

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.

14  
 15   Be It Enacted by the Legislature of the State of Florida:

16  
 17           Section 1.   Section 475.279, Florida Statutes, is created  
 18   to 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.

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  
47 an option to enter into a listing agreement that does not meet  
48 the requirements of this section is unenforceable in law or  
49 equity and may not be recorded by the clerk of the circuit  
50 court.

HB 861

2023

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

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