

By Senator Carlton

24-288-02

See HB 499

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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