

HB 0577

2004

A bill to be entitled

An act relating to real estate brokers, salespersons, and schools; amending s. 475.011, F.S., relating to exemptions from applicability of pt. I, ch. 475; revising an exemption to authorize payment of certain finder's fees or referral fees to unlicensed persons who are tenants in apartment communities; providing an exemption to authorize certain compensation of certified leasing professionals who are onsite employees at apartment communities; providing supervision and certification requirements; providing penalties; providing an effective date.

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

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

475.011 Exemptions.--This part does not apply to:

(13)(a) Any property management firm or any owner of an apartment community ~~complex~~ for the act of paying a finder's fee or referral fee to an unlicensed person who is a tenant in such apartment community, ~~complex~~ provided the value of the fee does not exceed \$50 per transaction. Nothing in this paragraph ~~subsection~~ authorizes an unlicensed person to advertise or otherwise promote the person's services in procuring or assisting in procuring prospective lessees or tenants of apartment units. For purposes of this paragraph ~~subsection~~, "finder's fee" or "referral fee" means a fee paid, credit towards rent, or some other thing of value provided to a person for introducing or arranging an introduction between parties to

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30 a transaction involving the rental or lease of an apartment
31 unit.

32 (b) Any owner or manager of an apartment community for the
33 act of paying compensation to an onsite employee for leasing or
34 renting apartments, provided the value of the compensation does
35 not exceed \$100 per transaction and the employee is a certified
36 leasing professional who is supervised by a Florida-licensed
37 broker or employed and supervised directly by the property
38 owner. For purposes of this paragraph, a "certified leasing
39 professional" is a person who successfully completes a
40 nationally recognized educational and certification program for
41 leasing professionals. The educational courses necessary to
42 achieve certification shall be administered by a local affiliate
43 of a national not-for-profit association that has been providing
44 specialized education for multihousing leasing professionals for
45 at least 10 consecutive years or by a school holding a permit
46 pursuant to s. 475.451. The program must include the study of
47 compliance with the federal Civil Rights Act, Fair Housing Act,
48 Americans With Disabilities Act, Equal Credit Opportunity Act,
49 and Fair Credit Reporting Act, federal rental policies and
50 procedures, and chapter 83, Florida's landlord-tenant law. The
51 program must be at least 30 hours in length and require annual
52 continuing education. A property management firm or owner must
53 maintain evidence of certification of any employee who is paid
54 compensation in accordance with this paragraph on the property
55 at which the employee is leasing or renting apartments.

56
57 It is a violation of s. 455.228, with respect to an unlicensed
58 person or entity, and punishable thereunder, or of s.

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59 475.25(1)(h), with respect to a licensee, permittee, or
60 registrant, and punishable under s. 475.42, for a property
61 management firm or any owner of an apartment community complex
62 to pay a finder's fee, ~~or~~ a referral fee, or compensation based
63 on any lease or rental transaction subject to this chapter to an
64 unlicensed person or entity unless expressly authorized by this
65 subsection.

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