

Division of Real Estate

FREC FAQ'S

Revised May 2008

FLORIDA REAL ESTATE COMMISSION (FREC)
FREQUENTLY ASKED QUESTIONS AND ANSWERS
AS OF 5/29/2008

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I. LICENSURE TYPES; DEFINITIONS
 (FS 475.01 for more complete definitions)

1.	BK – Broker	A person who, for another, and for compensation or in anticipation of compensation, appraises, auctions, sells, exchanges, buys, rents or offers, attempts or agrees to appraise, auction, or negotiate any sale, exchange, purchase, or rental of business enterprises or any real property or any interest in or concerning the same or who advertises the same.
2.	SL – Sales Associates	A person who performs any act specified in the definition of broker, but who performs such act under the direction, control, or management of a broker or owner/developer on a transactional basis.
3.	Broker – Associates (BK or BL)	A person who is qualified to be a broker, but who continues to operate as a sales associate in the employ of another. Even though their <u>status with the Department is broker-associate</u> , the department still issues the license with a BK as the identifier
4.	ZH - Real Estate Instructor	An individual who instructs persons in the classroom in noncredit college courses in a college, university, or community college or courses in an area technical center or proprietary real estate school. The Department issues a license/permit number to an instructor to teach Florida real estate courses.
5.	CQ – Corporation & LLC’s	This is a business operating as a real estate company. Also, LLC’s (Limited Liability Companies) will be licensed as a “CQ”.
6.	PR – Partnerships, LLP’s	Same as Corporations & LLC’s, but the license identifier is “PR”.
7.	Group License	<u>An owner/developer owns properties through various entities, but all such entities are connected so that such ownership or control is by same individual or individuals. In this case a sales-associate or broker-associate may have a “group license” in order to sell for all the entities owned by the owner/developer. The licensee needs to send an affidavit with a list of all the legal company names used by the owner/developer with the RE 2050 Change of Status form.</u>

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9.	Sole Proprietor	A broker acting individually.
10.	School Permit Holder	The individual who is responsible for directing the overall operation of a proprietary real estate school. A school permit holder must be the holder of a license as a broker, either active or voluntarily inactive, <u>or</u> must hold an instructor's permit. A school permit holder must also meet the requirements of a school instructor if actively engaged in teaching.
11.	Chief Administrator	The individual who is responsible for the administration of the overall policies and practices of a real estate school. A chief administrator must also meet the requirements of a school instructor if actively engaged in teaching.

II. BOARD FUNCTIONS

1.	Florida Real Estate Commission (FS 475.02)	The Commission consists of seven members appointed by the Governor, subject to confirmation by the Senate. Four members must be licensed brokers, each of whom has held an active license for five years preceding appointment. One member must be a licensed broker or a licensed sales associate who has held an active license for two years preceding appointment. Two members must be persons who are not, and have never been, brokers or sales associates. At least one member of the Commission must be 60 years of age or older. Members of the Commission shall be appointed for four-year terms.
2.	Who are the members of the Commission?	The names of the current members of the Commission can be found at Meet The Commission with their positions and term lengths listed.
3.	What is the function of the Florida Real Estate Commission?	The Commission was created to protect the public through the education and regulation of real estate licensees.

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4.	When does the Commission meet and where?	<u>FREC meets once a month.</u> All FREC meetings are held at the Division of Real Estate at 400 W. Robinson Street, Suite N-901, Orlando, Florida 32801. Meetings generally begin at 8:30 AM.
5.	Where can I find the dates of the upcoming Commission meetings?	FREC usually meets on the third Wednesday and preceding Tuesday of each month. For dates, go to the FREC Meetings page.

III. BASIC REQUIREMENTS FOR LICENSURE

An applicant for licensure as a real estate sales-associates, broker, or instructor must be at least 18 years old, hold a high school diploma (more detailed information is available in Chapter 475.17, Florida Statutes), and fulfill the following requirements:

A. SALES ASSOCIATE LICENSE

1.	What are the requirements to become a real estate <u>Sales Associate?</u> ***Attorneys in good standing with the Florida Bar should include a copy of their bar card with their application ***Individuals with four year real estate degree should include an official transcript and a letter requesting "Equivalency" **	Complete the Florida 63-hour pre-licensure course. The applicant must pass the course before taking the state exam. Active Attorneys in good standing with the Florida Bar and individuals with a four year real estate degree <u>are exempt from this course</u>, but are required to take the state exam. Complete the real estate Sales Associate application package, electronic fingerprints, and pass the state exam. The Department issues the license automatically within 10 working days of passing the exam.
2.	Can I use any fingerprint card?	No, as of July 1, 2006 the fingerprints are submitted electronically through the Testing Vendor. You may contact the Vendor: www.pearsonvue.com for fees and locations
3.	Does Florida have reciprocity with any state?	No. (See Mutual Recognition for further questions)

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4.	How long is my application good for?	The application is good for two years from the date received.
5.	What happens if I fail my state exam?	The applicant can reschedule with the testing vendor until the education and/or application expires.
6.	Once I pass the state exam when will I get my license?	The testing vendor will download the passing grade information to the Department's system and at that point the system will automatically issue a license number. This can take up to ten working days after passing the exam. <u>After the Department issues the license it still takes ten to twelve working days before the Department mails the license.</u>
7.	How do I get a duplicate license?	If you just passed your exam, you must allow at least thirty days from issue date before requesting a duplicate, or if you are a current licensee and request a duplicate, you must submit the 0090 "Duplicate License Request Form" and the applicable fees.
8.	Can I work before the status is changed in the DBPR system?	You are not able to operate until the Department website reflects your requested status and proper broker or brokerage. You may monitor your request from our website: www.MyFloridaLicense.com >For Businesses>Maintain My Account
9.	If my sales associate license is null & void can I reapply for the license?	You will have to take and pass the pre-licensure course, as well as the state exam again, in order to be licensed.
10.	What is required to make a sales associate's license active?	The licensee must submit an RE 2050 Change of Status form, signed by a broker or owner/developer. The broker can go to www.myfloridalicense.com on the sole proprietor personal account, or the corporate account, whichever applies, OR submit the RE 2050 Change of Status form found on the RE Forms page.

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11.	What is required to make a sales associate's license inactive?	A broker should send form RE 2050 Change of Status form, requesting that the Department "terminate employee". The broker should sign the form or the sales associate can submit the form by checking "become inactive" include the license number , their name and be sure to sign it.
12.	What happens to my license if it is delinquent for more than 24 months?	The license becomes null and void by operation of law.
13.	I am an attorney; do I need to take the licensing courses for sales associate?	Attorneys in good standing with the Florida Bar are exempt from the pre-licensing course but are required to take the 45 hour post-licensure course within the initial renewal cycle.

B. BROKER LICENCE REQUIREMENTS

1.	Will experience from another state or a real estate license from another state count towards the broker license in Florida?	<p>A licensed real estate Sales Associate or Broker who has <u>real estate experience in another state</u>, may apply the experience toward a Florida Broker's license, <u>if the applicant has held an active Sales Associate or Broker's license</u> for at least 24 months during the preceding five years.</p> <p>*EFFECTIVE JULY 1, 2008: 12 MONTHS EXPER. WILL CHANGE TO 24 MONTHS DURING THE PRECEDING FIVE YEARS*</p> <p>Applicants claiming experience from a jurisdiction other than Florida should attach to the application a current certification of real estate license history (NOT MORE THAN 30 DAYS OLD) from the licensing agency of that jurisdiction. The real estate license must have been obtained from the real estate licensing authority by completing education and examination requirements. This allows someone to start here as a broker rather than as a sales associate because the experience requirement is fulfilled. If applicant is coming from a state <u>the department does not have mutual recognition with</u>, they are required to take the broker pre-licensing course & exam.</p>
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2.	If I have a degree in real estate do I need to take the licensing courses?	Individuals with a four-year real estate degree are exempt from the 63 hour or 72 hour prelicensure course, but must make application and take the state exam. Applicants with a four-year real estate degree must include an official <u>Transcript(s)</u> with their application. Refer to Rule 61J2-3.012(2).
3.	I am an attorney; do I need to take the licensing courses for brokers?	Yes. Attorneys are required to take the 72 hour pre-licensure broker course, and are required to take the 60 hour broker post licensing course.
4.	What if my broker's license is null and void, because I did not take the post licensure education, how do I become licensed again?	<p>1. If you are within six months of the license expiring, and wish to continue operating, then you may revert to sales associate status by taking the 14 hrs. continuing education, filing a Revert Status Form, and paying the renewal fee for a sales associate license, OR</p> <p>2. If you have been actively licensed as a broker for twenty four months in the previous five years, you may apply for a broker license, take the 72 hour prelicensure course, and pass the state exam.</p>
5.	Does a broker have to register the Trade Name, D/B/A, Fictitious Name with Department of State?	It is not required under 475, F.S. however if another entity is registered with the Secretary of State you may not use that name. It is recommended to protect your name.
6.	How long does a broker have to keep business records?	A broker is required to maintain legible records of all transactions, financial records, etc. for a period of five years. If any record has been subject to litigation or used as evidence, it must be maintained until at least two years after the litigation has concluded. All such records of a brokerage are subject to review by the Department's real estate investigators during normal business hours.
7.	If I am a broker for more than one brokerage do I have to be an officer in both companies?	Yes, all brokers must be an officer or director, partner, member, or manager for all the brokerage companies they work for.
8.	How do I become a sole proprietor?	A licensed broker can become a sole proprietor by completing and submitting the "Sole Proprietor" package found on the RE Forms page.

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9.	<p>I am a broker working as a sole proprietor; can I work out of my home?</p>	<p>Yes, provided that no local laws prohibit home offices, such as municipality or county zoning laws. One enclosed room in the home must be designated to conduct business with customers. The designated office must have a phone line and a proper sign. 475.22(1), F.S. and 61J2-10.22, F.A.C.</p>
10.	<p>What is required for a broker to go inactive?</p> <p>***Please Note: If you are the only broker for the corporation, or you are a sole proprietor all sales associates will become inactive when your broker license becomes inactive.***</p>	<ol style="list-style-type: none"> 1. If the broker is leaving a corporation and not going to be working, the broker should submit a signed RE 2050 Change of Status form with a copy of letter of resignation, requesting to “become inactive”. 2. If the broker is currently a sole proprietor and wishes to go inactive, the broker should submit a RE 2050 Change of Status form requesting to become inactive. 3. To terminate a broker, a corporation needs to submit a corporate amendment package with a copy of corporate minutes OR letter of resignation of the broker. 4. If a broker owns a corporation and intends to close the corporation and become inactive, the broker should submit a RE 2050 Change of Status form, the CQ license, and a cover letter that the corporation is being closed, requesting the Department cancel the corporate license.

C. BROKER/ SALES ASSOCIATE LICENSE

1.	<p>What are the requirements to become a broker associate?</p>	<ol style="list-style-type: none"> A) When a corporate broker becomes a broker/sales associate, he/she needs to submit a letter of resignation, together with a RE 2050 Change of Status form marked “Change of Employer”, B) When an individual “sole proprietor” broker becomes a broker/sales associate all that is needed is a RE 2050 Change of Status form marked “change employer”.
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D. INSTRUCTOR REQUIREMENTS

1.	What are the requirements to become a <u>real estate instructor</u>?	<p>1. Complete the real estate instructor application package; submit electronic fingerprints, and fees.</p> <p>2. The applicant must qualify by meeting <u>one of the following requirements</u>:</p> <p>A. Hold a bachelor's degree in a business-related subject (such as real estate, finance, accounting, business administration, or its equivalent) <u>and</u> hold a valid broker's license in this state. <u>OR</u></p> <p>B. Hold a bachelor's degree, <u>have extensive real estate experience</u> (as defined by rule) and hold a valid broker's license in this state. <u>OR</u></p> <p>C. Pass the real estate instructor exam.</p>
2.	What is considered “extensive real estate experience” for the purpose of applying for a real estate instructor’s license?	<p>As defined by rule 61J2-17.011 “extensive real estate experience” shall be defined as a minimum of three years of full-time experience as a broker. This experience must include having participated in closing at least five real estate transactions as a licensee, or as the employing broker of licensees, for either party to the transaction, <u>within the 12-month period immediately preceding the filing of an instructor’s application.</u></p>

E. REAL ESTATE SCHOOL REQUIREMENTS

1.	How do I register a Real Estate School?	<p>Submit a completed real estate school application package with the fee of \$135.00. The Department does not require that the school have an instructor at the time of application for the school. The permit holder must be the holder of a valid Florida broker’s license, either active or voluntarily inactive <u>OR</u> hold a current instructor permit.</p>
2.	Who is the permit holder for a Real Estate School?	<p>The permit holder is the person who applied for a school permit and is responsible for directing the overall operation of the school.</p>

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3.	I am a school permit holder; do I need to have a Chief Administrator?	No.
4.	How do I apply to be the Chief Administrator of a Real Estate School?	Submit a completed real estate school Chief Administrator application package with the fee of \$85.00. The Chief Administrator is responsible for the administration of the overall policies and practices of the school.
5.	How do I change the name of a Real Estate school?	Submit a DBPR 0080-1 Request for Address or Name Change form. If the school is incorporated, request an amended Certificate of Incorporation from the Division of Corporations and forward with the DBPR 0080-1.
6.	I am an owner of a school and the permit holder is leaving, do I need to apply for a new school permit?	Yes.

F. CORPORATIONS, LLC's and PA

1.	What are the requirements to register a real estate corporation or a LLC?	<p>1. Register the corporation or LLC with the Department of State, Division of Corporations.</p> <p>2. Complete and submit the real estate corporation application package with the \$95.00 fee, include copy of Articles of Incorporation or Organization reflecting the stamp of Receipt OR a Certification of incorporation, from the Division of Corporations. The Department will issue a "CQ" license.</p> <p>There must be at least one active broker to open a real estate corporation or LLC.</p>
2.	Can one broker terminate another broker in a corporation/LLP or LLC?	Yes, if official documentation is submitted, such as a letter of resignation or the Articles showing the removal of the broker/officer, or the minutes of the meeting showing the broker is removed as officer is required.

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3.	What are the requirements to register a real estate partnership or an LLP?	<p>1. Register the partnership or LLP with the Department of State, Division of Corporations.</p> <p>2. Complete and submit the real estate corporation application package with the \$95.00 fee, include copy of the paperwork from the Division of Corporations. The Department will issue a "PR" license. At least one partner has to be an active broker.</p>
4.	How does a sales associate or broker associate incorporate so they can file their taxes as a business entity?	<p>Licensees should consult with a private attorney regarding steps for incorporation or a Representative with Dept. of State, Div. of Corporations. However, the department will only allow incorporating the licensee's legal name as it appears on the RE license by adding P.A. or LLC to their name.</p> <p>See F.S. 475.161 under Statute and Rules on our website for the complete wording.</p>
5.	What does "P.A." mean?	<p>"P.A." is the abbreviation for "Professional Association", a business corporation engaged in a primary business that provides a professional service.</p>
6.	How do I get FREC to add "P.A." or "LLC" to my name on my sales associate license or broker associate license?	<p>Submit the RE 2050 Change of Status form and \$30.00. Include a copy of the Articles of Incorporation or Organization that has the Filed On date stamp or a Certificate of Incorporation from Department of State. The department will print a new license and mail it to you.</p>
7.	Can I operate a corporation and maintain my PA status?	<p>No. Only sales associates, broker associates or entities may be organized as a PA or LLC.</p>

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8.	How do I close a corporation?	The Broker submits a letter stating the entity will no longer operate as a Real Estate Brokerage along with 2050 form to change their status if they do not carry multiple licenses. Multiple licenses are not transferable and will be voided with the Canceling of the corporation.
9.	Can I be a sole proprietor and maintain a PA?	No. Only sales associates, broker associates or entities may be organized as a PA or LLC.
10.	Can a Corporation or Partnership use a T/A, D/B/A, fictitious name?	Yes.
11.	What is T/A, D/B/A or fictitious name? What does it mean?	T/A is a Trade Name, “trading as”, D/B/A is “doing business as” and a fictitious name is the registered name with the Secretary of State. A sole proprietor or corporation can choose to add one of the above and operate as such.
12.	Does my company have to register the Trade Name, D/B/A, Fictitious Name with Department of State?	It is not required under Chapter 475, F.S. however if another entity is registered with the Secretary of State you may not use that name. It is recommended to protect your name.

G. BRANCH OFFICE

1.	Can a branch office use a different name other than the Corp. name?	No, all branch offices <u>must</u> have the SAME name as the corporate name. Also, no individual, partnership, or corporation may be registered under more than one trade name.
2.	What forms do I need to submit to designate the branch office broker?	All broker licensees are affiliated with the Corporate license and can work in any or all of the branch offices. DBPR does not list agents under branch offices.

H. LICENSE STATUS CHANGES

1.	I am an inactive sales associate, how do I change my status?	After the Department issues the license number, the license will remain inactive until the broker activates the license.
2.	What is required to make a sales associate’s license active?	For an immediate update, the broker can go to www.myfloridalicense.com on the sole proprietor personal account, or the corporate account, whichever applies, to make an

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		immediate change, OR submit the RE 2050 Change of Status form, signed by a broker or owner/developer and sales associate.
3.	What is required to make a sales associate's license inactive?	For an immediate update, the broker can go to www.myfloridalicense.com and terminate the relationship, or the broker can send a signed form RE 2050 Change of Status form, requesting that the Department "terminate employee". The sales associate can submit the form by checking "become inactive, including the license number, name and signature.
4.	If my sales associate license is null & void can I reapply for the license?	Yes, you will need to complete the application, submit fingerprints electronically, pre-license education, fees, and sit for the state exam.
5.	What happens to my license if it is delinquent for more than 24 months?	The Department makes the license null and void.

I. Certification of License History

1.	How do I obtain a licensure certification?	You must submit a written request for certification of license history and include your license name, address where the certification is to be sent, license number, the state for which you are requesting it and a fee of \$25.00 per state.
2.	Where do I send the fee?	Please make check payable to DBPR. Please remit to: DBPR, 1940 North Monroe Street, Tallahassee, FL 32399 – Attn: Div Of Real Estate-Certification Lic. History
3.	Do I need a licensure certification to upgrade from sales associate to broker?	No.

IV. APPLICATION ASSISTANCE

1.	Can I apply online for a real estate license?	Yes, go to www.myfloridalicense.com >For Businesses>Apply For License. Your application will not be complete until all of the sections on the application checklist show complete. You may monitor the status of your application from the same website.
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2.	Where can I get the applications and forms if I want to mail in my application?	You can find all the real estate application packages and individual forms on the DRE web site. Go to RE Forms page, scroll to find the appropriate package (or form) and click on it.
3.	Can I check the status of my application online?	Yes, go to www.myfloridalicense.com > For Businesses>View Application Status
4.	I have been online looking at the status of my application and it is showing a deficiency that states “no exam requested”, why?	The online application will show certain items as deficient until a person within the Department reviews the application and clears each item off the deficiency list in the system. The “no exam request” means you have not yet been approved for the exam. This is usually the last item cleared when the Department approves the application.
5.	If I have a criminal history can I still get a real estate license?	Persons with a criminal history may apply for a real estate license. Each applicant is considered on their own merits.
6.	What do I need to submit with my application if I answer yes to one of the background questions?	<p>It is imperative to read the application question relative to criminal history carefully and fully disclose all incidents that apply. Failure to disclose may be cause for denial or disciplinary action against your license. You will need to provide a written explanation of each disclosure as well as submit the following documentation:</p> <p><u>Question #1</u></p> <ol style="list-style-type: none"> 1. Copy of the police report(s). 2. A copy of current disposition from the court(s) <p><u>Question #2</u></p> <ol style="list-style-type: none"> 1. Need a copy of the judgment 2. The current status of judgment <p><u>Question #3</u> – A certified copy of an Order or any other documentation denying your application for licensure, certification or registration.</p> <p><u>Question #4</u> – Discipline of Professional License(s) Requires official documentation from disciplinary agency.</p>

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6.	Can I request that Florida Real Estate Commission reconsider the denial of my application?	Yes. An applicant receives a Notice of Intent to Deny, and the applicant has two options. Option 1. An informal hearing to appear before the FREC, or 2. A formal hearing in front of an administrative law judge may be requested
7.	I have been denied by the Commission twice, what can I do, I still want to be licensed?	The applicant will receive a Final Order indicating the appellate rights, or you may reapply in the future.
8.	How Do I complete my Finger Prints?	Electronic Fingerprinting is located at various convenient sites throughout the state Site Locations . Reservations and payment can be made by visiting the Pearson VUE reservation website at www.pearsonvue.com and selecting Fingerprinting Services or by calling the Pearson VUE toll-free reservation number at 1.877.238.8232 (TTY 1.800.274.2617). For detailed information on creating an account with Pearson VUE and scheduling a reservation for electronic fingerprinting, please see PearsonVUE.com

V. FEES

A schedule of Real Estate Fees (Initial and Renewal) may be found on the [FREC Main Page](#) . Several of the professions have been granted fee waivers over the past two years so you can't be sure the fee is the same as it was on the last renewal, always check for current renewal fees on the fee schedule.
*****ALL LICENSEES ARE REQUIRED TO COMPLETE THE REQUIRED CONTINUING EDUCATION PRIOR TO RENEWAL OF THE LICENSE*****
 All Real Estate Application fees are on the checklist for each application package.

VI. EDUCATION/CONTINUING EDUCATION REQUIREMENTS

1.	What are the pre-licensure education requirements to be deemed eligible to take the Florida <u>Sales Associate</u> state exam for licensure?	The applicant must complete and pass a FREC approved 63-hour Sales Associate pre-licensure course. The course is not required for active <u>Florida</u> attorneys in good standing with the Florida Bar. Individuals that have a four-year
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		real estate degree requesting equivalency and applicants that qualify for Mutual Recognition are not required to take this course.
2.	What are the pre-licensure Education requirements to be deemed eligible to take the Florida <u>Broker's</u> state Exam for licensure?	Complete and pass a FREC approved 72-hour Florida broker's pre-licensure course. Applicants with a four-year real estate degree requesting equivalency and applicants requesting mutual recognition do not have to take this course.
3.	What happens if I fail the broker's pre-licensure <u>End of course</u> exam?	The applicant must wait at least thirty days from the date of the original exam date to retake the exam. You can retake the end of course exam <u>ONE time</u> within one year of the original exam date. Otherwise, students failing the exam will have to retake the course.
4.	What education courses are required to renew my real estate license for the <u>first time (initial expiration)</u> ?	<u>All licensees, including those applying under a Mutual Recognition Agreement, and attorneys, must complete post-licensure courses prior to the expiration of the initial license.</u> <u>Sales associate</u> - must complete the 45-hour <u>post-licensure course</u> , within the initial renewal period, prior to the expiration date. <u>Brokers</u> - must complete the 60-hour <u>post-licensure course</u> , within the initial renewal period, prior to the expiration date.
5.	Is there any post licensure or CE requirements for a real estate instructor	The Department requires no post- licensure course. If the <u>initial license</u> has an expiration date less than <u>twelve months</u> from the issue date, the Instructor does not have to do any CE requirements for the first renewal. If the Department issued the initial license more than twelve months, the instructor must complete a 7 hr Instructor Seminar with FREC.

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6.	Is there <u>any exception</u> if I did not complete the post licensure education prior to the expiration date?	61J2-3.020 (9) The Commission may allow an additional 6-month period after the first renewal following initial licensure for brokers and sales associate, who <u>cannot</u> , due to <u>individual physical hardship</u> , complete the course within the required time. Individual physical hardship shall be defined in rule 61J2-3.013 (2).
7.	What is the definition of individual physical hardship?	61J2-3.013 (2) – A hardship case is defined as a case wherein a person desiring to take the Commission prescribed courses cannot, by reason of a <u>physical disability</u> , attend the place where the classes are conducted. <u>The Commission shall require said request in writing supported by statements of doctors and other persons having knowledge of the facts.</u>
8.	Is anyone exempt from the post licensure education courses?	<u>ONLY</u> a person with a <u>FOUR YEAR REAL ESTATE DEGREE IS EXEMPT FROM THE POST-LICENSURE CLASS.</u> 61J2-3.020(10)
9.	If I have a four-year real estate degree, what do I need to do to show that I am exempt from post-licensure education?	Send your official transcript, along with a letter of request for equivalency. This goes to the Orlando address to the attention of JoEllen Peacock, Education Coordinator.
10.	What happens if a sales associate does not complete the post licensure course prior to the initial expiration date?	The Department will make the license null & void. A licensee must take the pre-licensure course and pass state exam again to get another license.
11.	What happens if a broker does not complete the post-licensure education prior to the initial expiration date?	The broker will lose the license, but a broker does have the option to go back to a sales associate’s license <u>within six months</u> as long as they do 14 hours of continuing education, complete a “Request to Revert to Real Estate Salesperson Status” and a RE 2050 form, and send these forms in with a request to change back to a Sales Associate; pay <u>Sales Associate renewal fee.</u>

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12.	<p>What is the Continuing Education requirement for brokers and sales associates <u>after the initial renewal</u>?</p>	<p>A broker and sales associate is required to complete 14 hours of continuing education every two years prior to renewing the license as long as it is not the first renewal (post licensure) must be done in order to renew the first, "initial" license. <u>ALWAYS CHECK WITH THE REAL ESTATE LICENSEE TO BE SURE IT IS NOT THEIR FIRST RENEWAL</u> before giving information as to what the CE requirements are.</p>
13.	<p>What happens if a broker or sales associate does not complete the 14 hours of CE requirements prior to the expiration date?</p>	<p>The license will become involuntary inactive because the licensee can not renew the license if they have not done the required CE's. They will have to complete the CE's to renew. The department allows up to 12 months after the expiration date to complete the 14 hrs. and pay the renewal fee, which will include a late fee of \$45.00.</p>
14.	<p>What do I do if I have not taken the CE requirements and now my license is more than twelve months delinquent?</p>	<p>If a broker or sales associate allows the license to go delinquent for more than 12 months, but less than 24 months, a 28-hour reactivation education course must be completed before the 24 months or the license becomes Null & Void.</p> <p>After Mach 31, 2008 only the 28-hour reactivation education will be accepted.</p>
15.	<p>What if I took fourteen hours of education, but failed to renew the license and it is now more than 12 months delinquent?</p>	<p>If 14 hours of continuing education is taken prior to the first license expiration date, then another 14 hour course must be taken prior to the second expiration date. Both 14 hour courses must be completed within each renewal period, and then pay the renewal fee, which will include a late fee of \$45.00.</p>
16.	<p>Does an attorney who holds a real estate license have to do continuing education?</p>	<p>NO. Active <u>Florida</u> attorneys in good standing with the Florida Bar <u>do not have to do continuing education requirements.</u> This exemption is only for the 14-hour continuing education courses, <u>not the post-licensure education.</u></p>

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17.	Does an active Florida attorney in good standing with the Florida Bar have to do the 28-hour reactivation course if their license is delinquent for more than 12 months?	No, the active Florida attorney just pays the renewal fee, which includes a late fee of \$45.00.
18.	What education requirements is an active Florida attorney exempt from?	They are only exempt from the <u>Sales Associate Pre-licensing education course, the 14 hr Continuing Education, the reactivation education, and the real estate instructor education.</u>
19.	Who can work with an inactive or involuntary inactive license?	No one.
20.	Can my CE hours carry over from one renewal period to another?	No.
21.	Does a licensee have to do CE hours while they are inactive?	Yes, a licensee <u>pays the same fee and must complete the CE requirements</u> regardless if they are inactive or active.
22.	How does a real estate school get real estate courses approved?	A school permit holder should complete the RE 2090 Request for Course Evaluation form, and send all course materials with the form for review and approval. This information should be sent to the Department's Bureau of Education & Testing.
23.	How long will it take to approve my real estate courses? 61J2-3.008 (5) (b) 61J2-3.009 (2) (a) 61J2-3.020 (4) (a)	Up to 60 DAYS. Refer to Rule.
24.	Can I receive C.E. Credit for attending a FREC Meeting?	Yes, F.S. 475.182(1)(b)-The commission may accept as a substitute for 3 classroom hours, one time per renewal cycle, attendance at one legal agenda session of the commission. In order to obtain credit, the licensee must notify the division at least 7 days in advance of his or her intent to attend. A licensee may not earn any

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		continuing education credit for attending a legal agenda session of the commission as a party to a disciplinary action.
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VII. COMPLAINTS

1.	How do I file a complaint against a real estate licensee?	Go to the RE Forms page and download the RE 2200 Uniform Complaint form. Follow the instructions, complete, sign and mail it in with the required documentation.
2.	What do I need to submit with the complaint form?	You will need to include with the complaint form documentation such as: Sales Contract (front and back) Cancelled checks (front and back) Lease/Rental Agreement (front and back) Listing/Management Agreement (front and back) Closing Statement Multiple Listing Printout Appraisals Repair Bills Monthly Statements Correspondence Agency Disclosure Statement Judgement/Civil Law Suit
3.	Has the DRE received my complaint?	The DRE will send the complainant a letter upon receipt. Upon the review of the complaint, the complaint analyst will inform the complainant, by letter, of the disposition of the complaint.
4.	What happens to my complaint when you receive it?	When a complaint is received, it is forwarded to a complaint analyst. The analyst reads the complaint and if there appears to be a violation supported by documentation, a case number is assigned and the case is forwarded to the Investigative Field Office for an investigation. 1. If the complaint does not have sufficient information to support the alleged violation, it is assigned a case number and a letter is sent to the complainant

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		<p>requesting additional information.</p> <p>2. If there does not appear to be a violation of Real Estate license law or the DRE does not have jurisdiction over the matter, a letter is sent to the complainant explaining that no case will be opened.</p>
5.	How can I check on the status of my complaint?	If the caller has a case number or is asking to speak to the investigator, transfer the call, using the drop down list, to “Real Estate, Investigations”. If the caller claims the complaint was mailed more than thirty days ago and insists on speaking to someone, go ahead and transfer the call to “Real Estate Investigations”.
6.	At what point does a complaint become public information?	A complaint does not become public information until 10 days after probable cause has been found.
7.	How can I get a copy of a complaint?	If a final order has been filed, copies can be acquired through the Department’s Agency Clerk’s Office. The call can be transferred to the Agency Clerk’s office on our Drop Down list or a written request can be sent to the Agency Clerk’s Office.
8.	Is there a fee for the copies of a complaint?	Yes, the Clerk’s Office will have to copy the information and notify you of the amount of the copying fee. You will have to send in the fee before the Clerk will mail the copies.

VIII. DISCIPLINARY

1.	What disciplinary action can be taken against a real estate licensee?	FREC can fine, suspend, revoke, place on probation or reprimand licensees. For more information refer to F.S. 475.25 & 61J2-24
2.	How can I find out if there have been complaints or disciplinary actions filed against a particular	You can search for the licensee on the DBPR online services page www.myfloridalicense.com and look for any complaints once you get the licensee record. For further research on

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	licensees?	disciplinary actions against licensees, go to RE Disciplinary Actions Or Send a written request to Real Estate Investigations, at 400 W. Robinson Street, Suite. N-801, Orlando, Florida, 32801, with correct spelling of the licensee name (last, first, middle initial if available).
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IX. ESCROW ISSUES

1.	What is an escrow or trust account?	Generally, for the purposes of the real estate licensee, an escrow account or trust account is used to hold fees entrusted to the broker, pertaining to a real estate transaction.
2.	Is a broker required to have an escrow account?	No. A broker is not required to have an escrow account.
3.	Where may a broker establish an escrow account?	Escrow monies may only be maintained in banks, trust companies, title companies, credit unions or savings and loan institutions <u>located in Florida.</u>
4.	When must funds be deposited in an escrow account?	All monies to be escrowed should be immediately deposited upon receipt by the licensee. "Immediately" has been defined as the placement of a deposit in an escrow account no later than the end of the third business day following receipt of the item to be deposited.
5.	Is it permissible to keep extra funds in one's escrow account?	It is permissible to keep up to \$5,000 of personal or brokerage funds in the broker's rental distribution escrow account and up to \$1,000 of personal or brokerage funds in the broker's sales escrow account. The monthly reconciliation statement, must specifically identify the overage amount, for example "this overage of \$200.00 (or \$180.....) is "seed money" to maintain bank account".
6.	What do I have to do to have an interest-bearing escrow account?	All parties should execute a written agreement to have interest accrue on the deposit and specify to whose benefit the interest is

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		accruing. The account must be insured and maintained in Florida. When it comes time to disburse the principal amount being held in escrow, the funds must be transferred into a non-interest bearing account and disbursed from the non-interest bearing account.
7.	Is a broker required to have a release of deposit form signed by parties involved before releasing a deposit?	No. There is no rule that requires a broker to have a release of deposit form signed by parties involved. However, many brokers/brokerage companies request that the parties involved sign a release to be sure that no dispute exists before disbursing.
8.	Who is responsible for notifying FREC of conflicting demands over monies held in Escrow?	The broker who is holding the funds in his or her escrow account is responsible for notifying the Commission in writing.
9.	My attorney (or title company) is holding my escrow money, and there is a dispute, can DRE help me?	The DRE has no jurisdiction over escrow monies held by an attorney or title company. If there is a dispute, it becomes a civil matter.
10.	When must a broker notify FREC that he/she has conflicting demands for escrow funds?	A broker, upon receiving conflicting demands for trust funds being maintained in his/her escrow account, must provide written notification to FREC within 15 business days of the last party's demand, and the broker must institute one of the settlement procedures as set forth in F.S. 475.25 (1) (d) 1., within 30 business days after the last demand.
11.	What is the settlement procedures used in order to settle a conflict over funds placed in escrow? 11. cont'	There are four settlement procedures a real estate broker can use to settle a conflict or a "good faith doubt" over escrow funds. They are: <ol style="list-style-type: none"> 1. request the FREC issue an Escrow Disbursement Order determining who is entitled to the escrowed property; 2. with the consent of all parties, submit the matter to arbitration; 3. by interpleader or otherwise seek adjudication of the matter by a court; or 4. with the written consent of all parties, submit the matter to mediation, the

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		<p>mediation process must be completed within 90 days or the broker will promptly employ another escape procedure</p> <p>There are certain time requirements concerning these settlement procedures. Also, a party may elect to commence a civil lawsuit, regardless of the broker's actions concerning these settlement procedures. F.S. 475.25(1)(d) 1.</p>
12.	Once a final Order is issued on an Escrow Disbursement Order (EDO), how long should it take before the broker releases the Escrow funds?	While there is no rule that addresses a specific number of days in which to disburse the funds, the broker should disburse the funds promptly upon receiving the Final Order. If after a reasonable amount of time the broker does not comply with the final order, the broker can be prosecuted for a violating a lawful order of the Florida Real Estate Commission.
13.	If buyer and seller are both claiming the deposit, which is being held by the broker, in a transaction that did not close, what does the broker do about the escrow funds?	The broker must notify FREC in writing as stated above.
14.	How long should a broker keep abandoned escrow funds?	The broker may maintain the funds and contact the Dept. of Financial Services (formally known as the Dept. of Banking and Finance) at (850) 410-9253, for Information about Florida Laws on abandoned property.

X. ADVERTISING & SIGNAGE

1.	What must be on the yard signs?	If a licensee/broker is involved, the yard sign must comply with advertising requirements. See Rule 61J2-10, F.A.C
2.	What is required for advertising?	All advertising must be in a manner in which reasonable persons would know they are dealing with a real estate licensee. 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 FREC.
3.	Can a licensee put their nick name on their business cards?	Yes, but it must be with the legal name as well, for example: Robert "Bob" Smith or Robert A. "Bubba" Smith.

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4.	Can a sales associate or broker associate have a different address and phone number on their business cards other than the address of record?	Only if it indicates that it is an after hours address and phone number and they also have the address and phone number of the brokerage location.
5.	What type of sign is required for a real estate office?	All active real estate brokers must maintain a sign on or about the entrance of their principal office and all branch offices. The sign shall be placed on either the exterior of the office entrance or the interior of the office. The name of the broker, together with the trade name, if any. For a partnership or corporation the sign shall contain the name of the firm or corporation, or trade name of the firm or corporation along with the name of at least one of the brokers. At a minimum, the words "Licensed Real Estate Broker" must appear (or Lic. Real Estate Broker) on the office entrance signs. Rule 61J2-10.024, F.A.C.
6.	Does a licensee have to display their license?	No.

XI. UNIQUE/GENERAL QUESTIONS

1.	Does FREC/DRE handle real estate commission disputes?	No. Commission disputes are a civil matter. If a judgment is obtained and the licensee fails to pay the judgment, a complaint can be filed against the licensee for failing to pay a judgment.
2.	I am in the middle of a real estate transaction and need advice; can FREC or the Department help me?	No. You must consult a private attorney. This agency accepts complaints for possible disciplinary action, but cannot give legal advice.
3.	I have a contract with a seller. I have tried three mortgage companies and can not get a loan. The seller is holding the money; can FREC or the Department help?	No, this is a civil matter. FREC has jurisdiction over the licensee, not the seller.
4.	I have a problem with my apartment complex manager that won't return	Refer to 83.49 (Landlord Tenant law) for information.

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	my security deposit. How do I get my deposit back?	
5.	Who may work for an owner developer?	A broker may not work for a developer unless the developer is also a registered brokerage entity licensed with the Department. The developer does not have to have a “CQ” license if they sell only their own properties; therefore the developer is the person responsible for the business affairs, not the broker. If the developer wants a broker to be a broker/officer and be responsible, then they are required to register as a RE Company with DRE.
6.	If a broker associate or sales associate works for a broker, can they work part-time for a rental or leasing company?	Yes, but only if the compensation is in the form of a salary, not COMMISSION. They may not receive bonuses, commissions or gratuities (dinner, flowers, wine, tickets, whatever) of any sort, no matter what they try to call it.
7.	Is there a state license for property manager?	No. But see also CAM FAQs.
8.	Does a property manager need a real estate license?	A property manager needs a sales or broker license if the compensation is paid by COMMISSION, and handling rentals and leases for others, not personally owned properties. There is not a “Property Manager” license or certificate. (Check with CAM FAQ’s.) Also, certain rental properties need a license thru the Div. of Hotels and Restaurants, refer them to the H&R website.
9.	What is a “broker of record”?	“Broker of Record” is a term used by the Board of Realtors®.
10.	The real estate company has more than one broker, who is responsible for the company?	All brokers in a real estate company are equally responsible under Chapter 475, F.S.
11.	What is required from a licensee when they are moving out of state?	A licensee must update their current addresses with the Department within 10 days, and submit an “Irrevocable Consent to Service” form. The form can be found at RE Forms .
12.	I am changing my name; do I need to file a name change?	Licensees are not required to change their name. If your personal name or trade name is lawfully changed, you may request for re-issuance of the license or registration. (61J2-

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		9.007) Send \$25.00 for a new license to be printed, and include the legal document (marriage license, divorce decree, etc) that legally changed the name.
13.	Does FREC require a licensee to file a change of address?	Yes, each licensee and permit holder is required to notify the department when their address changes within 10 days after the change. This can be done online or by mail with the DBPR 0080 Request for Address or Name Change form. 61J2-10.038 (2)
14.	Can I get a refund?	Submitting this application and required fees implies your intent to pursue licensure. If you wish to withdraw your application you will only be entitled to the unused portion of fees paid. The department must receive your written request for a refund, per Chapter 215.26, F.S., no more than 3 years from date of payment. If you have previously submitted an application, please contact the Division of Real Estate <u>before</u> submitting a second application.
15.	How do I get a Certification of License History or a Letter of Good Standing?	A certification of license history request requires a written notice with information of your license name, address to return certification to, license number, the state you are needing it for and a fee of \$25.00 payable to DBPR. Please remit to: DBPR, 1940 North Monroe Street, Tallahassee, FL 32399-ATTN: Division of Real Estate-Certification Licensure History
16.	I'm an Attorney and I need a certification on a licensee. How do I obtain this?	A legal certification of license history request requires a written notice on letterhead. Please include the licensee name, license number if known, time frame for information required, court date if known and the type of information that you are seeking. Mail to: DIVISION OF REAL ESTATE, 400 WEST ROBINSON STREET, SUITE N801, ORLANDO, FL 32801 OR FAX TO 407-317-7245
17.	Can I change my address using on-line services at www.myfloridalicense.com .	Sales Associate – Yes Broker – Yes Chief Administrator – Yes Real Estate Corporation - No

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		Real Estate Partnership – No Real Estate Branch Office - No Real Estate Instructor – No Real Estate School – No Real Estate Additional Location – No Owner/Developer (Pseudo) Corporate Broker – No
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XII. REALTOR® MLS

1.	REALTOR ®	<p><u>A real estate professional who is a member of a local BOARD OF REALTORS ® and is affiliated with the state association (Florida Association of Realtors ®) and the National Association of Realtors ®. These are PRIVATELY run organizations. The department has no information about them, nor does the department set their rules, fees or requirements.</u></p> <p>The term REALTOR ® and real state licensee are not synonymous.</p>
2.	MLS listings (Multiple-Listing Service)	<p>A private arrangement among members of a real estate board or exchange that allows each member to share listings with other members.</p>
3.	MLS listing fees	<p>If a broker is requiring a Sales Associate to pay a membership fee for access to MLS listing, it is because the broker is a member of a local Board of Realtors ® and the board charges the broker a fee per “active agent”, to have access to the MLS listing service, etc.</p> <p>The department has no involvement in this matter. These are private boards, not state run boards. The Florida Association of Realtors ® can provide further assistance, Florida Association of Realtors® is (407) 438-1400; REALTOR ® Members can call the Legal Hotline at (407) 438-1409.</p>
4.	Listing Agreements....how can someone get out of a Listing?	<p>This is a contractual matter. Questions of this nature an attorney, specializing in real estate contract law, may be consulted for assistance.</p>

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XIII. MUTUAL RECOGNITION

1.	Does Florida have reciprocity with any state?	No, but the Department has Mutual Recognition with the following eleven states: Alabama, Arkansas, Colorado, Connecticut, Georgia, Indiana, Kentucky, Mississippi, Nebraska, Oklahoma, and Tennessee.
2.	What does it mean to apply under mutual recognition?	Florida has agreements with certain states to allow non-residents of Florida to apply for a Real Estate Broker or Sales Associate license if they hold a current and active license in their state. State specific requirements as well as the actual agreement are available at Mutual Recognition Information . Mutual Recognition applicants will only have to take a 40-question law exam.
3.	I moved to Florida, can I apply for Mutual Recognition?	No. If you are already a Florida resident, you do not qualify for Mutual Recognition.
4.	I am a sales associate in a state with Mutual Recognition; can I apply for a broker license in Florida? *EFFECTIVE JULY 1, 2008: 12 MONTHS EXPER. WILL CHANGE TO 24 MONTHS DURING THE PRECEDING FIVE YEARS*	No. Mutual Recognition is for equivalent licensure. You can apply for sales associate under Mutual Recognition OR Use your two year experience within the past five years as a sales associate to apply for a brokers license, however this would <u>not</u> be a Mutual Recognition application, and you would be required to take the broker prelicensure course and the full 100 question state exam.
5.	How do I become a broker if I have two years experience in another state?	If you are in a state in which Florida has a Mutual Recognition Agreement you may apply for a Florida broker license.
6.	What education requirements are there if I am applying for Mutual Recognition?	Mutual Recognition applicants are required to take the 40-question law exam, and are not required to take a prelicensure course. However, <u>postlicensure education is required, to be taken within the initial renewal period.</u>

Please refer to the Appraisal Board FAQ's for Appraisal questions.