

By Senator Bradley

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1 A bill to be entitled
2 An act relating to residential real estate listing
3 agreements; creating s. 475.279, F.S.; defining terms;
4 specifying a limitation on the term of an option to
5 enter into a listing agreement for the disposition of
6 residential real property; prohibiting a court from
7 enforcing an option to enter into a listing agreement
8 by certain means; requiring notice and a written
9 agreement of the residential property owner before a
10 broker may assign the option to enter into a listing
11 agreement to another broker; providing construction;
12 providing penalties for violations; providing an
13 effective date.

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

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

19 475.279 Option to enter into a listing agreement for the
20 disposition of residential real property.-

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

22 (a) "Disposition" means a transfer or voluntary conveyance
23 of the title or other ownership interest in residential real
24 estate.

25 (b) "Option to enter into a listing agreement" means a
26 signed writing wherein a broker pays valuable consideration to a
27 person granting the broker an exclusive right to enter into a
28 listing agreement with the person at a future date during the
29 term of the signed writing.

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30 (c) "Residential real property" means improved residential
31 property of four units or fewer or unimproved residential real
32 property intended for four units or fewer.

33 (2) An option to enter into a listing agreement for the
34 disposition of residential real property may not exceed a term
35 of 6 months.

36 (3) An option to enter into a listing agreement may not
37 constitute a lien, encumbrance, or security interest in the
38 residential real property. A court may not enforce an option to
39 enter into a listing agreement by a lien or constructive trust
40 in the residential real property or upon the proceeds of the
41 disposition of the residential real property.

42 (4) An option to enter into a listing agreement must
43 require notice and written agreement of the residential property
44 owner before the broker may assign the option to enter into a
45 listing agreement to another broker.

46 (5) As a matter of public policy, a listing agreement or an
47 option to enter into a listing agreement that does not meet the
48 requirements of this section is unenforceable in law or equity
49 and may not be recorded by the clerk of the circuit court.

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

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