

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2008*

**SCHICKEDANZ BROS.-RIVIERA LTD.**, a Florida Limited Partnership  
and **SCHICKEDANZ BROS.-PALM BEACH, LTD.**, a Florida Limited  
Partnership, and **SCHICKEDANZ ENTERPRISES, INC.**, the corporate  
general partner of **SCHICKEDANZ BROS.-RIVIERA LTD.**, and  
**SCHICKEDANZ BROS.-PALM BEACH, LTD.**,  
Appellants,

v.

**ROBERT HARRIS** and **REAL ESTATE MARKETING AND  
CONSULTING, INC.**, a Florida corporation,  
Appellees.

No. 4D07-2926

[November 12, 2008]

PER CURIAM.

We reverse the trial court's final judgment on appellants' counterclaim involving real estate commissions in connection with sales at appellants' development. Appellee Harris was not entitled to real estate commissions, because he acted as a broker and was not licensed. See § 475.41, Fla. Stat. Although the trial court determined that Harris did not need to be licensed because of the exemption for persons or corporations selling their own property, that exemption does not apply to an "agent, employee, or independent contractor paid a commission or other compensation strictly on a transactional basis . . . ." § 475.011(2), Fla. Stat. While appellants owned the property sold by Harris, Harris was an independent contractor paid on a commission basis. On appeal Harris tries to circumvent this statute, arguing that he did not need an exemption because he was a licensed real estate salesperson. As a licensed real estate salesperson, though, he was required to comply with the requirements of chapter 475, which he failed to do by operating as a broker without a broker's license.

We affirm appellee's cross-appeal. We remand for the court to enter judgment in appellant's favor on the counterclaim.

WARNER, MAY and DAMOORGIAN, JJ., concur.

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Appeal and cross-appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; David E. French, Judge; L.T. Case No. CL 97-6741 AD.

Jane Kreuzler-Walsh and Rebecca Mercier Vargas of Kreuzler-Walsh, Compiani & Vargas, P.A., and Rodney L. Tennyson of Rodney L. Tennyson, P.A., West Palm Beach, for appellants.

Michael J. Ryan, North Palm Beach, for appellees.

***Not final until disposition of timely filed motion for rehearing.***