

1                   A bill to be entitled  
 2           An act relating to authorized brokerage relationships  
 3           and required disclosures; providing a short title;  
 4           amending s. 475.278, F.S.; revising the duties of a  
 5           transaction broker; revising the duties of such broker  
 6           when the broker is engaged as a single agent; revising  
 7           the content requirements for single agent notice and  
 8           consent to transition to a transaction broker;  
 9           providing an effective date.

10  
 11 Be It Enacted by the Legislature of the State of Florida:

12  
 13           **Section 1.** This act may be cited as the "Access to Fair  
 14 and Transparent Real Estate Listings Act."

15           **Section 2. Paragraphs (f) and (g) of subsection (2) of**  
 16 **section 475.278, Florida Statutes, are redesignated as**  
 17 **paragraphs (i) and (j), respectively, new paragraphs (f), (g),**  
 18 **and (h) are added to that subsection, and paragraphs (a) and (c)**  
 19 **of subsection (3) of that section are amended, to read:**

20           475.278 Authorized brokerage relationships; presumption of  
 21 transaction brokerage; required disclosures.—

22           (2) TRANSACTION BROKER RELATIONSHIP.—A transaction broker  
 23 provides a limited form of representation to a buyer, a seller,  
 24 or both in a real estate transaction but does not represent  
 25 either in a fiduciary capacity or as a single agent. The duties

26 | of the real estate licensee in this limited form of  
27 | representation include the following:

28 |       (f) Sharing information on the property and responding to  
29 | inquiries from any licensees representing prospective buyers;

30 |       (g) At the seller's or lessor's direction, making the  
31 | property available for showing to prospective buyers;

32 |       (h) Within 1 calendar day after the beginning date of the  
33 | term of any written listing agreement authorizing the licensee  
34 | to sell the client's property, publicly advertise or market the  
35 | listed property for sale in or on a publication, platform, or  
36 | website that is broadly accessible to the general public. A  
37 | seller may opt out of public advertising if he or she signs a  
38 | disclosure and opt-out form promulgated by the commission that  
39 | includes, but is not limited to:

40 |           1. Expressly requesting in writing that the seller's agent  
41 | withhold the listed property from all public marketing or  
42 | advertising and outlining the specific reasons for the request  
43 | in writing.

44 |           2. Acknowledging that:

45 |           a. Real estate licensees representing prospective buyers  
46 | may not be aware the seller's property is available for sale or  
47 | lease;

48 |           b. The client property will not be displayed on Internet  
49 | platforms or websites that are used by the general public to  
50 | search for property listings;

51 c. Real estate licensees and prospective buyers may not be  
 52 aware of the terms and conditions under which the seller is  
 53 offering the property for sale; and

54 d. The reduction in exposure of the listed property may  
 55 reduce the number of offers to purchase or lease the listed  
 56 property and negatively impact the seller's ability to sell the  
 57 listed property at terms favorable to the seller;

58 (3) SINGLE AGENT RELATIONSHIP.—

59 (a) Single agent; duties.—The duties of a real estate  
 60 licensee owed to a buyer or seller who engages the real estate  
 61 licensee as a single agent include the following:

- 62 1. Dealing honestly and fairly;
- 63 2. Loyalty;
- 64 3. Confidentiality;
- 65 4. Obedience;
- 66 5. Full disclosure;
- 67 6. Accounting for all funds;
- 68 7. Skill, care, and diligence in the transaction;
- 69 8. Presenting all offers and counteroffers in a timely  
 70 manner, unless a party has previously directed the licensee  
 71 otherwise in writing; ~~and~~

72 9. Sharing information on the property and responding to  
 73 inquiries from any licensees representing prospective buyers;

74 10. At the seller's or lessor's direction, making the  
 75 property available for showing to prospective buyers;

76        11. Within 1 calendar day after the beginning date of the  
77 term of any written listing agreement authorizing the licensee  
78 to sell the client's property, publicly advertise or market the  
79 listed property for sale in or on a publication, platform, or  
80 website that is broadly accessible to the general public. A  
81 seller may opt out of public advertising if he or she signs a  
82 disclosure and opt-out form promulgated by the commission that  
83 includes, but is not limited to:

84        a. Expressly requesting in writing that the seller's agent  
85 withhold the listed property from all public marketing or  
86 advertising and outlining the specific reasons for the request  
87 in writing.

88        b. Acknowledging that:

89        (I) Real estate licensees representing prospective buyers  
90 may not be aware the seller's property is available for sale or  
91 lease;

92        (II) The client property will not be displayed on Internet  
93 platforms or websites that are used by the general public to  
94 search for property listings;

95        (III) Real estate licensees and prospective buyers may not  
96 be aware of the terms and conditions under which the seller is  
97 offering the property for sale; and

98        (IV) The reduction in exposure of the listed property may  
99 reduce the number of offers to purchase or lease the listed  
100 property and negatively impact the seller's ability to sell the

101 listed property at terms favorable to the seller; and  
 102 12.9. Disclosing all known facts that materially affect  
 103 the value of residential real property and are not readily  
 104 observable.  
 105 (c) Contents of disclosure.—  
 106 1. Single agent duties disclosure.—The notice required  
 107 under subparagraph (b)1. must include the following information  
 108 in the following form:  
 109 SINGLE AGENT NOTICE  
 110 FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES OPERATING AS  
 111 SINGLE AGENTS DISCLOSE TO BUYERS AND SELLERS THEIR DUTIES.  
 112 As a single agent, ...(insert name of Real Estate Entity  
 113 and its Associates)... owe to you the following duties:  
 114 1. Dealing honestly and fairly;  
 115 2. Loyalty;  
 116 3. Confidentiality;  
 117 4. Obedience;  
 118 5. Full disclosure;  
 119 6. Accounting for all funds;  
 120 7. Skill, care, and diligence in the transaction;  
 121 8. Presenting all offers and counteroffers in a timely  
 122 manner, unless a party has previously directed the licensee  
 123 otherwise in writing; ~~and~~  
 124 9. Acting in good faith to publicly advertise a seller's  
 125 listing to prospective buyers on a platform or website

126 accessible to the public and licensees representing prospective  
127 buyers or tenants;

128 10. Sharing information on a listed property with all  
129 licensees representing prospective buyers or tenants and making  
130 the property available for showing to such buyers or tenants;  
131 and

132 ~~11.9.~~ Disclosing all known facts that materially affect  
133 the value of residential real property and are not readily  
134 observable.

135

.....

Date

.....

Signature

136

137 2. Transition disclosure.—To gain the principal's written  
138 consent to a change in relationship, a licensee must use the  
139 following disclosure:

140

CONSENT TO TRANSITION TO  
TRANSACTION BROKER

141

142 FLORIDA LAW ALLOWS REAL ESTATE LICENSEES WHO REPRESENT A BUYER  
143 OR SELLER AS A SINGLE AGENT TO CHANGE FROM A SINGLE AGENT  
144 RELATIONSHIP TO A TRANSACTION BROKERAGE RELATIONSHIP IN ORDER  
145 FOR THE LICENSEE TO ASSIST BOTH PARTIES IN A REAL ESTATE  
146 TRANSACTION BY PROVIDING A LIMITED FORM OF REPRESENTATION TO  
147 BOTH THE BUYER AND THE SELLER. THIS CHANGE IN RELATIONSHIP  
148 CANNOT OCCUR WITHOUT YOUR PRIOR WRITTEN CONSENT.

149 As a transaction broker, ...(insert name of Real Estate Firm and  
150 its Associates)..., provides to you a limited form of  
151 representation that includes the following duties:

152 1. Dealing honestly and fairly;  
153 2. Accounting for all funds;  
154 3. Using skill, care, and diligence in the transaction;  
155 4. Disclosing all known facts that materially affect the  
156 value of residential real property and are not readily  
157 observable to the buyer;

158 5. Presenting all offers and counteroffers in a timely  
159 manner, unless a party has previously directed the licensee  
160 otherwise in writing;

161 6. Acting in good faith to publicly advertise a seller's  
162 listing to prospective buyers on a platform or website  
163 accessible to the public and licensees representing prospective  
164 buyers or tenants;

165 7. Sharing information on a listed property with all  
166 licensees representing prospective buyers or tenants and making  
167 the property available for showing to such buyers or tenants;

168 ~~8.6.~~ Limited confidentiality, unless waived in writing by  
169 a party. This limited confidentiality will prevent disclosure  
170 that the seller will accept a price less than the asking or  
171 listed price, that the buyer will pay a price greater than the  
172 price submitted in a written offer, of the motivation of any  
173 party for selling or buying property, that a seller or buyer

174 will agree to financing terms other than those offered, or of  
 175 any other information requested by a party to remain  
 176 confidential; and

177 ~~9.7.~~ Any additional duties that are entered into by this  
 178 or by separate written agreement.

179 Limited representation means that a buyer or seller is not  
 180 responsible for the acts of the licensee. Additionally, parties  
 181 are giving up their rights to the undivided loyalty of the  
 182 licensee. This aspect of limited representation allows a  
 183 licensee to facilitate a real estate transaction by assisting  
 184 both the buyer and the seller, but a licensee will not work to  
 185 represent one party to the detriment of the other party when  
 186 acting as a transaction broker to both parties.

187 .....I agree that my agent may assume the role and  
 188 duties of a transaction broker. [must be initialed or signed]

189 **Section 3.** This act shall take effect July 1, 2025.