

Bill No. CS for SB 340

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Clary moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 52, between lines 25 and 26,		
15			
16	insert:		
17	Section 41. Section 475.276, Florida Statutes, is		
18	amended to read:		
19	475.276 Notice of nonrepresentation.--		
20	(1) APPLICABILITY.--		
21	(a) Residential sales.--The real estate licensee		
22	disclosure requirements of this section and s. 475.278 apply		
23	to all residential sales. As used in this section, the term		
24	"residential sales" means the sale of improved residential		
25	property of four units or fewer, the sale of unimproved		
26	residential property intended for use of four units or fewer,		
27	or the sale of agricultural property of 10 acres or fewer.		
28	(b) Disclosure limitations.--The real estate licensee		
29	disclosure requirements of this section and s. 475.278 do not		
30	apply to: nonresidential transactions; the rental or leasing		
31	of real property, unless an option to purchase all or a		

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1 portion of the property improved with four or fewer
2 residential units is given; auctions; appraisals; and
3 dispositions of any interest in business enterprises or
4 business opportunities, except for property with four or fewer
5 residential units.

6 (2) NOTICE REQUIREMENT.--Unless otherwise exempted by
7 this part, all real estate licensees are required to provide
8 to any potential seller or buyer at first contact the notice
9 of nonrepresentation as outlined in subsection (3), except in
10 situations where:

11 (a) A licensee knows that the potential seller or
12 buyer is represented by a single agent or a transaction
13 broker; or

14 (b) An owner is selling new residential units built by
15 the owner, and the circumstances or setting of the first
16 contact should reasonably inform the potential buyer that the
17 owner's employee or single agent is acting on behalf of the
18 owner, whether by the location of the sales office, by office
19 signage, placards, or identification badges worn by the
20 owner's employee or single agent.

21
22 If first contact between a licensee and a customer occurs
23 during the course of a telephone conversation or any other
24 communication in which the licensee is unable to provide the
25 required notice of nonrepresentation, the licensee shall
26 provide an oral notice and thereafter provide the required
27 notice of nonrepresentation at the time of the first
28 face-to-face contact, execution of a brokerage relationship
29 agreement, or execution of a contractual agreement for
30 purchase and sale, whichever occurs first.

31 (3) CONTENTS OF NOTICE.--

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1 (a) Required information.--The notice required under
2 subsection (2) must contain the following information:

3
4 NOTICE OF NONREPRESENTATION

5
6 FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES PROVIDE THIS
7 NOTICE AT FIRST CONTACT TO ALL POTENTIAL SELLERS AND BUYERS OF
8 REAL ESTATE.

9
10 You are hereby notified that (insert name of
11 brokerage firm) and I do not represent you in any capacity.
12 You should not assume that any real estate broker or
13 salesperson represents you unless you agree to engage a real
14 estate licensee in an authorized brokerage relationship,
15 either as a single agent or as a transaction broker. You are
16 advised not to disclose any information you want to be held in
17 confidence until you make a decision on representation. Your
18 signature below acknowledges receipt of this form and does not
19 establish a brokerage relationship.

20
21
22
23 Date (Signature Optional)

24
25
26
27 (Signature Optional)

28 (b) Required format.--The notice required under
29 subsection (2) must be printed as a separate and distinct form
30 on paper no smaller than 8 1/2 inches by 11 inches. Nothing
31 may be added to the form except a brokerage firm logo

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1 containing only the firm name, address, and relevant phone
2 numbers. The form title and first sentence are to be in bold
3 typeface of no less than 16-point type. The remainder of the
4 form must be of 12-point type or larger.

5

6 (Redesignate subsequent sections.)

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9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 On page 3, line 30, after the semicolon

12

13 insert:

14 amending s. 475.276, F.S.; providing an
15 exception to requirement; that real estate
16 licensees provide a notice of
17 nonrepresentation;

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