

61J2-3.020 Post-licensing Education for Active and Inactive Broker and Sales Associate Licensees.

(1) All applicants for licensure who pass a broker or sales associate licensure examination must satisfactorily complete a Commission-prescribed post-licensing course prior to the first renewal following initial licensure. The licensee must take the post-licensing course or courses at an accredited university, college, community college, area technical center in this state, real estate school registered, pursuant to Section 475.451, F.S., or Commission-approved sponsor ("provider").

(a) For a licensed sales associate, the post-licensing education requirement shall consist of one or more Commission-approved courses which shall not exceed 45 hours of 50 minutes each, inclusive of examination, in subjects as provided for in Section 475.17(3)(a), F.S. Post-licensing courses shall consist of a minimum of 15 hours of instruction of 50 minutes each.

(b) For a broker, the post-licensing education requirement shall consist of one or more Commission-approved courses which shall not exceed 60 hours of 50 minutes each, inclusive of examination, in subjects as provided for in Section 475.17(3)(a), F.S.

(c) For all courses approved for classroom delivery, 50 minute hours means (or shall mean?) classroom hours 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.

(d) Any school requesting approval for a 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.

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

(2) Post-licensing education courses shall be training oriented, to the maximum extent possible, and shall build on the academic body of knowledge acquired during the pre-licensing education courses. All courses shall emphasize development of skills necessary for licensees to operate effectively and provide increased protection to the public.

(3) The provider must submit two complete copies of the course materials and end-of-course examination; ~~one submission must be blind.~~ The provider must also submit a copy of the course, or access to the course, in the format in which the student will use it. The course and examination, when delivered via distance education, shall comply with the "Course Approval Criteria" as follows:

(a) 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 for classroom-hour basis.

(b) Providers must demonstrate that the credit hours awarded for distance learning are appropriate to the course offered. The provider 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.

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

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

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

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

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

6. The provider must describe in detail, the objective method used to ensure students receive only the allotted time to complete the end-of-course examinations.

7. The provider must demonstrate that instructors and technical staff are available to assist students with instruction. Instructor and technical assistance hours must be made available to students and posted in a prominent location.

8. Post-licensing courses must include learning objectives for each session of the syllabus. The course provider must describe the method of assessment of the student's performance periodically throughout the course of instruction.

9. End-of-course examinations shall not include aids such as, but not limited to, hint, back, or retry functionalities. The provider 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.

10. The provider 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 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. If the Commission does not approve the course, the provider may resubmit a denied course, with the mandated changes for re-evaluation.

(4) A grade of 75% or higher on the Commission-prescribed end-of-course examination constitutes satisfactory course completion. The provider shall develop at least 2 unique forms of the end-of-course examinations and submit them for approval with a detailed course syllabus. The answer key must be unique for each form of the examination and reference the page number(s) containing the information on which each question and correct answer is based. Examinations must test the material. 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 provider offering the Commission-prescribed courses must maintain a sufficient bank of questions to assure examination validity. End-of-course examinations shall contain at least 100 items. A course that is thirty-hours or less shall contain a minimum of 50 items. 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 overall time to complete the end-of-course examination must not exceed the equivalent of 1.8 minutes per item.

(5) The Commission shall approve post-licensure courses for a period of 24 months and consider renewals only if the provider submits the renewal application no more than 120 days prior to ~~later than 90 days prior to~~ the course expiration date. The renewal application must include the course materials, the end-of-course examinations, and a summary of what updates and revisions have been made to the course. Post-License courses shall be resubmitted as if a new course prior to every third renewal. A provider may grade an examination within 15 days after the expiration of the course, provided it receives the materials prior to or on date of expiration.

(6) The provider shall administer the examination and issue a notice of satisfactory completion, as per Rule 61J2-3.015, F.A.C., provided the student has not missed in excess of 10% of the instruction and has passed the end-of-course examination with a grade of 75% or higher.

(7) The provider offering these Commission-prescribed or approved 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. In all Commission-approved courses offered by distance education, the provider or permitholder shall provide to students an address, e-mail address and telephone number of a Commission-approved instructor registered with such provider, who shall be available to assist the students with instruction. Instructor and technical assistance hours must be made available to students and posted in a prominent location.

(8)(a) Students failing a 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 Commission-prescribed end-of-course examination must repeat the course prior to being eligible to again take the end-of-course examination. Providers shall administer a different form of the end-of-course examination to a student that is retaking the exam or repeating the course.

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

(9) The Commission will allow an additional 6-month period after the first renewal following initial licensure for brokers and sales associates that cannot, due to individual physical hardship, complete the course or courses within the required time. Individual physical hardship is defined as a case wherein a person desiring to take the Commission-prescribed courses cannot, by reason of a physical hardship, attend the place where the classes are conducted. Any person desiring to complete the education course by means of distance education shall make a request to the Commission in writing, setting forth the basis of the alleged hardship. The Commission shall require said request to be supported by statements of doctors and other persons having knowledge of the facts.

Rulemaking Authority 475.05, 475.17 FS. Law Implemented 475.04, 475.17, 475.182 FS. History—New 1-1-89, Amended 1-4-90, 6-28-93, Formerly 21V-3.020, Amended 8-2-95, 12-30-97, 2-24-00, 7-23-00, 5-12-04, 1-11-11.