With many members now employing personal assistants, ORRA receives numerous inquiries about the duties they may perform, how they may be paid, and the broker and agent’s responsibilities under law. These guidelines have been prepared by ORRA as a member service based upon information provided by FREC and ORRA Legal Counsel.

There are two types of Personal Assistants (ORRA Office Assistants): Licensed and Unlicensed.

UNLICENSED ASSISTANTS: These individuals either do not hold a real estate license or their license is on inactive status with FREC (Department of Business and Professional Regulation).

Duties: FREC has issued the following specific guidelines as to the tasks which unlicensed assistants may perform under their broker’s supervision:

- Answer/forward calls and schedule appointments for licensee.
- Hand out written information on listings or rentals.
- Answer verbal questions on listings or rentals from pre-printed information.
- Fill out and submit/enter MLS listings and changes (requires MLS assistant login key).
- Gather public and CMA information regarding the property.
- Give keys to prospects, have keys made.
- Drive customers to a listing or rental (but NOT “show” the property).
- Be at an Open House for one of the following reasons: (1) for security, (2) to hand out brochures, (3) to respond to questions which may be answered from pre-printed information.
- Place signs on the property.
- Order repairs or replacement items as requested by licensee.
- Prepare ads, flyers and promotional materials for the licensee’s approval.
- Assemble closing documents.
- Follow up on loan commitment after contract has been negotiated.
- Receive, record, deposit earnest money, security deposits and advance rents.
- Compute commission checks.
- Act as a courier.
- Place late rent calls.

Compensation: Must be paid straight salary or on hourly basis, not on commission.

ORRA Membership Dues: None are required, although unlicensed assistants may become ORRA Office Assistant members. Annual dues are $50 (billed to the broker) and due by October 31.

MLS Participation Fees: None are required, although unlicensed assistants may purchase an MLS assistant login key for $51.95 with broker/agent written approval and a copy of the assistant’s driver’s license.

Supra Lockbox Key: ORRA has adopted an optional policy recently approved by NAR that allows unlicensed assistants to hold a Supra lockbox key. An ORRA Office Assistant Membership is required plus applicable fees in order to lease a Supra Lockbox Key. Properties may be accessed by assistants only to accomplish those “unlicensed” duties outlined above on behalf of the licensee.

Best Advice: Make sure that unlicensed assistants are thoroughly briefed on the scope, limitations and liabilities of their jobs along with the specific tasks they may perform. Beware, as assistants become more experienced, knowledgeable and comfortable in their jobs, the inclination may become stronger for them to “slip over the line” into activities requiring a license. Be sure to keep them informed as laws and regulations are modified over time.
Guidelines for Employing Personal Assistants
or ORRA Office Assistants (cont.)

**LICENSED ASSISTANTS:** These individuals hold an active real estate license.

1. **Licensed with Their Employer’s Brokerage.**

   **Duties:** Eligible to perform any activities regarding the sale of real property allowed by Florida Statutes, Sections 455 and 475 for their class of license. Their exact responsibilities as assistants are a matter of in-house policy for that brokerage.

   **Compensation:** If assistants perform any activities requiring a real estate license (e.g. selling a property), they must be paid by the broker for those activities. The salesperson may pay for duties which don’t require a license (see Unlicensed duties on reverse).

   **ORRA Membership:** As a licensee of a REALTOR® Broker, NAR dues policy would require that a licensed assistant either join as a REALTOR® or the broker is assessed a personal dues increase equivalent to local, state, and national dues.

   **MLS Participation Fees:** As with any licensee of an MLS Participant (i.e. the broker), the broker is liable for Participation Fees for the assistant.

   **Supra Lockbox Key:** If the broker is a REALTOR® and a Supra Lockbox System subscriber, the assistant is eligible to receive a Supra lockbox key under the same terms and conditions as any other licensee with that broker, as long as he/she joins as a REALTOR®.

   **Best advice:** The broker and employing agent should decide the duties and responsibilities licensed assistants will have in the firm. Then, draft a job description which spells out exactly those duties they may perform. If they will be allowed to perform any activities restricted to licensees, then clearly distinguish which of their duties require a license, which don’t, and how compensation will flow for those duties.

2. **Licensed With a Referral Company:** This is an assistant who has decided to keep his/her license active with a “referral company” but is employed as an assistant by another broker.

   **Duties:** Since this person is not licensed with the employing agent’s broker, they may perform duties ONLY as an unlicensed assistant. In other words, they must act as, be treated as, and be paid as, unlicensed assistants.

   **Compensation:** Must be paid on straight salary or an hourly basis, not on commission.

   **ORRA Membership:** None required, although this type of licensed assistant may become an ORRA Office Assistant member. Annual dues are $50 (billed to the broker) and due by October 31.

   **MLS Participation Fees:** None required, although this type of licensed assistant may purchase an MLS assistant login key for $51.95 with broker/agent written approval and a copy of the assistant’s driver’s license.

   **Supra Lockbox Key:** ORRA has adopted an optional policy recently approved by NAR that allows unlicensed assistants to hold a Supra lockbox key. An ORRA Office Assistant Membership is required plus applicable fees in order to lease a Supra Lockbox Key. Properties may be accessed by assistants only to accomplish those “unlicensed” duties outlined above on behalf of the licensee.

   **Best advice:** While well-intended, there could be serious implications in allowing a personal assistant to remain licensed under another broker in another company. Should that person unintentionally “slip up” and engage in any activities regulated by Section 475 on the broker or agent’s behalf, it could place the assistant, the agent, the employing broker, and the referral broker in violation of FREC regulations. Why? Because under the law, assistants must report to (and be paid by) their broker (in this case, the referral broker!) for any acts under 475. Essentially, assistants could be guilty of being licensed under one broker and selling for one with whom they are not licensed. Recommendation? Have the assistant move their license to the employing broker or place it on inactive status.