



559776

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2023	.	
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The Committee on Commerce and Tourism (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 475.279, Florida Statutes, is created to  
read:

475.279 Residential loan alternative agreements for the  
disposition of residential real property.-

(1) As used in this section, the term:

(a) "Disposition" means a transfer or voluntary conveyance



559776

11 of the title or other ownership interest in residential real  
12 property.

13 (b) "Residential loan alternative agreement" means a signed  
14 writing between a person and a seller or owner of residential  
15 real property which:

16 1. Grants an exclusive right to a person to act as a broker  
17 for the disposition of the property;

18 2. Has an effective duration, inclusive of renewals, of  
19 more than 2 years; and

20 3. Requires the person to pay monetary compensation to the  
21 seller or owner.

22 (c) "Residential real property" means improved residential  
23 real property of four units or fewer or unimproved residential  
24 real property intended for four units or fewer.

25 (2) A residential loan alternative agreement may not  
26 authorize a person to place a lien or otherwise encumber any  
27 residential real property. A residential loan alternative  
28 agreement may not constitute a lien, an encumbrance, or a  
29 security interest in the residential real property. A court may  
30 not enforce a residential loan alternative agreement by a lien  
31 or constructive trust in the residential real property or upon  
32 the proceeds of the disposition of the residential real  
33 property.

34 (3) A residential loan alternative agreement may not be  
35 assigned.

36 (4) A residential loan alternative agreement is void if  
37 listing services do not begin within 90 days after the execution  
38 of the agreement by both parties.

39 (5) As a matter of public policy, a residential loan



559776

40 alternative agreement that does not meet the requirements of  
41 this section is unenforceable in law or equity. In addition, a  
42 residential loan alternative agreement may not be recorded by  
43 the clerk of the circuit court.

44 (6) A violation of this section is deemed an unfair or  
45 deceptive trade practice within the meaning of part II of  
46 chapter 501, and a person who violates this section is subject  
47 to the penalties and remedies provided therein.

48 Section 2. This act shall take effect July 1, 2023.

49  
50 ===== T I T L E A M E N D M E N T =====

51 And the title is amended as follows:

52 Delete everything before the enacting clause  
53 and insert:

54 A bill to be entitled  
55 An act relating to residential loan alternative  
56 agreements; creating s. 475.279, F.S.; defining terms;  
57 specifying restrictions on residential loan  
58 alternative agreements for the disposition of  
59 residential real property; prohibiting a court from  
60 enforcing such agreements by certain means; providing  
61 that such agreements are void if listing services do  
62 not begin within a certain timeframe; providing  
63 construction; prohibiting the clerk of the circuit  
64 court from recording such agreements; providing that  
65 violations are unfair or deceptive trade practices;  
66 specifying penalties and remedies; providing an  
67 effective date.