5 years from  
17 the date of execution by any party of any listing agreement,  
18 offer to purchase, rental property management agreement,  
19 rental or lease agreement, or any other written or verbal  
20 agreement which engages the services of the broker. If any  
21 brokerage record has been the subject of or has served as  
22 evidence for litigation, relevant books, accounts, and records  
23 must be retained for at least 2 years after the conclusion of  
24 the civil action or the conclusion of any appellate  
25 proceeding, whichever is later, but in no case less than a  
26 total of 5 years as set above. Disclosure documents required  
27 under ss. 475.276 and 475.278 shall be retained by the real  
28 estate licensee in all transactions that result in a written  
29 contract to purchase and sell real property.

30           Section 5. Subsection (7) of section 468.383, Florida  
31 Statutes, is amended to read:

1           468.383 Exemptions.--This act does not apply to the  
2 following:  
3           (7) Auctions conducted as a part of the sale of real  
4 property by a real estate broker, as defined in s.  
5 475.01(1)(a)~~s. 475.01(1)(c)~~.  
6           Section 6. This act shall take effect October 1, 1997.  
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