

Office

Each active broker is required to maintain an office that consists of at least one enclosed room in a building of stationary construction (Section 475.22(1), F.S.).

A brokerage office may be in a residential location if that is not contrary to local zoning ordinances. It is the responsibility of the broker to learn the applicable zoning regulations (Rule 61J2-10.022).

As a result of federal case decisions affecting other state real estate commissions, the FREC now allows a Florida brokerage office to be located outside the State of Florida. Prior to registering such office or branch office, the broker must agree in writing to cooperate with any investigation by the DBPR, DRE, or FREC, including promptly supplying any requested documents and personally meeting with an investigator either in Florida or elsewhere as reasonably requested. If the DBPR or the DRE sends by certified mail to the broker's last known business address a notice or request to produce documents or to appear for an interview, and the broker fails to comply with that notice or request, then the broker is in violation of the license law and is subject to the penalties of Section 475.25, F.S. (Section 475.22(2), F.S.).

Branch Office

If a broker would like to conduct business at some location other than the registered principal office, the other location must be registered as a branch office. If, in the judgment of the FREC, the business conducted at a place other than the principal office is of such a nature that public interest requires registration of the branch office, the office must be registered as a branch office. If the name or advertising of a broker is displayed in a location other than the principal office in such a manner as to lead the public to reasonably believe that the other location is owned or operated by the broker, that location must be declared a branch office (Section 475.24, F.S., and Rule 61J2-10.023).

A temporary shelter in which no transactions are closed and no sales associates are permanently assigned is not deemed to be a branch office. In general, the permanence, use, and character of activities customarily conducted at a location determines whether it must be registered as a branch office (Rule 61J2-10.023(2)).

Sales associates must be registered from and work out of an office maintained and registered in the name of the broker or employer (Rule 61J2-10.022).

A fee is required for the registration of each branch office. If a broker closes a branch office and opens a new branch office at a different location, the registration may not be transferred. The new location must be registered and a fee is required. A broker may reopen the first branch office at the same location during the same license renewal period without paying an additional fee (Rule 61J2-10.023(3)).

Signs

Every broker is required to maintain a sign on or about the entrance of the principal office and each branch office. Signs must be positioned to be easily seen by any person about to enter the office. Each sign is required to be posted on either the exterior or the interior entrance area of the office (Section 475.22, F.S.).

Each office entrance sign must contain the name of the broker as registered with the FREC, as well as the trade name, if any. For a partnership or corporation, the sign must include the name of the firm or corporation or trade name of the firm or corporation, together with the name of at least one of the brokers.

In addition, each sign must at least display the words "Licensed Real Estate Broker" or "Lic. Real Estate Broker." (No other abbreviations are allowed.)

With the passage of the changes to Section 475.22, F.S., effective July 1, 2003, there is no longer a minimum size requirement for the letters in the sign. If the broker maintains a registered office in his or her residence, the office entrance sign is not required to be posted on the front door or outside the home. The sign may be posted on the exterior of the door to the actual office.

Advertising

Any time a real estate licensee advertises his or her services or a property for sale or lease, the advertisement must contain certain information and conform to a specific standard. Advertising includes yard signs, newspaper and magazine ads, mail outs, business cards, billboards, benches, Internet ads, or any other medium or vehicle by which services or property are displayed.

All advertising must include the licensed name **and phone number** of the brokerage firm as it is registered with the FREC. (Abbreviations are not allowed.) It must be displayed in such a manner that a reasonable person would know that he or she is dealing with a real estate licensee. No real estate advertisement placed or caused to be placed by a licensee shall be fraudulent, false, deceptive, or misleading (Section 475.25(1)(c), F.S., and Rule 61J2-10.025).

A licensee is not required to place his or her personal name in an ad. When the licensee's personal name appears in the advertisement, the licensee's last name must be the same as registered with the FREC. The licensee may use a nickname or initials for the first name and is not required to display the first and/or middle name as registered with the FREC (Rule 61J2-10.025(2)).

There is no requirement for a licensee to display his or her license number or the registration number of the brokerage firm. In addition, there is no requirement that the licensee display the license status. However, Article 12 of the National Association of REALTORS® Code of Ethics requires licensees to include their professional status (e.g., broker, appraiser, property manager, etc.) or status as Realtors®. The FREC does not regulate the use of telephone numbers in ads. Therefore, a licensee may use either office or personal telephone numbers without qualifying the number as such.

The FREC has established additional guidelines for Internet advertising. When advertising on the Internet, the brokerage firm name or trade name must be placed immediately adjacent to or immediately above or below the point-of-contact information. "Point-of-contact" refers to any means by which to contact the brokerage firm or individual licensee, including mailing address(es), physical street address(es), e-mail address(es), telephone number(s), or facsimile telephone number(s). All other advertising requirements apply to Internet ads as well (Rule 61J2-10.025(3)).

A licensee is not permitted to use an identification or designation of any association or organization unless the licensee is entitled to use such identification or designation (Rule 61J2-10.027).

Effective October 1, 2002, Rule 61J2-10.035, which regulated sold signs, was repealed. Therefore, there is no longer a requirement under the license law that the seller's consent be given prior to placing a sold sign on the property. If you are a member of a professional trade association, be aware of the association's code of ethics or code of conduct that may still prohibit the activity as a member of the trade association.

Finally, Section 365.1657, F.S., makes it unlawful for any person to send unsolicited advertising material via a facsimile machine for the sale of any real property, goods, or services. The Attorney General may bring an action to impose a civil penalty and to seek injunctive relief. The civil penalty cannot exceed \$500 per violation. Each transmission is considered a separate violation.