

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Ogles offered the following:

Amendment (with title amendment)

12 On page 35, line 9 through page 36 line 10
13 remove from the bill: all of said lines

14 and insert in lieu thereof:

15 Section 19. Section 475.276, Florida Statutes, is
16 amended to read:

17 475.276 Notice of nonrepresentation.--

18 (1) APPLICABILITY.--

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

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

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

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

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

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

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1 (3) CONTENTS OF NOTICE.--

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

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5 NOTICE OF NONREPRESENTATION

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

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

21

22

23

24 Date
(Signature Optional)

25

26

27

28
(Signature Optional)

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

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

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

9 And the title is amended as follows:

10 On page 2, lines 30-31
11 remove from the title of the bill: all of said lines
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13 and insert in lieu thereof:

14 475.276, F.S; providing an exception to
15 requirement that real estate licensees provide
16 a notice of nonrepresentation; creating s.
17 481.222, F.S.; allowing

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