

Bill No. CS for SB 664

Amendment No. Barcode 494384

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Constantine moved the following amendment:

Senate Amendment (with title amendment)

On page 2, line 21, through
page 8, line 4, delete those lines

and insert:

2. The commission may approve a distance-learning course or courses as an option to classroom hours as satisfactory completion of the course or courses as required by this section. The schools authorized by this section have the option of providing either classroom courses or distance-learning courses or both. However, satisfactory completion of a distance-learning course requires the satisfactory completion of a timed distance-learning-course examination.

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

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1 distance-learning course or courses.

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

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

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

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

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

20 (5)

21 (c) 1. The commission may approve a distance-learning
22 course or courses as an option to classroom hours as
23 satisfactory completion of the course or courses as required
24 by postlicensure education courses. The schools or sponsors
25 authorized by this section have the option of providing either
26 classroom courses or distance-learning courses or both.
27 However, satisfactory completion of a distance-learning
28 postlicensure education course or courses requires the
29 satisfactory completion of a timed distance-learning-course
30 examination.

31 2. The commission shall provide for postlicensure

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1 education courses to be made available by correspondence or
2 other suitable means to any person who, by reason of hardship,
3 as defined by rule, cannot attend the place or places where
4 courses are regularly conducted or does not have access to the
5 distance-learning courses.

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

8 475.182 Renewal of license; continuing education.--

9 (1) The department shall renew a license upon receipt
10 of the renewal application and fee. The renewal application
11 for an active license as broker, broker-salesperson, or
12 salesperson shall include proof satisfactory to the commission
13 that the licensee has, since the issuance or renewal of her or
14 his current license, satisfactorily completed at least 14
15 classroom hours of 50 minutes each of a continuing education
16 course during each biennium, as prescribed by the commission.
17 The commission may accept as a substitute for such continuing
18 education course, on a classroom-hour-for-classroom-hour
19 basis, any satisfactorily completed education course that the
20 commission finds is adequate to educate licensees within the
21 intent of this section, including an approved

22 distance-learning course. However, the commission may not
23 require, for the purpose of satisfactorily completing an
24 approved correspondence course, a written examination that is
25 to be taken at a centralized location and is to be monitored.

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

28 475.451 Schools teaching real estate practice.--

29 (5) The location of classes and frequency of class
30 meetings and the provision of distance-learning courses shall
31 be in the discretion of the school offering real estate

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

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

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

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

8 Section 5. Subsection (1) of section 475.618, Florida
9 Statutes, is amended to read:

10 475.618 Renewal of registration, license,
11 certification, or instructor permit; continuing education.--

12 (1) The department shall renew a registration,
13 license, certification, or instructor permit upon receipt of
14 the renewal application and proper fee. Such application
15 shall include proof satisfactory to the board that the
16 individual has satisfactorily completed any continuing
17 education that has been prescribed by the board. The board may
18 approve a distance-learning course or courses as an option to
19 classroom hours as satisfactory completion of the course or
20 courses as required by this section. The schools authorized by
21 this section have the option of providing either classroom
22 courses or distance-learning courses or both. However,
23 satisfactory completion of a distance-learning course requires
24 the satisfactory completion of a timed
25 distance-learning-course examination.

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28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 On page 1, lines 3-23, delete those lines

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1 and insert:
2 amending s. 475.17, F.S.; authorizing
3 educational courses that are prerequisites to
4 licensure as a broker, broker-salesperson, or
5 salesperson or the maintenance or renewal of
6 such licensure to be made available by means of
7 distance learning; providing requirements for
8 the provision and satisfactory completion of
9 such distance-learning courses; amending s.
10 475.182, F.S., relating to continuing education
11 requirements, to conform; amending s. 475.451,
12 F.S., relating to schools teaching real estate
13 practice, to conform; reenacting s. 475.05,
14 F.S., to provide the Florida Real Estate
15 Commission rulemaking authority with respect to
16 implementation of the distance-learning courses
17 required by this act; amending s. 475.618,
18 F.S., relating to real estate appraisers;
19 authorizing distance learning to be made
20 available for continuing education courses;
21 providing an effective date.

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