

By Senator Campbell

32-1115-04

See HB 577

1 A bill to be entitled
 2 An act relating to real estate brokers,
 3 salespersons, and schools; amending s. 475.011,
 4 F.S., relating to exemptions from applicability
 5 of pt. I, ch. 475, F.S.; revising an exemption
 6 to authorize payment of certain finder's fees
 7 or referral fees to unlicensed persons who are
 8 tenants in apartment communities; providing an
 9 exemption to authorize certain compensation of
 10 certified leasing professionals who are onsite
 11 employees at apartment communities; providing
 12 supervision and certification requirements;
 13 providing penalties; providing an effective
 14 date.

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 16 Be It Enacted by the Legislature of the State of Florida:

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 18 Section 1. Subsection (13) of section 475.011, Florida
 19 Statutes, is amended to read:

20 475.011 Exemptions.--This part does not apply to:
 21 (13)(a) Any property management firm or any owner of
 22 an apartment community ~~complex~~ for the act of paying a
 23 finder's fee or referral fee to an unlicensed person who is a
 24 tenant in such apartment community, ~~complex~~ provided the value
 25 of the fee does not exceed \$50 per transaction. Nothing in
 26 this paragraph ~~subsection~~ authorizes an unlicensed person to
 27 advertise or otherwise promote the person's services in
 28 procuring or assisting in procuring prospective lessees or
 29 tenants of apartment units. For purposes of this paragraph
 30 ~~subsection~~, "finder's fee" or "referral fee" means a fee paid,
 31 credit towards rent, or some other thing of value provided to

1 a person for introducing or arranging an introduction between
2 parties to a transaction involving the rental or lease of an
3 apartment unit.

4 (b) Any owner or manager of an apartment community for
5 the act of paying compensation to an onsite employee for
6 leasing or renting apartments, provided the value of the
7 compensation does not exceed \$100 per transaction and the
8 employee is a certified leasing professional who is supervised
9 by a Florida-licensed broker or employed and supervised
10 directly by the property owner. For purposes of this
11 paragraph, a "certified leasing professional" is a person who
12 successfully completes a nationally recognized educational and
13 certification program for leasing professionals. The
14 educational courses necessary to achieve certification shall
15 be administered by a local affiliate of a national
16 not-for-profit association that has been providing specialized
17 education for multihousing leasing professionals for at least
18 10 consecutive years or by a school holding a permit pursuant
19 to s. 475.451. The program must include the study of
20 compliance with the federal Civil Rights Act, Fair Housing
21 Act, Americans With Disabilities Act, Equal Credit Opportunity
22 Act, and Fair Credit Reporting Act, federal rental policies
23 and procedures, and chapter 83, Florida's landlord-tenant law.
24 The program must be at least 30 hours in length and require
25 annual continuing education. A property management firm or
26 owner must maintain evidence of certification of any employee
27 who is paid compensation in accordance with this paragraph on
28 the property at which the employee is leasing or renting
29 apartments.

1 It is a violation of s. 455.228, with respect to an unlicensed
2 person or entity, and punishable thereunder, or of s.
3 475.25(1)(h), with respect to a licensee, permittee, or
4 registrant, and punishable under s. 475.42, for a property
5 management firm or any owner of an apartment community complex
6 to pay a finder's fee, ~~or~~ a referral fee, or compensation
7 based on any lease or rental transaction subject to this
8 chapter to an unlicensed person or entity unless expressly
9 authorized by this subsection.

10 Section 2. This act shall take effect upon becoming a
11 law.

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