

By Representative Mahon

1                                   A bill to be entitled  
 2           An act relating to real estate professionals;  
 3           amending s. 475.17, F.S.; requiring educational  
 4           courses that are prerequisites to licensure as  
 5           a broker, broker-salesperson, or salesperson or  
 6           the maintenance or renewal of such licensure to  
 7           be made available by means of distance  
 8           learning; providing requirements for the  
 9           provision and satisfactory completion of such  
 10          distance learning courses; amending s. 475.182,  
 11          F.S., relating to continuing education  
 12          requirements, to conform; amending s. 475.451,  
 13          F.S., relating to schools teaching real estate  
 14          practice, to conform; reenacting s. 475.05,  
 15          F.S., to provide the Florida Real Estate  
 16          Commission rulemaking authority with respect to  
 17          implementation of the distance learning courses  
 18          required by this act; providing an effective  
 19          date.

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 21 Be It Enacted by the Legislature of the State of Florida:

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 23           Section 1. Paragraph (a) of subsection (2), paragraphs  
 24           (a) and (b) of subsection (3), paragraphs (a) and (b) of  
 25           subsection (4), and paragraph (c) of subsection (5) of section  
 26           475.17, Florida Statutes, are amended to read:

27           475.17 Qualifications for practice.--  
 28           (2)(a)1. In addition to other requirements under this  
 29           part, the commission may require the satisfactory completion  
 30           of one or more of the educational courses or equivalent  
 31           courses conducted, offered, sponsored, prescribed, or approved

1 pursuant to s. 475.04, taken at an accredited college,  
2 university, or community college, at an area technical center,  
3 or at a registered real estate school, as a condition  
4 precedent for any person to become licensed or to renew her or  
5 his license as a broker, broker-salesperson, or salesperson.  
6 The course or courses required for one to become initially  
7 licensed shall not exceed a total of 63 classroom hours of 50  
8 minutes each, inclusive of examination, for a salesperson and  
9 72 classroom hours of 50 minutes each, inclusive of  
10 examination, for a broker. The satisfactory completion of an  
11 examination administered by the accredited college,  
12 university, or community college, by the area technical  
13 center, or by the registered real estate school shall be the  
14 basis for determining satisfactory completion of the course.  
15 However, notice of satisfactory completion shall not be issued  
16 if the student has absences in excess of 8 classroom hours.

17 2. Such required course or courses must also be made  
18 available by distance learning. A distance learning course  
19 must be provided by an accredited college, university, or  
20 community college, by an area technical center, by a  
21 registered real estate school, or by a commission-approved  
22 sponsor and must be approved by the commission prior to being  
23 made available. Satisfactory completion of a distance  
24 learning course requires the satisfactory completion of a  
25 timed distance learning course examination.

26 3. Such required course or courses must be made  
27 available by correspondence or other suitable means to any  
28 person who, by reason of hardship, as defined by rule, cannot  
29 attend the place or places where the course or courses are ~~is~~  
30 regularly conducted or does not have access to the distance  
31 learning course or courses.

1           (3)(a) The commission may prescribe a postlicensure  
2 education requirement in order for a person to maintain a  
3 valid salesperson's license, which shall not exceed 45  
4 classroom hours of 50 minutes each, inclusive of examination,  
5 prior to the first renewal following initial licensure. If  
6 prescribed, this shall consist of one or more  
7 commission-approved courses which total at least 45 classroom  
8 hours on one or more subjects which include, but are not  
9 limited to, property management, appraisal, real estate  
10 finance, or the economics of real estate management. Required  
11 postlicensure education courses must be provided by ~~taken at~~  
12 an accredited college, university, or community college, by an  
13 area technical center, by ~~or at~~ a registered real estate  
14 school, or ~~given~~ by a commission-approved sponsor.

15           (b) Satisfactory completion of the postlicensure  
16 education requirement is demonstrated by successfully meeting  
17 all standards established for the commission-prescribed or  
18 commission-approved institution, ~~or~~ school. However, notice  
19 of satisfactory completion shall not be issued if the student  
20 has absences in excess of 10 percent of the required classroom  
21 hours or has not satisfactorily completed a timed distance  
22 learning course examination.

23           (4)(a) The commission may prescribe a postlicensure  
24 education requirement in order for a person to maintain a  
25 valid broker's license, which shall not exceed 60 classroom  
26 hours of 50 minutes each, inclusive of examination, prior to  
27 the first renewal following initial licensure. If prescribed,  
28 this shall consist of one or more commission-approved courses  
29 which total at least 60 classroom hours on one or more  
30 subjects which include, but are not limited to, advanced  
31 appraisal, advanced property management, real estate

1 marketing, business law, advanced real estate investment  
2 analyses, advanced legal aspects, general accounting, real  
3 estate economics, syndications, commercial brokerage,  
4 feasibility analyses, advanced real estate finance,  
5 residential brokerage, or real estate brokerage office  
6 operations. Required postlicensure education courses must be  
7 provided by ~~taken at~~ an accredited college, university, or  
8 community college, by an area technical center, by ~~or at~~ a  
9 registered real estate school, or ~~be given~~ by a  
10 commission-approved sponsor.

11 (b) Satisfactory completion of the postlicensure  
12 education requirement is demonstrated by successfully meeting  
13 all standards established for the commission-prescribed or  
14 commission-approved institution or school. However, notice of  
15 satisfactory completion shall not be issued if the student has  
16 absences in excess of 10 percent of the required classroom  
17 hours or has not satisfactorily completed a timed distance  
18 learning course examination.

19 (5)

20 (c)1. Postlicensure education courses must also be  
21 made available by distance learning. A distance learning  
22 course must be provided by an accredited college, university,  
23 or community college, by an area technical center, by a  
24 registered real estate school, or by a commission-approved  
25 sponsor and must be approved by the commission prior to being  
26 made available. Satisfactory completion of a distance  
27 learning course requires the satisfactory completion of a  
28 timed distance learning course examination.

29 2. The commission shall provide for postlicensure  
30 education courses to be made available by correspondence or  
31 other suitable means to any person who, by reason of hardship,

1 as defined by rule, cannot attend the place or places where  
2 courses are regularly conducted or does not have access to the  
3 distance learning courses.

4 Section 2. Subsection (1) of section 475.182, Florida  
5 Statutes, is amended to read:

6 475.182 Renewal of license; continuing education.--

7 (1) The department shall renew a license upon receipt  
8 of the renewal application and fee. The renewal application  
9 for an active license as broker, broker-salesperson, or  
10 salesperson shall include proof satisfactory to the commission  
11 that the licensee has, since the issuance or renewal of her or  
12 his current license, satisfactorily completed at least 14  
13 classroom hours of 50 minutes each of a continuing education  
14 course during each biennium, as prescribed by the commission.  
15 The commission may accept as a substitute for such continuing  
16 education course, on a classroom-hour-for-classroom-hour  
17 basis, any satisfactorily completed education course that the  
18 commission finds is adequate to educate licensees within the  
19 intent of this section, including an approved distance  
20 learning course. However, the commission may not require, for  
21 the purpose of satisfactorily completing an approved  
22 correspondence course, a written examination that is to be  
23 taken at a centralized location and is to be monitored.

24 Section 3. Subsections (5) and (6) of section 475.451,  
25 Florida Statutes, are amended to read:

26 475.451 Schools teaching real estate practice.--

27 (5) The location of classes and frequency of class  
28 meetings and the provision of distance learning courses shall  
29 be in the discretion of the school offering real estate  
30 courses, so long as such courses conform to s. 475.17(2).  
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1           (6) Any course prescribed by the commission as a  
2 condition precedent to any person's becoming initially  
3 licensed as a salesperson may be taught in any real estate  
4 school through the use of a video tape of instruction by a  
5 currently permitted instructor from any such school or may be  
6 taught by distance learning pursuant to s. 475.17(2). The  
7 commission may require that any such video tape course have a  
8 single session of live instruction by a currently permitted  
9 instructor from any such school; however, this requirement  
10 shall not exceed 3 classroom hours. All other prescribed  
11 courses, except the continuing education course required by s.  
12 475.182, shall be taught by a currently permitted school  
13 instructor personally in attendance at such course or by  
14 distance learning pursuant to s. 475.17. The continuing  
15 education course required by s. 475.182 may be taught by  
16 distance learning pursuant to s. 475.17 or by an equivalent  
17 correspondence course; however, any such ~~course of~~  
18 correspondence course shall be required to have a final  
19 examination, prepared and administered by the school issuing  
20 the correspondence course. The continuing education  
21 requirements provided in this section or provided in any other  
22 section in this chapter do not apply with respect to any  
23 attorney who is otherwise qualified under the provisions of  
24 this chapter.

25           Section 4. Section 475.05, Florida Statutes, is  
26 reenacted to read:

27           475.05 Power of commission to enact bylaws and rules  
28 and decide questions of practice.--The commission may enact  
29 bylaws for its own government and adopt rules pursuant to ss.  
30 120.536(1) and 120.54 to implement the provisions of law  
31 conferring powers or duties upon it. The commission may

1 decide questions of practice arising in the proceedings before  
2 it, having regard to this chapter and the rules then in force.  
3 Printed copies of rules, or written copies under the seal of  
4 the commission, shall be prima facie evidence of their  
5 existence and substance, and the courts shall judicially  
6 notice such rules.

7 Section 5. This act shall take effect July 1, 2002.

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HOUSE SUMMARY

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12 Requires educational courses that are prerequisites to  
13 licensure as a real estate broker, broker-salesperson, or  
14 salesperson or the maintenance or renewal of such  
15 licensure to be made available by means of distance  
16 learning, and provides requirements for the provision and  
17 satisfactory completion of such distance learning  
18 courses. Provides the Florida Real Estate Commission  
19 rulemaking authority with respect to implementation of  
20 the distance learning courses required by the act. See  
21 bill for details.

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