

61J2-3.008, Pre-licensing Education for Broker and Salesperson Applicants

SUMMARY (inserted for descriptive purposes. The summary is not part of the amended rule.)

The Commission established January 1, 2001 as the deadline for educators to comply with the revised pre-licensing salesperson course syllabus.

CODED TEXT

61J2-3.008 Pre-licensing Education for Broker and Salesperson Applicants, effective November 6, 2000

(1) through (5)(a) No change.

(b) A copy of the course and a copy of each form of the end of course examinations that will be distributed to students shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within 30 days after submission of the course and examinations. Approval or denial of the Commission-required pre-licensing course (Course I or Course II) will be based on the extent to which the course content covers the material set forth in the appropriate course syllabus, incorporated herein by reference, effective January 1, 2001 ~~June 30, 1993~~ (course I) and effective September 1, 1999 (course II), as developed by the Commission. Examinations must test the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. Approval must be granted before the course and examinations may be offered. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(c) through (11) No change.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.08, Amended 7-16-86, 10-13-88, 5-20-90, 1-13-91, 7-20-93, Formerly 21V-3.008, Amended 12-13-94, 6-14-95, 8-2-95, 12-30-97, 9-1-99, 1-18-00, _____.

FINAL VERSION

61J2-3.008 Pre-licensing Education for Broker and Salesperson Applicants.

(1) Persons desiring to become licensed as a real estate salesperson must satisfactorily complete the educational course prescribed by the Commission and designated as Course I. This course will consist of a minimum of 63 classroom hours of 50 minutes each, inclusive of examination, in the basic fundamentals of real estate principles and practices, basic real estate law, and real estate license law. The course approval criteria and procedure are found in paragraph (6) of this rule.

(2) Any licensed salesperson desiring to become licensed as a broker must satisfactorily complete the educational course prescribed by the Commission and designated as Course II. This course will consist of a minimum of 72 classroom hours of 50 minutes each, inclusive of examination, in the fundamentals of real estate appraising, investment, financing, plus brokerage operations and

management. The course approval criteria and procedure are found in paragraph (6) of this rule. Each salesperson must, as a prerequisite to registering for Course II, have been licensed as an active salesperson for a period of not less than 6 months. The six-month active period is not applicable to a full-time degree-seeking student majoring in real estate at an accredited university, college or community college.

(3) The school permit holder, permitted administrative person, or permitted instructor must certify attendance, assure classroom control, assure necessary equipment performance, and shall administer and proctor the end of course examination.

(4) (a) The Commission prescribed Course I for salesperson, or a Commission approved course equivalent to Course I, may be taught through the use of a video tape of instruction by a currently licensed instructor. Quality standards for the video tape and standards for classroom use of video tape instruction are detailed in Rules 61J2-3.016 and 61J2-3.017, Florida Administrative Code. The course approval criteria and procedure are found in paragraph (5) of this rule.

(b) Course content and level of instruction of a video tape course shall be the same as that contained in the Commission prescribed Course I syllabus. This Commission prescribed course is structured for sequential presentation in twenty 3-hour sessions. The first session must be conducted by "live instruction" using a permitted school instructor. In addition, whenever the video tape is not current with the latest law or real estate practice, the tape must be corrected prior to its use in the classroom or a permitted instructor must be in attendance during the affected portion of that session. The course approval criteria and procedure are found in paragraph (5) of this rule.

(c) A copy of the initial course video tape must be submitted to the Commission for review and approval at least 60 days prior to its first planned use in a classroom. After approval, subsequent changes to the course video tape must be submitted to the Commission for review and approval prior to use in a classroom.

(5) (a) Satisfactory course completion is demonstrated by achieving a grade of 70 percent or higher on the Commission prescribed course examination. The examination is administered by the applicable college, university, community college, area technical center or real estate school upon completion of the classroom instruction. However, notice of satisfactory course completion shall not be issued to any student having absences in excess of 8 classroom hours. If an applicant does not pass the licensing examination within 2 years after the successful course completion date, the course is invalid for licensure.

(b) A copy of the course and a copy of each form of the end of course examinations that will be distributed to students shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within 30 days after

submission of the course and examinations. Approval or denial of the Commission-required pre-licensing course (Course I or Course II) will be based on the extent to which the course content covers the material set forth in the appropriate course syllabus, incorporated herein by reference, effective January 1, 2001 (course I) and effective September 1, 1999 (course II), as developed by the Commission. Examinations must test the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. Approval must be granted before the course and examinations may be offered. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(c) Pre-licensure course materials and examinations will be approved for a 2 year period from the date of the approval. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date.

(d) The institution or school shall develop at least 2 forms of the end of course examination which must be submitted for approval as provided in paragraph (5)(b) above. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. At least 20% of the questions on each form of the test shall be application oriented.

(6) The institution or school offering these Commission prescribed courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall be made as prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(7) Students failing the Commission prescribed end of course examination must wait at least 30 days from the date of the original examination to again take the end of course examination. Within one year of the original end of course examination, a student may retake the prescribed end of course examination a maximum of one time. Otherwise, students failing the Commission prescribed end of course examination must repeat the Commission prescribed course prior to being eligible to again take the end of course examination. Students retaking the end of course examination must be administered a different form of the end of course examination.

(8) Make up classes to enable a student to take the course examination and make up examinations due to student or family illness may not extend more than 30 days beyond their scheduled class examination without approval from the Commission. Make up classes must be the classes missed by the student and must consist of the original course material.

(9) These Commission prescribed courses may be offered by accredited universities, colleges, community colleges and area technical centers in this state or by real estate schools registered pursuant to s. 475.451, Florida Statutes. The course approval criteria and procedure are found in paragraph (6) of this rule.

Satisfactory completion of these courses will not entitle any person to receive a license as a real estate broker or salesperson until such person has met all other requirements of law and has passed the applicable examination administered by the BPR.

(10) Any active member in good standing with The Florida Bar who is otherwise qualified under the real estate license law is exempt from Commission prescribed prerequisite education course for licensure as a real estate salesperson. This must be noted on the application to take the salesperson's examination by affixing a copy of the applicant's current Bar card.

(11) Any applicant for licensure who has received a 4-year degree in real estate from an accredited institution of higher education is exempt from the Commission prescribed prerequisite education courses for licensure.