

By the Committee on Regulated Industries; and Senator Carlton

315-1774-02

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; amending s. 475.618,  
19          F.S., relating to real estate appraisers;  
20          requiring distance learning to be made  
21          available for continuing education courses;  
22          placing restrictions on examination  
23          requirements; providing an effective date.

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

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27           Section 1. Paragraph (a) of subsection (2), paragraphs  
28           (a) and (b) of subsection (3), paragraphs (a) and (b) of  
29           subsection (4), and paragraph (c) of subsection (5) of section  
30           475.17, Florida Statutes, are amended to read:

31           475.17 Qualifications for practice.--

1           (2)(a)1. In addition to other requirements under this  
2 part, the commission may require the satisfactory completion  
3 of one or more of the educational courses or equivalent  
4 courses conducted, offered, sponsored, prescribed, or approved  
5 pursuant to s. 475.04, taken at an accredited college,  
6 university, or community college, at an area technical center,  
7 or at a registered real estate school, as a condition  
8 precedent for any person to become licensed or to renew her or  
9 his license as a broker, broker-salesperson, or salesperson.  
10 The course or courses required for one to become initially  
11 licensed shall not exceed a total of 63 classroom hours of 50  
12 minutes each, inclusive of examination, for a salesperson and  
13 72 classroom hours of 50 minutes each, inclusive of  
14 examination, for a broker. The satisfactory completion of an  
15 examination administered by the accredited college,  
16 university, or community college, by the area technical  
17 center, or by the registered real estate school shall be the  
18 basis for determining satisfactory completion of the course.  
19 However, notice of satisfactory completion shall not be issued  
20 if the student has absences in excess of 8 classroom hours.

21           2. The commission shall 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 this section. The schools authorized by this section have  
25 the option of providing either classroom courses or  
26 distance-learning courses or both. However, satisfactory  
27 completion of a distance-learning course requires the  
28 satisfactory completion of a timed distance-learning-course  
29 examination. Such examination shall not be required to be  
30 monitored or given at a centralized location.

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

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

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

29           (4)(a) The commission may prescribe a postlicensure  
30 education requirement in order for a person to maintain a  
31 valid broker's license, which shall not exceed 60 classroom

1 hours of 50 minutes each, inclusive of examination, prior to  
2 the first renewal following initial licensure. If prescribed,  
3 this shall consist of one or more commission-approved courses  
4 which total at least 60 classroom hours on one or more  
5 subjects which include, but are not limited to, advanced  
6 appraisal, advanced property management, real estate  
7 marketing, business law, advanced real estate investment  
8 analyses, advanced legal aspects, general accounting, real  
9 estate economics, syndications, commercial brokerage,  
10 feasibility analyses, advanced real estate finance,  
11 residential brokerage, or real estate brokerage office  
12 operations. Required postlicensure education courses must be  
13 provided by ~~taken at~~ an accredited college, university, or  
14 community college, by an area technical center, by ~~or at~~ a  
15 registered real estate school, or ~~be given~~ by a  
16 commission-approved sponsor.

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

25 (5)

26 (c)1. The commission shall approve a distance-learning  
27 course or courses as an option to classroom hours as  
28 satisfactory completion of the course or courses as required  
29 by postlicensure education courses. The schools or sponsors  
30 authorized by this section have the option of providing either  
31 classroom courses or distance-learning courses or both.

1 However, satisfactory completion of a distance-learning  
2 postlicensure education course or courses requires the  
3 satisfactory completion of a timed distance-learning-course  
4 examination. Such examination shall not be required to be  
5 monitored or given at a centralized location.

6 2. The commission shall provide for postlicensure  
7 education courses to be made available by correspondence or  
8 other suitable means to any person who, by reason of hardship,  
9 as defined by rule, cannot attend the place or places where  
10 courses are regularly conducted or does not have access to the  
11 distance-learning courses.

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

14 475.182 Renewal of license; continuing education.--

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

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

5 475.451 Schools teaching real estate practice.--

6 (5) The location of classes and frequency of class  
7 meetings and the provision of distance-learning courses shall  
8 be in the discretion of the school offering real estate  
9 courses, so long as such courses conform to s. 475.17(2).

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

1 attorney who is otherwise qualified under the provisions of  
2 this chapter.

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

5 475.05 Power of commission to enact bylaws and rules  
6 and decide questions of practice.--The commission may enact  
7 bylaws for its own government and adopt rules pursuant to ss.  
8 120.536(1) and 120.54 to implement the provisions of law  
9 conferring powers or duties upon it. The commission may  
10 decide questions of practice arising in the proceedings before  
11 it, having regard to this chapter and the rules then in force.  
12 Printed copies of rules, or written copies under the seal of  
13 the commission, shall be prima facie evidence of their  
14 existence and substance, and the courts shall judicially  
15 notice such rules.

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

18 475.618 Renewal of registration, license,  
19 certification, or instructor permit; continuing education.--

20 (1) The department shall renew a registration,  
21 license, certification, or instructor permit upon receipt of  
22 the renewal application and proper fee. Such application  
23 shall include proof satisfactory to the board that the  
24 individual has satisfactorily completed any continuing  
25 education that has been prescribed by the board. The board  
26 shall approve a distance-learning course or courses as an  
27 option to classroom hours as satisfactory completion of the  
28 course or courses as required by this section. The schools  
29 authorized by this section have the option of providing either  
30 classroom courses or distance-learning courses or both.  
31 However, satisfactory completion of a distance-learning course

1 requires the satisfactory completion of a timed  
2 distance-learning-course examination. Such examination shall  
3 not be required to be monitored or given at a centralized  
4 location.

5 Section 6. This act shall take effect July 1, 2002.

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7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
8 COMMITTEE SUBSTITUTE FOR  
9 SB 664

10 Clarifies that distance-learning courses are an option to  
11 traditional classroom courses required for pre-licensure and  
post-licensure of real estate brokers and salespersons.

12 Prohibits timed distance-learning-course from being monitored  
13 or given at a centralized location for pre-licensure,  
post-licensure, and continuing education requirements for real  
14 estate brokers and salespersons.

15 Requires that distance-learning courses be approved by the  
16 Florida Real Estate Appraisers Board as an option for  
continuing education of licensed appraisers.

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