

Florida Statutes Chapter 475

Florida Department of Business & Professional Regulation: Division of Real Estate

“Real Estate Broker”

A Real Estate Broker is an individual or entity that performs the services of real estate on behalf of another person, for compensation or valuable consideration. Rents, or offers, attempts or agrees to ... negotiate the ... rental of... any real property... or who advertises or holds out to the public ... that she or he is engaged in the business of ... leasing, or renting ... real property ... or who takes any part in the procuring of ... lessors, or lessees...

“Real Estate”

The term real estate is defined in statute to include both interest in land or real property and business opportunities. The term “compensation” includes monetary compensation as well as valuable consideration, which includes benefits other than cash or tangible goods.

“Sales Associate”

Sales Associate means a person who performs any act specified in the definition of “Broker,” but who performs such act under the direction, control, or management of another person.

“Broker Associate”

Broker Associate means a person who is qualified to be issued a license as a broker but who operates as a sales associate in the employ of another.

Licensed Sales or Broker Associates in Lee County may not engage in short term rentals [any rental activity of less than six (6) months and one day]; outside of the direction, control, or management relationship with their Real Estate Qualifying Broker. The managing Qualifying Broker is responsible to register as a “dealer” with the Lee County Clerk of Court & Comptroller to collect and remit the Tourist Development Tax. Each Qualifying Broker has a responsibility to direct, control, or manage the business dealings of all licensed sales and broker associates that are operating associated with the Qualifying Broker’s license.

All short term rental activity must be handled through the Real Estate Company and Qualifying Broker.

FAQ

Q. Can a real estate “sales associate” or “broker associate” have a different address and phone number on his or her business cards other than the “qualifying broker” address of record?

A. Only if it indicates that it is an after-hours address and phone number and he or she also has the address and phone number of the brokerage location

Q: Is a “sales associate” or a “broker associate” permitted to open an office?

A: No. Sales associates and broker associates are neither required nor permitted to have real estate offices. Instead, sales professionals are required to be registered with, and to work out of, an office maintained and registered in the name of a broker. Section 475.22, Florida Statutes, requires each active broker to maintain an office and to register that office with the Florida Real Estate Commission.