

Legal Update: FREC Guidelines for Unlicensed Assistants

Are you unsure which duties your unlicensed assistant may perform? Here are the Florida Real Estate Commission's (FREC) guidelines for activities that may be performed by an unlicensed personal assistant:

Both salespeople and brokers are realizing that, by hiring unlicensed employees, or personal assistants, to help with some of the routine tasks involved in real estate transactions, they can increase productivity as well as free time. But, what exactly can an unlicensed personal assistant legally do? FREC ruled that the following activities do not require a real estate license and may be performed by an unlicensed employee, secretary or assistant:

1. Answer the phone and forward calls.
2. Fill out and submit listings and changes to any multiple listing service.
3. Follow up on loan commitments after a contract has been negotiated and generally secure status reports on the progress of the loan.
4. Assemble documents for closing.
5. Secure public information from courthouses, utility districts, etc.
6. Have keys made for company listings.
7. Write advertisements for approval of licensee and supervising broker, and place classified advertising.
8. Receive, record and deposit earnest money, security deposits and advance rents.
9. Type contract forms and Supreme Court-approved leases (those leases approved by the Supreme Court for use by non-lawyers), for approval by licensee and supervising broker.
10. Monitor licenses and personnel files.
11. Compute commission checks.
12. Place signs on property.
13. Order items of repair as directed by the licensee.
14. Prepare fliers and promotional information for approval by licensee and supervising broker.
15. Deliver documents and pick up keys.
16. Place routine telephone calls regarding late rent payments.
17. Schedule appointments for licensee to show listed property.
18. Be present at open houses to provide security, hand out materials (brochures) and respond to questions that may be answered with objective responses gleaned from pre-printed objective information.
19. Gather information for a comparative market analysis (CMA).
20. Gather information for an appraisal.
21. Hand out objective, written information on a listing or rental.
22. Drive a customer or client to a listing or rental (however, an unlicensed assistant may not provide access to a listed property for sale or lease.)
23. Give a key to a prospect.

Further, FREC ruled that an unlicensed individual may not negotiate or agree to any commission split or referral fee on behalf of a licensee (FREC reversed an earlier ruling that this was permissible).