

61J2-3.008 Pre-licensing Education for Broker and Sales Associate Applicants.

(1) Any persons desiring to become licensed as a real estate sales associate must satisfactorily complete the Commission-prescribed course designated as Course I. This course will consist of 63 hours of 50 minutes each, inclusive of examination, in the basic fundamentals of real estate principles and practices, basic real estate, and license law. This rule sets forth the course approval criteria and procedure.

(2) Any licensed sales associate desiring to become licensed as a broker must satisfactorily complete the Commission-prescribed course designated as Course II. This course will consist of 72 hours of 50 minutes each, inclusive of examination, in the fundamentals of real estate appraising, investment, financing, and brokerage and management operations.

(3)(a) Accredited universities, colleges, community colleges and area technical centers in this state that offer transferable college credit courses, or real estate schools registered pursuant to Section 475.451, F.S. ("school"), may offer these Commission-prescribed courses. Satisfactory completion of these courses will not entitle any person to receive a license as a real estate broker or sales associate until such person has met all other requirements of law and has passed the applicable Commission-approved state examination which DBPR administers.

(b) The school permit holder, permitted administrative person, or permitted instructor shall, assure necessary equipment performance and administer and certify student and course compliance.

(4)(a) A grade of 70% or higher on the Commission-prescribed end-of-course examination constitutes satisfactory course completion. The school shall administer the examination upon completion of the instruction, provided the student has not missed in excess of 8 hours of instruction.

(b) The school must submit to the Commission two complete copies of the course materials and end-of-course examinations; one submission must be blind. The school must also submit a copy of the course, and access to the course, in the format in which the student will use it. When delivered by distance education, the course and examination shall comply with the "Course Approval criteria" as follows:

1. Distance learning necessitates a high level of self-direction and should, therefore, require students to read, conduct research, complete timed exams and similar assignments, designed to measure the student's competency relative to the required subject matter objectives. Distance learning study must be offered on a classroom hour per classroom hour basis.

2. Schools must demonstrate that the credit hours awarded for distance learning are appropriate to the course offered. The schools may accomplish this objective by demonstrating that students engaged in distance learning have acquired the knowledge, skills, and/or competencies that are at least equivalent to those acquired by students enrolled in classroom studies. Pre-licensure courses shall not be offered by correspondence methods, except by reason of a hardship as defined by rule.

a. The school must demonstrate that the technical processes used in the delivery of the course operate correctly and the instructional strategies its use supports.

b. The school must have in place alternative plans for the provision of uninterrupted learner services and technical support in the event of primary system failure.

c. The school must have policies and technical processes in place to verify and document student identity for enrollment, course participation and course completion.

d. Course submissions shall include a detailed course time-line, and the school shall make the timeline available to students prior to enrollment.

e. The school must present evidence by means of an objective study that the stated course hours are consistent with actual hours required to complete the course.

f. The school must describe in detail, the objective method used to insure students receive only the allotted time to complete the end-of-course examinations.

g. The school must demonstrate that permitted instructors and technical staff are available during normal business hours for student assistance. Instructor and technical assistance must be made available to students and posted in a prominent location.

h. Pre-licensing courses must conform to the Course I and Course II syllabus. Courses must include learning objective for each session of the syllabus. The course school must describe the method of assessment of the student's performance periodically throughout the course of instruction.

i. End-of-course examinations shall not include aids such as, but not limited to, hint, back, or retry functionalities. The school must demonstrate that there is a reasonable method in place to prevent duplication of the end-of-course examination. Students shall not take the end-of-course examination without satisfactorily completing all sessions of the syllabus.

j. The school must require the student to submit a statement that includes, "I certify that I personally completed all assignments and have not duplicated any portion of the end-of-course examination prior to the taking of the final examination." Thereafter, it is the responsibility of the school offering the Commission-approved courses to keep the course materials current and accurate, as changing times and laws require, and obtain approval from the Commission at least 60 days before implementing any significant changes to the course during its approval period. Approval or denial of a Commission-required pre-licensing course (Course I or Course II) will be based on the extent to which the course content covers the material set forth in the appropriate Commission-developed course syllabus, effective January 1, 2015 "Sales Associate Course Syllabus (Course I) and effective September 1, 1999 "Broker Course syllabus (Course II)", incorporated herein by reference and available at <http://www.flrules.org/Gateway/Reference.asp?No=Ref-05977> and <http://www.flrules.org/Gateway/Reference.asp?No=Ref-05978>. The institution or school may resubmit a denied course with the mandated changes for reevaluation.

(c) The Commission will approve pre-licensure courses for a period of 24 months and evaluate the course for renewal, provided the school submits the renewal application no later than 90 days prior to the course expiration date. A school may grade an examination within 15 days after the expiration date of the course, provided it receives the materials prior to or on the date of expiration. Schools shall notify students of course expiration date upon enrollment.

(d) The school shall develop at least 2 forms of the end-of-course examination, and submit them for approval as provided in paragraph (4)(b) above. Examinations must test the course material. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information upon which each question and correct answer is based. At least 70% of the questions on each form of the test shall be application oriented. Application level means the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that should be committed to memory. A school offering the Commission-prescribed courses must maintain a sufficient bank of questions to assure examination validity. The sales associate end-of-course examinations shall contain at least 100 items, or 2 items per instruction hour. The broker end-of-course examinations shall contain at least 95 items, of which 5 items are 2 points each, which shall cover closing statements or escrow accounts, or 2 items per instruction hour. All Questions shall be multiple-choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content and the item must not refer the student to the course material. The overall time to complete the end-of-course examination must not exceed the equivalent of 1.8 minutes per item.

(5)(a) The school offering these Commission-prescribed courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall comply with Rule 61J2-3.015, F.A.C.

(b) In all Commission-approved courses by distance education, the school and permitholder shall provide to students an address, email address and telephone number of a permitted instructor registered with such school, who shall be available to assist the students with instruction. The school shall communicate to all students the times in which the permitted instructor will be available to assist the students with instruction.

(6) Students failing the Commission-prescribed end-of-course examination must wait at least 30 days from the date of the original examination to retest. Within one year of the original examination, a student may retest a maximum of one time. Otherwise, students failing the end-of-course examination must repeat the course prior to being eligible to take the end-of-course examination again. Schools shall administer a different form of the end-of-course examination to a student that is retaking the exam or repeating the course.

(7) Make-up classes and examinations to enable a student to take the end-of-course examination due to student or family illness may not extend more than 30 days beyond the scheduled class examination without approval from the Commission. Make-up classes must consist of the original course materials that the student missed.

(8) Any active member in good standing with The Florida Bar who is otherwise qualified under the real estate license law is exempt from the Commission-prescribed prerequisite education course for licensure as a real estate sales associate.

(9) Any applicant for licensure who has received a 4-year degree or higher in real estate from an accredited institution of higher education is exempt from the Commission-prescribed prerequisite education courses for licensure.

Rulemaking Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.08, Amended 7-16-86, 10-13-88, 5-20-90, 1-13-91, 7-20-93, Formerly 21V-3.008, Amended 12-13-94, 6-14-95, 8-2-95, 12-30-97, 9-1-99, 1-18-00, 11-6-00, 1-12-04, 11-3-15.

Memorandum

To: Florida Real Estate Commission

From: Linda L Crawford

Date: March 9, 2016

RE: Recommendations Concerning Education Rules

The suggested strikeout revisions are attached. Background information and a summary of the recommendations is presented below.

61J2-3.009 Continuing Education for Active and Inactive Broker and Sales Associate Licensees

Rule 61J2-3.008 (Pre-licensing) and Rule 61J2-3.020 (Post-licensing) require courses to be renewed every 24 months. However, Rule 61J2-3.009 states, "24 months plus the remaining period of the renewal cycle following the end of the 24 months period at which point the course will expire". Because of this clause, the BET currently renews all real estate courses for four years, then manually changes the expiration dates to two years. (Continuing education courses are adjusted to an expiration date of either March 31 or November 30 to coincide with the license expiration dates.)

1. Renew continuing courses every 24 months to make consistent with other real estate courses, thereby eliminating the requirement to manually adjust the expiration dates.
2. Allow for continuing education courses to be submitted for renewal 120 days prior to the expiration date (currently the BET will not accept courses more than 90 days prior to the expiration date). This will allow schools to renew correspondence courses earlier. Rule 3.009 requires schools to include the expiration date on their materials. Correspondence education materials must be printed and shipped well in advance.
3. The BET no longer requires two sets of course materials. Remove the wording for two sets of materials. There is no longer a requirement for the submission to be "blind."

61J2-3.008 Pre-licensing Education for Broker and Sales Associate Applicants

1. Change grade on end-of-course exam from 70% to 75% to be consistent with the passing score on the state license exam. Increasing the end-of-course passing score will raise the competency requirement before being eligible to take the state license exam.
2. The BET no longer requires two sets of course materials. Remove the wording for two sets of materials. There is no longer a requirement for the submission to be "blind."
3. Allow for courses to be submitted for renewal 120 days prior to the expiration date (currently the BET will not accept courses more than 90 days prior to the expiration date).
4. Require primary providers (of pre-license courses) to submit the course materials, end-of-course exams, and a summary of updates with each renewal request.

Note: I have also attached the administrative rules currently used by the Construction licensing board. There may be some ideas the Commission may want to adopt for real estate concerning distance education.

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