

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

(1)(a) All persons holding active or inactive licenses as brokers or sales associates must satisfactorily complete a minimum of 14 hours of instruction of 50 minutes each as the Commission has prescribed or approved during each license renewal period excluding the first renewal period of their current license.

(b) For all courses approved for classroom delivery, 50 minute hours means fifty minutes of classroom instruction, exclusive of any breaks, recesses, or other time not spent in instruction. (or shall mean?) eClassroom hours are in which all of the hours are delivered live by an instructor in a classroom or by a live streaming or any means of video conferencing technology while the students are in attendance.

(c) Any school requesting approval for a distance learning course via streaming video or any other means of video conferencing technology must submit to the DBPR at the time of course submission all course materials as well as information on the delivery method and software platform being used.

(d) Distance learning means the delivery of education offerings or courses via the internet and/or other interactive electronic media. Such offerings or courses shall be interactive, providing for the interchange of information between the student, and instructor, and shall provide for the registration, evaluation, monitoring, and verification of pre-license education.

(ed) 50 minute hours for distance learning courses shall be the equivalent of the 50 minute classroom hour in a classroom delivery course

~~(b)~~(f) The Commission shall approve any specialty course, seminar or conference in the real estate practice area provided by a public or private school, firm, association, organization, person, corporation or sponsor ("provider"). "Specialty" courses on real estate practices shall be approved for no less than 2 hours and for not more than ~~4~~8 hours of instruction of 50 minutes each. Courses shall not be approved for fractional hours. The Commission will approve the course for 24 months ~~plus the remaining period of the renewal cycle following the end of the 24 month period at which point the course will expire~~. A provider must submit ~~two complete sets, including one blind copy, of~~ the course materials and end-of-course examinations to the Commission for evaluation at least 60 days prior to use and receive approval before it may offer the course examination. Approval or denial of a "specialty" course will be based on its compliance with the criteria established in Section 475.182(1), F.S. Thereafter, it is the responsibility of the provider 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. 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 course will be offered to the student. All Core Law continuing education courses shall be

resubmitted for evaluation ~~as if a new course~~ prior to every second renewal.

(gf) Courses may be submitted for renewal no more than 120 days prior to the course expiration ~~expiration~~ date.

(2)(a) The Commission-prescribed Core Law course totaling 3 hours of instruction of 50 minutes each will review and update licensees on Florida real estate license law, Commission rules, and agency law, and provide an introduction to other state laws, federal laws, and taxes affecting real estate. Approval or denial of the Commission-required Core Law course will be based on the extent to which the course content covers the above-referenced subject areas. The Commission-prescribed Ethics and Business Practices course totaling 3 hours of instruction ~~instruction~~ of 50 minutes each will examine general business ethics applicable to any business and/or real estate. Examinations, if required, must test the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes for re-evaluation.

(b) Excluding the first renewal period of the current license, a licensee must take the 3-hour Core Law course at least once during each renewal period. Beginning April 1, 2017, a licensee must also take the Ethics and Business Practices course at least once during each licensure renewal period and will receive ~~63~~ hours credit toward the 14 hour requirement. In such event, the “specialty” course hours must total at least ~~814~~ hours. A licensee who takes the 3-hour Core Law course in each year of the renewal period shall be allowed a total of 6 hours toward the 14-hour requirement. In such event, the “specialty” course hours must total at least 8 hours. The purpose of this paragraph is to encourage licensees to keep abreast of changes in the law by taking the Core Law course in each year of the renewal period.

(3) Successfully meeting standards established for each Commission-prescribed course constitutes satisfactory completion of the Commission-prescribed continuing education course or courses. A provider shall issue notice of satisfactory classroom course completion only to a licensee attending a minimum of 90% of each of the classroom hours of Commission-prescribed course instruction. Notice of course completion shall be as per Rule 61J2-3.015, F.A.C.

(4)(a) A grade of 80% or higher on the Commission-prescribed continuing education course or courses examination constitutes satisfactory course completion. Students failing the Commission-prescribed course examination must repeat the course of study prior to being eligible to retake the course examination, which must be a different examination from the one the student previously failed. No examination shall contain more than 20% duplication of questions.

(b) A copy of the distance education course materials and a copy of each form of the end-of-course examinations that will be distributed to students shall be submitted to the Commission for evaluation and approval at least 60 days prior to use. The provider must submit ~~two complete sets, including one blind copy, of~~ the course materials and a minimum of five end-of-course examinations for each course to the Commission for evaluation and approval at least 60 days prior to its use. The Commission will issue an

acknowledgement of receipt and status report to the course provider within 30 days after submission of the course and examinations. Thereafter, it is the responsibility of the provider offering the Commission-approved courses to keep the course material current and accurate, and notify the Commission at least 60 days before implementing any significant changes to the course during its approval period. Examinations must test the course material. If the Commission does not approve the course, the provider may resubmit the course, with the mandated changes for re-evaluation.

(c) The objective of the distance education course of study end-of-course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. The examination shall consist of a minimum of 30 items or, if delivered in smaller modules, the examination shall consist of a minimum of 10 items for courses of 5 hours or less. For courses greater than 5 hours, but less than 14 hours, the examination shall consist of a minimum of 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. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. At least 70% of the questions on each form of the test shall be at the application level or higher. No more than 10% of the questions on each form of the test shall be at the knowledge level. The answer key must be unique for each form of the examination. Any school offering the Commission-prescribed continuing education course of study by distance education must maintain a sufficient bank of questions to assure examination validity when administering the examination to licensees from a common source such as a specific business, firm or family.

1. 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.

2. Knowledge level means recalling specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that must be committed to memory.

(d) In all Commission-approved continuing education courses by distance education, the real estate school and school permitholder shall provide to students an address and telephone number of a permitted instructor registered with such school to answer inquiries. The school shall post the schedule of the instructor's availability.

(e) A provider may grade an examination within 15 days after the expiration date of the course, provided it receives the materials prior to or on date of expiration. Providers shall notify students of course [number and](#) expiration date upon receipt of course materials.

[\(f\) Distance education courses may be submitted for renewal no more than 120 days prior to the course expiration date.](#)

(5) Accredited universities, colleges and community colleges in this state, area technical centers, approved providers or real estate schools registered pursuant to Section 475.451, F.S., may offer the Commission-prescribed or approved specialty courses. Accredited universities, colleges and community colleges in this state, area technical centers or real estate schools registered pursuant to Section 475.451, F.S., may offer the Commission-prescribed Core Law course. Satisfactory completion of these courses will not entitle any person to renew a license as a real estate broker or sales associate until such person has met all requirements of law.

(6) Any active member in good standing with The Florida Bar and who is otherwise qualified under the real estate license law is exempt from the continuing education requirements of this rule.

(7) An instructor who teaches a Commission-approved continuing education course may use the course towards the satisfactory completion of the sales associate or broker continuing education requirement on a classroom-hour for classroom-hour basis. However, an instructor may not claim the course more than once in a renewal cycle.

Rulemaking Authority 455.2123, 475.01(1)(d), (e), (2), 475.05, 475.42(1)(c) FS. Law Implemented 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 10-19-83, 9-16-84, Formerly 21V-3.09, Amended 10-13-88, 6-17-91, 12-29-91, 12-8-92, 6-28-93, Formerly 21V-3.009, Amended 2-2-94, 11-13-94, 5-13-96, 12-30-97, 10-25-98, 3-7-99, 1-18-00, 9-17-00, 1-12-04, 7-10-06, 11-3-15.