

Advertising Laws for Realtors in Florida

A look at what you can — and can't — do promote your real estate business in the state of Florida.

Ads in general

Ads for agents do not have to include a telephone number unless the brokerage office policy requires it. However, the licensed name of the brokerage firm must appear in all real estate advertisements. (Rule 61J2-10.025, Florida Administrative Code)

The licensed name of the brokerage firm is the full name that firm is registered under the Department of Business and Professional Regulation (DBPR).

If an ad includes a licensee's personal name, the person's last name must appear as it is registered with the Florida Real Estate Commission.

Ads may not include any fraudulent, false, deceptive or misleading information, and it must make clear that they are dealing with a real estate licensee. (61J2-10.025(1) and (2), Florida Administrative Code).

(1) All advertising must be in a manner in which reasonable persons would know they are dealing with a real estate licensee. All real estate advertisements must include the licensed name of the brokerage firm. No

real estate advertisement placed or caused to be placed by a licensee shall be fraudulent, false, deceptive or misleading.

(2) When the licensee's personal name appears in the advertisement, at the very least the licensee's last name must be used in the manner in which it is registered with the Commission.

(3)

(a) When advertising on a site on the Internet, the brokerage firm name as required in subsection (1) above shall be placed adjacent to or immediately above or below the point of contact information.

"Point of contact information" 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).

(b) The remaining requirements of subsections (1) and (2) apply to advertising on a site on the Internet.

Nicknames

Many agents use nicknames. If they wish to use a nickname in advertising, they should include it in quotation marks after their first name or first initial. For example: John "Johnny" Johnson or J. "Johnny" Johnson. Any time an agent's name appears in an advertisement, it must use the last name as it is registered with the Florida Real Estate Commission. (61J2-10.025(2), Florida Administrative Code).

Websites and online ads

Internet ads and websites must display the brokerage company's licensed name above, below or adjacent to the point of contact information. Point of contact information could be a brokerage or licensee's mailing and/or physical addresses, email addresses and telephone, cell phone or fax numbers or any other means by which an individual would contact the brokerage or individual

licensee. (Section 61J2-10.025(3)(a), Florida Administrative Code).

Advertising rebates

A licensee may share brokerage compensation with a party to a transaction as long as full disclosure is given to all interested parties. Any advertising about this rebate must not be false, fraudulent, deceptive or misleading and should clarify any conditions or limitations that apply. (Florida Real Estate Commission (FREC) Rule 61J2-10.028(2) and 61J2-10.025)

Mailings

If an agent sends a mass mailing to all residents in a condominium complex, there is no need to include a disclaimer informing recipients who have already listed their property to ignore the advertisement. It is not an ethical violation for a Realtor to send a “general mailing ... addressed to **all** prospects in a given geographical area,” even though some of the prospects may already be exclusively represented by other Realtors. (National Association of Realtors Code of Ethics Standard of Practice 16-2)

61J2-10.026 Team or Group Advertising.

(1) “Team or group advertising” shall mean a name or logo used by one or more real estate licensees who represent themselves to the public as a team or group. The team or group must perform licensed activities under the supervision of the same broker or brokerage.

(2) Each team or group shall file with the broker a designated licensee to be responsible for ensuring that the advertising is in compliance with Chapter 475, F.S., and Division 61J2, F.A.C.

(3) At least once monthly, the registered broker must maintain a current written record of each team’s or group’s members.

(4) Team or group names. Real estate team or group names may include the word “team” or “group” as part of the name. Real estate team or group names shall not include the following words:

(a) Agency

(b) Associates

(c) Brokerage

(d) Brokers

(e) Company

(f) Corporation

(g) Corp.

(h) Inc.

(i) LLC

(j) LP, LLP or Partnership

(k) Properties

(l) Property

(m) Real Estate

(n) Realty

(o) Or similar words suggesting the team or group is a separate real estate brokerage or company

(5) This rule applies to all advertising.

(6) In advertisements containing the team or group name, the team or group name shall not be in larger print than the name of the registered brokerage. All advertising

must be in a manner in which reasonable persons would know they are dealing with a team or group.

(7) Nothing in this rule shall relieve the broker of their legal obligations under Chapter 475, F.S., and Division 61J2, F.A.C.

Rulemaking Authority 475.05, 475.25(1)(c) FS. Law Implemented 475.25 FS. History–New 6-18-18, Amended 7-1-19, 11-1-21.

61J2-10.025 Advertising.

(1) All advertising must be in a manner in which reasonable persons would know they are dealing with a real estate licensee. All real estate advertisements must include the licensed name of the brokerage firm. No real estate advertisement placed or caused to be placed by a licensee shall be fraudulent, false, deceptive or misleading.

(2) When the licensee’s personal name appears in the advertisement, at the very least the licensee’s last name must be used in the manner in which it is registered with the Commission.

(3)(a) When advertising on a site on the Internet, the brokerage firm name as required in subsection (1) above shall be placed adjacent to or immediately above or below the point of contact information. “Point of contact information” 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).

(b) The remaining requirements of subsections (1) and (2) apply to advertising on a site on the Internet.

Specific Authority 120.53, 475.05, 475.25(1)(c) FS. Law Implemented 475.01, 475.25, 475.42, 475.421, 475.4511 FS. History–New 1-1-80, Amended 2-17-81, 3-14-85, Formerly 21V-10.25, Amended 12-29-91, 7-20-93, Formerly 21V-10.025, Amended 4-18-99, 7-4-06, 2-5-07.