

Sarasota



Association of REALTORS®

# Signs & Advertising Manual



*Adopted 8/91  
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# Introduction

## About This Manual

This manual contains material from the National Association of REALTORS®' Membership Marks and the Code of Ethics; the Florida Real Estate Commission (FREC); Federal Reserve System's "Truth In Lending Act" (Regulation Z); Sarasota County Zoning Regulations; and the City of Sarasota Zoning Regulations.

The information contained herein is intended for informal reference use only. In questions of authority reference, the official documents should be consulted.

# CHAPTER 1

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## PROPER USE OF THE MEMBERSHIP MARK

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### FORM OF USE LIMITATION

The term REALTOR® is a registered collective membership mark which identifies a real estate professional who is a member of the NATIONAL ASSOCIATION OF REALTORS® and subscribes to its strict Code of Ethics.

**Preferred form would be:**

REALTOR®  
REALTORS®

**Permitted (but only when use of the "®" is not possible):**

REALTOR  
REALTORS

**Also Permitted (but not preferred):**

Realtor®  
Realtors®

When REALTOR® or REALTORS® are used in the text of brochures, pamphlets, newsletters or otherwise in the body of written material, all capital letters and the registration symbol "®" should be used in connection with at least the first use in each section of the body of the written material and in connection with each subsequent appearance to the extent practical. Each use must, however, contain initial capital letters in the body of the text. If all of the copy in the body of the written material is in capital letters, the terms REALTOR® and REALTORS® should be made to stand out by the use of boldface type or by some other means sufficient to distinguish them from words of ordinary use and, in such instances, the registration symbol "®" should be used in connection with every appearance of each MARK.

The following excerpt illustrates compliance with this limitation:

It will be of interest to your buyers and sellers alike that as a REALTOR® you are bound by the National Association's strict Code of Ethics.

IT WILL BE OF INTEREST TO YOUR BUYERS AND SELLERS ALIKE THAT AS A **REALTOR®** YOU ARE BOUND BY THE NATIONAL ASSOCIATION'S STRICT CODE OF ETHICS.

**IT WILL BE OF INTEREST TO YOUR BUYERS AND SELLERS ALIKE THAT AS A REALTOR® YOU ARE BOUND BY THE NATIONAL ASSOCIATION'S STRICT CODE OF ETHICS.**

The following definition should appear at the bottom of the page on which the term REALTOR® is first used:

REALTOR® is a federally registered collective membership mark which identifies a real estate professional who is a Member of the NATIONAL ASSOCIATION OF REALTORS® and subscribes to its strict Code of Ethics.

The terms REALTOR® and REALTORS® may be used in connection with, but not as part of, a corporate or business name provided such terms are separated from the business name by appropriate symbols or punctuation.

**Proper form is shown below:**

J. J. Jones, REALTORS®  
S. S. Smith -- REALTORS®

Separating punctuation should be used even when the term appears immediately below the firm's name.

**The proper form is shown below:**

J. J. Jones and Company,  
REALTORS®

S. S. Smith, Inc.,  
REALTORS®

The terms REALTOR® or REALTORS® may not be registered by any member or member's firm as part of a business logo. Nor is it permissible for a firm to incorporate under or register an assumed business name which includes either of these terms.

Possessives should be avoided to the extent possible. Where necessary, possessives are formed as follows:

**Singular**

REALTOR®'s

**Plural**

REALTORS®'

**FORM**

The REALTOR® Logo consists of an "R" set in futura type face on a sharply contrasting rectangular background to form a block "R" under which is centered the term REALTOR®. The proper form is shown below:

**Proper Form**



Used as shown with the block "R" to form the REALTOR® Logo, the term REALTOR® is called an "identifier."

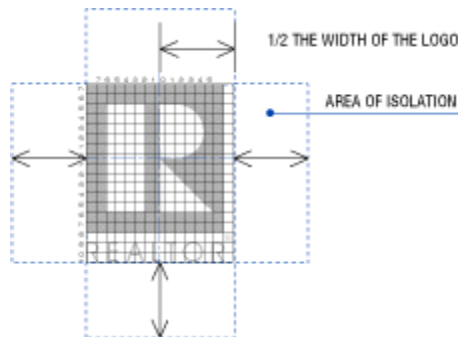
Below are shown a number of improper forms:

**Improper Forms**



**ISOLATION**

The REALTOR® Logo should be separated from other lettering, designs or emblems by a minimum distance of one-half the width of the block "R".



## **SIZING**

The minimum reproduction for the REALTOR® LOGO is .375" wide. At sizes below a width of 1"; the ® registration mark must be increased by the difference in size between the reduction percentage and 100%.

Example: If the REALTOR® LOGO is reduced to .75" from 1", the ® must be increased 125%.

The ® must always be legible.



## **USE OF THE REALTOR® LOGO**

The Realtor Logo may be used adjacent to the member's name, or the local firm name so long as the appropriate spacing is provided and the other policies and guidelines governing the use of the logo are followed. Use of the Realtor Logo in conjunction with other firm or franchise logos can be quite complex and the NATIONAL ASSOCIATION OF REALTORS®' Membership Marks Manual should be consulted.

## **USE ON BUSINESS CARDS**

Business cards usually carry a firm name and the name of an individual. Depending on the membership status of the individual named and the standing of the firm's principals, it may be appropriate to use one of the terms REALTOR® or REALTORS® with either or both names. The guidelines and policies governing use of these terms with the firm name are covered in the next section entitled With Firm Name. This section focuses only on use of those terms with the individual's name. If the individual is a REALTOR® member, the term REALTOR® may be used adjacent the member's name provided appropriate separating punctuation, all capital letters and the registration symbol "®" are used. Following is a sample of a proper business card:

Firm Name  
Street  
City, State  
John Doe, REALTOR®

The status of the individual within the firm may be indicated and, of course, a direct line phone number may be shown and the license status or specialty area of practice may be indicated. Following is an example of proper use:

Firm Name  
Street  
City, State  
John Doe, REALTOR®  
President  
Appraiser/Broker  
Phone:

## **With Firm Name**

For purposes of the Membership Marks Manual, the term "firm name" means the local name by which the firm is distinguished from other firms by the Member Association, the state licensing authority and the public. In the case of firms that are affiliated with a franchise organization and independent offices owned by a conglomerate, the local firm name, rather than the franchisor or conglomerate name and logo, serve to distinguish one franchise or conglomerate office from another of the same franchise or conglomerate and operating within the same state or same market area. Use of the firm address may also be useful in identifying franchise and conglomerate offices, but is even more important for multi-office firms and independent firms commonly owned.

With the foregoing in mind, the terms REALTOR® and REALTORS® may be used adjacent to, but not as part of, the firm name.

The objective of this limitation is to restrict use of the MARKS to a local firm name, since it is the local firm which has elected to be a member firm and which is therefore subject to the Code of Ethics and requests for arbitration before the Member Board to whom that firm belongs.

The term REALTOR® or REALTORS® may be used adjacent to, but not part of, the firm name:

### **Improper Use**

Blackacre REALTORS®, Inc.  
Smith REALTORS®, Ltd.  
Sunshine REALTORS® Homes

### **Proper Use**

Blackacre, Inc., REALTORS®  
Smith, Ltd., REALTORS®  
Sunshine Homes, REALTORS®

When changing a firm name or selecting a new firm name, members are encouraged to utilize the words "Realty," "Real Estate," or similar terms that indicate the nature of the business. When these words are used in the firm name, the terms REALTOR® and REALTORS® are more clearly perceived as indicators of membership and professional commitment. See examples below:

### **Preferred**

Jack Jones Realty, Inc., REALTORS®

### **Acceptable**

Jack Jones, Inc., REALTORS®

The term REALTOR® or REALTORS® must always be separated from the firm name by punctuation, even when the term appears on a separate line:

### **Improper Use**

Jack Jones Realty, Inc.  
REALTORS®

### **Proper Use**

Jack Jones Realty, Inc.,  
REALTORS®

While the term REALTOR® and REALTORS® may be used in connection with a firm name, they may not be used in conjunction with a description of the firm's other line of business. See examples below:

**Improper Use**

Jones, Inc., REALTOR®/Builder

Smith Realty, REALTORS®-Insurer

**Proper Use**

Jones, Inc., REALTOR®  
Real Estate Broker/Builder

Smith Realty, REALTORS®  
Real Estate Brokerage-Insurance

**Use on the Internet**

When surfing the Web for real estate homepages, it's quite common to come across sites belonging to REALTORS®. If you are looking to add your own electronic presence on the Internet, it is easy to get caught up in designing your own web page and choosing a domain name which will capture the attention of surfers and make you easily identifiable. REALTORS® often want to use the REALTOR® marks as part of their domain name or address to distinguish themselves, but they must keep in mind that there are rules governing proper use of the REALTOR® marks that must be adhered to at all times regardless of the media used. These rules are found in the National Association's Membership Marks Manual, a reference manual explaining proper use of the REALTOR® marks including examples of correct and incorrect uses. Here is a brief list of the principle rules affecting use of the REALTOR® marks in domain names:

1. The term REALTOR®, whether used as part of a domain name or in some other fashion must refer to a member or a member's firm.
2. The term REALTOR® may not be used with descriptive words or phrases. For example, Number1realtor.com, numberone-realtor.com, chicagorealtors.org or realtorproperties.com are all incorrect.
3. For use as a domain name or e-mail address on the Internet the term REALTOR® does not need to be separated from the member's name or firm name with punctuation. For example, both johndoe-realtor.com and johndoerealtor.com would be correct uses of the term as a part of domain names and jdое\*realtors@webnetservices.com and jdoerealtors@webnetservices.com are both correct uses of the term as part of an e-mail address.
4. The REALTOR® block R logo should not be used as hypertext links at a web site as such uses can suggest an endorsement or recommendation of the linked site by your Association. The only exception would be to establish a link to the National Association's web site, REALTOR.org, or its official property listing site, REALTOR.com.

The public has adopted the use of all lower case letters when writing domain names, even those containing trademarks. Therefore, for purposes of domain names and internet addresses only, there is an exception to the rule on capitalization of the term REALTOR® and it may

appear in lower case letters.

Whether you use traditional print media or the Internet, it is essential to use the REALTOR® marks in accordance with the rules and guidelines of the National Association. The REALTOR® marks should only be used to denote membership in the NATIONAL ASSOCIATION OF REALTORS®.

### **PRONOUNCING THE TERMS REALTOR® AND REALTORS®**

Irrespective of local dialect and custom, the term REALTOR® has but one pronunciation:

REAL'tor

Members are encouraged to rehearse new employees and salespeople, particularly receptionists, on the proper pronunciation of the term REALTOR®. All too often a firm's long standing reputation in the community and the business is overshadowed by the uninformed employee who greets clients and the public in person or by phone with:

"Good morning! Joe Doe, REAL-A-TORS," or  
"Good morning! Joe Doe, real-I-TORS," or  
"Good morning! Joe Doe, RE-LA-TERS," or  
"Good morning! Joe Doe, RE-AL-TORS."

### **USES TO AVOID**

The examples below serve to emphasize correct use of the MARKS by illustrating some common, but incorrect, usages.

**Never**

hyphenate, reconstruct, expand, combine, abbreviate or divide the MARKS:



REAL-I-TOR  
REALTORrific  
Blue Ribbon Chain, R-E-A-L-T-O-R-S  
Rltr.  
REALTOR®-Assistant

**Never**

use descriptive words or phrases to modify the MARKS. This is explicitly prohibited by Article V, Section 7 of the Bylaws of the NATIONAL ASSOCIATION OF REALTORS®. Adjectives often suggest an improper vocational meaning and also tend to distort the consistent understanding and image of these terms, thereby undermining their identifying function:



Main Street's most qualified REALTOR®  
Consult a professional REALTOR®  
Doe County's leading REALTOR®  
The concerned REALTOR®  
Your local REALTOR®

Your International REALTOR®

**Never**

use the term REALTOR® as part of a firm name or without using punctuation to separate the individual or firm's name from the terms even when the terms appear on a separate line:



Blackacre REALTORS®, Inc.  
John Jones REALTOR®  
Sally Brown and Company  
REALTORS®  
Green, Inc. REALTORS®

## **CHAPTER 2**

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### **FLORIDA REAL ESTATE LAW**

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Florida real estate law affecting signs and advertising is contained in Florida Statutes Chapter 475. Additional rules are contained in the Florida Administrative Code Rule 61J2 series. In this chapter, we have excerpted information from these two source documents for handy reference.

#### **OFFICES**

Brokers licenses as active are required to have an office and to register the address with the Department of Professional Regulation. Sales associates must be registered from and work out of an office maintained and registered in the name of the employer. (See 61J2-10.022).

#### **BRANCH OFFICES**

If a broker desires to conduct business from more than one office, each additional office must be registered as a branch office and the fee must be paid for its registration, as provided in subsection 61J2-1.011(3). Sales associates, at the discretion of the broker, may be registered from the principal office or from the branch office to which they regularly report. A branch office certificate may not be reissued to a new location. (See Rule 61J2-10.023.)

#### **SIGNS**

Every broker is required to maintain a sign on or about the entrance of the principal office as well as at all branch offices. Signs must be positioned to be easily seen by any person entering the office. Signs are required to be posted on either the exterior or the interior entrance area of the office (Section 475.22)

#### **NAMES**

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 also include the name of the partnership or corporation or trade name of such entity. If the partnership or corporation has more than one broker, the name of only one broker need appear. In addition, each sign must display the words "Licensed Real Estate Broker." The word *Licensed* may be abbreviated to Lic. No other abbreviations are allowed. With the passage of the changes to Section 475.22, effective July 1, 2003, there is no longer a minimum size requirement for the letters in the sign.

The following are examples of signs that conform to the specifications of the "required signs" as set forth in Rule 61J2-10.024.

**BROKER WITHOUT TRADE NAME**

Gary R. Cooper  
Licensed (or Lic.)  
Real Estate Broker

"Sales Associates" or "Associates"

J. F. Lee  
A. K. Rand  
Louise W. Trent

**BROKER WITH REGISTERED TRADE NAME**

Gary R. Cooper  
Cooper Real Estate, Inc.  
Licensed (or Lic.)  
Real Estate Broker

**BROKERAGE CORPORATION**

Cooper Real Estate, Inc.  
Gary R. Cooper  
Licensed (or Lic.)  
Real Estate Broker

OR

Cooper Real Estate, Inc.  
Gary R. Cooper  
John L. Cooper (optional)  
Licensed (or Lic.)  
Real Estate Broker

## **BROKERAGE PARTNERSHIP WITH REGISTERED TRADE NAME**

Cooper and Cooper Realty Gary R. Cooper Licensed (or Lic.) Real Estate Broker
--

OR

Cooper and Cooper Realty Gary R. Cooper John L. Cooper (Optional) Licensed (or Lic.) Real Estate Broker
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## **CHANGE OF NAME, ADDRESS, AND EMPLOYER**

A licensee is required to maintain current-status records with the Department of Professional Regulation, Division of Real Estate. This includes the licensee's correct name and address, and name and address of the sales associate's employer/broker. Whenever the licensee's status changes, he/she must notify the Division.

## **ADVERTISING**

All advertising must clearly indicate to any reasonable person that he/she is dealing with a real estate licensee or brokerage firm. No real estate licensee's advertisement shall be fraudulent, false, deceptive, or misleading. All real estate advertisements must include the licensed name of the brokerage firm. 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.

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). (Ref. 61J2-10.025).

## **USE OF ASSOCIATION NAMES**

No licensee shall use an identification or designation of any association or organization having to do with real estate in such manner as to lead persons to believe that said licensee is a member in good standing of such association, or organization, when in fact said licensee is not a member thereof in good standing and is not otherwise entitled to use such identification or designation.

(Ref. 61J-10.027).

## **CHAPTER 3**

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# **ADVERTISING AND THE CODE OF ETHICS**

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There are certain advertising implications contained in the Code of Ethics of the National Association of REALTORS®. The following is either a direct quote of the Article in question or a summary.

### **ARTICLE 2**

Article 2 addresses the need to avoid exaggeration and misrepresentation.

### **ARTICLE 12**

Article 12 states REALTORS® paint a true picture in their advertising and in other public representations.

#### **Standard of Practice 12-1**

REALTORS® may use the term “free” and similar terms in their advertising and in other representations provided that all terms governing availability of the offered product or service are clearly disclosed at the same time.

#### **Standard of Practice 12-2**

REALTORS® may represent their services as “free” or without cost even if they expect to receive compensation from a source other than their client provided that the potential for the REALTOR® to obtain a benefit from a third party is clearly disclosed at the same time.

#### **Standard of Practice 12-3**

The offering of premiums, prizes, merchandise discounts or other inducements to list, sell, purchase, or lease is not, in itself, unethical even if receipt of the benefit is contingent on listing, selling, purchasing, or leasing through the REALTOR® making the offer. However, REALTORS® must exercise care and candor in any such advertising or other public or private representations so that any party interested in receiving or otherwise benefiting from the REALTOR®'s offer will have clear, thorough, advance understanding of all the terms and conditions of the offer. The offering of any inducements to do business is subject to the limitations and restrictions of state law and the ethical obligations established by any applicable Standard of Practice. (Amended 1/95)

#### **Standard of Practice 12-4**

REALTORS® shall not offer for sale/lease or advertise property without authority. When acting as listing brokers or as subagents, REALTORS® shall not quote a price different from that agreed upon with the seller/landlord.

#### **Standard of Practice 12-5**

REALTORS® shall not advertise nor permit any person employed by or affiliated with them to

advertise listed property without disclosing the name of the firm.

### **Standard of Practice 12-6**

REALTORS<sup>®</sup>, when advertising unlisted real property for sale/lease in which they have an ownership interest, shall disclose their status as both owners/landlords and as REALTORS<sup>®</sup> or real estate licensees.

### **Standard of Practice 12-7**

Only REALTORS<sup>®</sup> who participated in the transaction as the listing broker or cooperating broker (selling broker) may claim to have “sold” the property. Prior to closing, a cooperating broker may post a “sold” sign only with the consent of the listing broker. (Amended 1/96)

### **Article 13**

REALTORS<sup>®</sup> shall not engage in activities that constitute the unauthorized practice of law and shall recommend that legal counsel be obtained when the interest of any party to the transaction requires it.

## **USE OF MLS INFORMATION IN ADVERTISING**

**SECTION 13 LIMITATIONS ON USE OF MLS INFORMATION:** Use of information from MLS compilation of current listing information, from the Association’s statistical report, or from any sold or comparable report of the Association or MLS for public mass media advertising by an MLS Participant or in other public representations, may not be prohibited. However, any print or non-print forms of advertising or other forms of public representations based in whole or in part on information supplied by the Sarasota Association of REALTORS®, Inc. or its Multiple Listing Service must clearly demonstrate the period of time over which such claims are based and must include the following, or substantially similar, notice:

*“Based on information from the Sarasota Association of REALTORS®, Inc. Multiple Listing Service for the period (date) through (date).”*

When publishing information about specific properties that have been sold, from SAR’s statistical report or from any sold or comparable report of SAR or MLS, the following disclaimer or substantially similar notice **must** be clearly legible and included if all the properties included were not listed and/or sold by the participating advertising office.

*“Based on information from the Sarasota Association of REALTORS® for the period (date through date). These properties were sold by various MLS participating offices”.*

## CHAPTER 4

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### TRUTH IN LENDING ACT - REGULATION Z

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The Federal Trade Commission is empowered by the Federal Government to enforce the TRUTH IN LENDING ACT, commonly known as Regulation Z. The purpose of this Act is to assure the meaningful disclosure of consumer credit and lease terms. The disclosure, if required, must be made clearly and conspicuously. The importance of this Act becomes apparent to a real estate licensee because not just creditors or lessors must comply, but also advertisers. If the advertisement promotes credit, then the real estate licensee must comply. The application of the Act applies if certain "triggering terms" are used. If these "triggering terms" are used in the advertisement, then certain disclosures must be included.

#### **ADVERTISEMENTS INVOLVING NEW FINANCING**

Almost anyone who advertises financing information must comply with Regulation Z. Regulation Z defines advertisement as "any commercial message that promotes consumer credit". Regulation Z applies:

- ◆ Only to ads for residential properties that are to be owner occupied.
- ◆ To any real property that requires four (4) or more payments.
- ◆ And ads that mention *triggering terms*.
  1. The amount or percentage of any down payment, or
  2. The number of payments or period of repayment, or
  3. The amount of any payment, or
  4. The amount of any finance charge

Mention of only a down payment in an ad doesn't trigger the need for further disclosures unless the seller of the property is financing the transaction and meets the definition of a creditor.

A creditor is defined as one who regularly extends credit. In practice, that means someone who has financed at least five (5) transactions secured by mortgages in the prior year.

Ads describing seller financing are exempt from Regulation Z unless the seller meets the definition of a creditor. Subject to financing, such as wraparound mortgages or all- inclusive deeds of trust, is also exempt.

Seller financing is covered by Regulation Z when the seller is a creditor. You might encounter this when you are advertising property repossessed by a lender. If financing is offered by this lender/seller and lender/seller meets the definition of a creditor then the ad must comply. In this

example down payment also becomes a triggering term that requires further disclosure.

### **FIXED RATE LOANS**

If you include in your ad the monthly payment, term or amount of any finance charges or down payment if seller is a creditor, all of the following must be included in your ad.

- ◆ The amount or percentage of the down payment, and
- ◆ The terms of repayment, and
- ◆ The annual Percentage Rate with that term spelled out or abbreviated, APR, and, if the rate may be increased after the sale, that fact.

You may quote the simple interest rate in an ad, but only if you also use the APR. The APR can appear by itself without triggering Regulation Z. Keep in mind that the simple interest rate cannot be shown more conspicuously than the APR.

### **ADVERTISEMENTS OF ASSUMPTION**

Advertisements of assumptions generally involve the use of the one credit term that does not trigger the full disclosure required in Regulation Z -- the rate of finance charge. In order to comply, the advertiser may state the rate and nothing else, but it must be expressed as an "Annual Percentage Rate", using that term:

#### **PROPER**

"Assume 7-1/2% Annual Percentage Rate Loan"

#### **IMPROPER**

"Assume 7-1/2% Mortgage"

The term "Annual Percentage Rate" should be spelled out rather than abbreviated. Further, since Regulation Z provides that whenever the term "Annual Percentage Rate" is required to be disclosed, it must be printed as conspicuously as other terminology.

### **USE OF GENERAL TERMS**

None of the above rules apply when generalities (no figures other than price) are used. You can advertise without restraint such phrases as "liberal terms", "low down", "FHA-GI terms", "low monthly payments", and etc.

Other general rules regarding Regulation Z, detail the disclosures which normally must be made. (Note: It is stated that when making loans (not advertising) the disclosure must be made within three days of receiving a written loan application.

## CHAPTER 5

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# CITY AND COUNTY ZONING REGULATIONS

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Codes governing the number, size, location and character of signs are outlined in the City of Sarasota Zoning Code or Sarasota County Zoning Code.

### PROHIBITIONS

There are a number of prohibitions which are common in both the City and County which apply to real estate signs:

Signs in Rights-of-Way: No signs will be erected on the right-of-way of any street, road or public way or signs overhanging or infringing upon the right-of-way of any street, road or public way.



Traffic or Pedestrian Hazard: No signs may constitute a traffic hazard or a detriment to traffic safety.

Signs on Utility Poles & Trees: No signs on or attached to utility poles or trees, shrubs or plants.

"For Sale" or "For Rent" signs: Must not be illuminated.

### YARD SIGNS

Both City and County, on residential properties, allow only **ONE** "For Sale" or "For Rent" sign per parcel of property when such sign has an area of not more than four (4) square feet.

For additional details on signage codes, consult the appropriate City of Sarasota Zoning Code or County Zoning Code.

## REFERENCES

For additional information on any of the chapters, visit the websites mentioned below:

National Association of Realtors – [www.realtor.org](http://www.realtor.org)

\*Click on “NAR Governance” and then “Governing Documents”

Log on for:

- A. Membership Marks Manual
- B. Code of Ethics

\*The first time you log on to [www.realtor.org](http://www.realtor.org), you will need to establish a password with them. It is self-explanatory at the website.

Florida Real Estate Commission (FREC)

[www.myflorida.com/ddpr](http://www.myflorida.com/ddpr)

Then click on the Florida Real Estate Commission  
Chapter 475 Florida Statutes and Chapter 61J2 Florida Administrative Code

Regulation Z -- Truth In Lending

[www.federalreserve.gov](http://www.federalreserve.gov)

Regulation Z

Sarasota County Zoning Ordinances

[www.scgov.net](http://www.scgov.net)

Zoning Ordinances

Sarasota City Zoning Ordinances

[www.sarasotagov.com](http://www.sarasotagov.com)

Zoning Ordinances