

61J1-4.003, CONTINUING EDUCATION

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

Rule 61J1-4.003, Continuing Education, was amended effective May 25, 2004. The rule was amended to bring it into compliance with statutory changes. The revision affects rule provisions relating to continuing education.

CODED TEXT

61J1-4.003 Continuing Education, effective May 25, 2004.

(1) All registered, licensed and certified appraisers must satisfactorily complete a minimum of 30 hours of 50 minutes each of appraiser continuing education as prescribed or approved by the Florida Real Estate Appraisal Board, without duplication of material, during each renewal period as defined in Rule 61J1-2.002, Florida Administrative Code. ~~The 30-hours shall include The 7-hour National USPAP update course or its equivalent and shall be taught by an AQB certified USPAP instructor, Of the 30 hours, a minimum of 7 hours with a maximum of 18 hours, without significant duplication of material, include an update of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1) (o) (m), Florida Statutes F.S. A minimum of 3 hours shall be dedicated to a review and update of the Florida Real Estate Appraisal law and Board Rules, and provide an introduction to other state and federal laws affecting real estate appraisals and will review and update the Florida Real Estate Appraisal License Law and board rules, and provide an introduction to other state and federal laws affecting real estate appraisals. A minimum of 3 hours shall be dedicated to an update of the Florida Real Estate Appraisal License Law and board rules.~~ A registered, licensed or certified appraiser is not required to complete the 30 hours of continuing education as a condition for initial registration, licensure or certification renewal if the time between the effective date on the initial registration, license or certificate and the beginning of the initial registration, licensure or certificate renewal is less than 12 months.

(2) The ~~B~~board shall approve for appraisal continuing education credit any course, seminar or conference in the real estate appraisal practice area provided by national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission or proprietary real estate school. The course will be approved for 24 months. 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. The criteria for approval shall be as set out in subsection (3) below.

(3) Satisfactory completion of the ~~B~~board prescribed or approved continuing education course or courses of classroom instruction is demonstrated by successfully meeting standards established for each ~~B~~board prescribed course. These standards for approval of continuing education courses for appraisers shall be that the course or courses contain at least 3 hours of instruction and cover real estate appraisal related topics such as ad valorem taxation, arbitration, business courses related to real estate appraisal, construction estimating, ethics and standards of professional practice, land use planning, zoning and taxation, management, leasing, brokerage, timesharing, property development, real estate appraisal (valuations/evaluations), real estate financing and investment, real estate law, real estate litigation, real estate appraisal related computer applications, real estate securities and syndication, and real property exchange. Approval of satisfactory course completion shall not be issued to any registrant, licensee or certificate holder not attending a minimum of 90% of each of the classroom hours of ~~B~~board prescribed course instruction.

(a) through (d) No change.

(4)(a) The continuing education courses required in this rule may be satisfied ~~taught~~ by a Board approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be substantially the same as the course offered by classroom instruction, having due regard however, to the different method of presentation. The institution offering distance education courses must provide proof of certification of the delivery method by an independent certified organization approved by the AQB. The delivery of a course offered by a university or college that has already received approval for college credit by the American Council on Education through its ACE credit program or schools that have been approved by the International Distance Education Certification Center (IDECC) are deemed approved by the Board.

(b) through (e) No change.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the Bboard and approved for renewal. Courses may not be offered or distributed after the expiration date. However, a 15-day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course. Students must be notified of the course expiration date upon receipt of the course materials.

(5) The Florida institution, organization, permitted real estate school or Bboard approved entity offering these Bboard prescribed or approved courses shall fully inform each student of the standards, requirements and criteria at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the Bboard, at the commencement of each course. Notice of course completion shall be as prescribed by Rule 61J1-4.005, Florida Administrative Code.

(6) These Bboard prescribed or approved courses shall be offered by a nationally or state recognized appraisal organization, area technical centers, accredited university, college and community college, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to Section 475.451, F.S., or at a place approved by the Bboard. Satisfactory completion of these courses will not entitle any person to renew a registration, license or certification until such person has met all requirements of law.

(7) A registrant, licensee, or certificate holder, including a Bboard member, may earn five (5) classroom hours by attending an entire meeting where the Bboard considers disciplinary cases, for a maximum of ten (10) of the required thirty (30) hours; provided that, the individual is not appearing as a party to a disciplinary action and notifies the Division of Real Estate, Education Section, of the intent to attend at least seven (7) days prior to the meeting.

(8) Credit towards the continuing education requirement of this rule may also be satisfied by teaching Bboard approved appraisal courses. Credit shall be awarded on an hour-for-hour basis. Individuals claiming such credit must teach the appraisal course during the renewal cycle in which credit is claimed and may not claim the course more than once in the renewal cycle. The Bboard may request supportive documentation to ascertain course content and to verify the date(s), time, place and hours taught.

Specific Authority: 475.614 FS. Law Implemented: 475.613, 475.618 FS. History—New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 9-5-96, 4-6-98, 9-6-98, 9-14-00, 10-22-01, 3-31-02, _____.

FINAL VERSION

61J1-4.003 Continuing Education.

(1) All registered, licensed and certified appraisers must satisfactorily complete a minimum of 30 hours of 50 minutes each of appraiser continuing education as prescribed or approved by the Florida Real Estate Appraisal Board, without duplication of material, during each renewal period as defined in Rule 61J1-2.002, F.A.C. The 30-hours shall include The 7-hour National USPAP update course or its equivalent and shall be taught by an AQB certified USPAP instructor, without significant duplication of material, as defined in Section 475.611(1)(o), F.S. A minimum of 3 hours shall be dedicated to a review and update of the Florida Real Estate Appraisal law and Board Rules, and provide an introduction to other state and federal laws affecting real estate appraisals. A registered, licensed or certified appraiser is not required to complete the 30 hours of continuing education as a condition for initial registration, licensure or certification renewal if the time between the effective date on the initial registration, license or certificate and the beginning of the initial registration, licensure or certificate renewal is less than 12 months.

(2) The Board shall approve for appraisal continuing education credit any course, seminar or conference in the real estate appraisal practice area provided by national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission or proprietary real estate school. The course will be approved for 24 months. 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. The criteria for approval shall be as set out in subsection (3) below.

(3) Satisfactory completion of the Board prescribed or approved continuing education course or courses of classroom instruction is demonstrated by successfully meeting standards established for each Board prescribed course. These standards for approval of continuing education courses for appraisers shall be that the course or courses contain at least 3 hours of instruction and cover real estate appraisal related topics such as ad valorem taxation, arbitration, business courses related to real estate appraisal, construction estimating, ethics and standards of professional practice, land use planning, zoning and taxation, management, leasing, brokerage, timesharing, property development, real estate appraisal (valuations/evaluations), real estate financing and investment, real estate law, real estate litigation, real estate appraisal related computer applications, real estate securities and syndication, and real property exchange. Approval of satisfactory course completion shall not be issued to any registrant, licensee or certificate holder not attending a minimum of 90% of each of the classroom hours of Board prescribed course instruction.

(a) A copy of the course and all course materials shall be submitted to the Board for evaluation at least 90 days prior to use. The Board will issue a status report to the course provider within 60 days after submission of the course. Approval must be granted before the course and examinations, if required, may be offered. It is the responsibility of the institution, school, or entity offering the Board approved courses to keep the course materials current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(b) The national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school offering these Board prescribed or approved courses shall fully inform each student of the standards and requirements at the commencement of each course by providing each student a course syllabus that clearly states the course objective(s) and explains the desired learning outcomes. At least 70% of the desired learning outcomes shall be at the application level or higher. No more than 10% of the desired learning objectives shall be at the

knowledge level. Notice of course completion shall be made as prescribed by the Board in Rule 61J1-4.005, F.A.C.

(c) For purposes of this rule, "application level" is defined as the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information.

(d) For purposes of this rule, "knowledge level" is defined as recalling specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that must be committed to memory.

(4)(a) The continuing education courses required in this rule may be satisfied by a Board approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be evaluated in the same manner as the course offered by classroom instruction, having due regard however, to the different method of presentation. The institution offering distance education courses must provide proof of certification of the delivery method by an independent certified organization approved by the AQB.

(b) A copy of the distance education course materials and a copy of each form of the course examination that will be administered to students shall be submitted to the Board for evaluation and approval at least 90 days prior to use. A minimum of 2 course examinations for each course shall be submitted for approval. The examination may be administered at the end of the course or portions of the examination may be administered to students at appropriate intervals during the course. The Board will issue a status report to the course provider within 60 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution, school, or entity offering the distance education course(s) in accordance with the Board approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the institution, school or entity offering the Board approved distance education courses to keep the course material current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(c) Satisfactory completion of the Board prescribed continuing education course(s) through distance education is demonstrated by achieving a grade of 80% or higher on the Board approved examination. Students failing the Board prescribed course examination must repeat the Board prescribed distance education course of study prior to being eligible to again take the course examination, which must be a different examination from the one the student previously failed.

(d) The objective of the distance education course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. This examination shall consist of a minimum of 3 questions per instructional hour. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. The answer key must be unique for each form of the examination. At least 70% of the questions on each form of the test shall be at the application level or higher. No more than 10% of the questions on each form of the test shall be at the knowledge level.

(e) In all Board approved continuing education courses by distance education, the institution, school or entity shall provide to students an address, telephone number, or e-mail address of a Board approved instructor to answer inquiries.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the Board and approved for renewal. Courses may not be offered or distributed after the expiration date. However, a 15-day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course. Students must be notified of the course expiration date upon receipt of the course materials.

(5) The Florida institution, organization, permitted real estate school or Board approved entity offering these Board prescribed or approved courses shall fully inform each student of the standards, requirements and criteria at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the Board, at the commencement of each course. Notice of course completion shall be as prescribed by Rule 61J1-4.005, F.A.C.

(6) These Board prescribed or approved courses shall be offered by a nationally or state recognized appraisal organization, area technical centers, accredited university, college and community college, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to Section 475.451, F.S., or at a place approved by the Board. Satisfactory completion of these courses will not entitle any person to renew a registration, license or certification until such person has met all requirements of law.

(7) A registrant, licensee, or certificate holder, including a Board member, may earn five (5) classroom hours by attending an entire meeting where the Board considers disciplinary cases, for a maximum of ten (10) of the required thirty (30) hours; provided that, the individual is not appearing as a party to a disciplinary action and notifies the Division of Real Estate, Education Section, of the intent to attend at least seven (7) days prior to the meeting.

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