

61J2-3.008, PRE-LICENSING EDUCATION FOR BROKER AND SALES ASSOCIATE APPLICANTS

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

Rule 61J2-3.008, Pre-licensing Education for Broker and Sales Associates, was amended effective January 12, 2004. The rule was amended to bring it into compliance with statutory changes. The change affects provisions related to distance education.

CODED TEXT

61J1-3.008: Pre-licensing Education for Broker and Sales Associate Applicants, effective January 12, 2004.

(1) ~~Any p~~Persons desiring to become licensed as a real estate ~~sales associate salesperson~~ must satisfactorily complete the ~~Commission-prescribed 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. This rule sets forth the ~~The course approval criteria and procedure are found in paragraph (6) of this rule.~~

(2) Any licensed ~~sales associate salesperson~~ desiring to become licensed as a broker must satisfactorily complete the ~~Commission-prescribed 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, ~~and plus~~ brokerage operations and management operations. ~~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)(a) Accredited universities, colleges, community colleges and area technical centers in this state that offer transferable college credit courses, or real estate schools registered pursuant to Section 475.451, Florida Statutes ("school"), may offer these Commission-prescribed courses. Satisfactory completion of these courses will not entitle any person to receive a license as a real estate broker or sales associate until such person has met all other requirements of law and has passed the applicable Commission-approved state examination which DBPR administers.

~~(b) The school permit holder, permitted administrative person, or permitted instructor shall must certify attendance, assure classroom control, assure necessary equipment performance, and shall administer and certify student and course compliance prior 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.

~~(4)(a)(5)(a) A Satisfactory course completion is demonstrated by achieving a grade of 70% percent or higher on the Commission-prescribed Commission-prescribed end-of-course examination constitutes satisfactory course completion. The examination is administered by the applicable college, university, community college, area technical center or real estate school shall administer the examination upon completion of the classroom instruction, provided the student has not missed~~ However, notice of satisfactory course completion shall not be issued to any student having absences in excess of 8 classroom hours of instruction. 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) The school must submit to the Commission two complete copies of the course materials and end-of-course examination; one submission must be blind. The school must also submit a copy of the course, or access to the course, in the format in which the student will use it. 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. When delivered by distance education, the course and examination shall comply with the "Course Approval criteria" as follows:

1. Distance learning necessitates a high level of self-directed and should, therefore, require students to read, conduct research, complete timed exams and similar assignments, designed to measure the student's competency relative to the required subject matter objectives. Distance learning study must be offered on a classroom hour per classroom hour basis.

2. Schools must demonstrate that the credit hours awarded for distance learning are appropriate to the course offered. The schools may accomplish this objective by demonstrating that students engaged in distance learning have acquired the knowledge, skills, and/or competencies that are at least equivalent to those acquired by students enrolled in classroom studies. Pre-licensure courses shall not be offered by correspondence methods, except by reason of a hardship as defined by rule.

a. The school must demonstrate that the technical processes used in the delivery of the course operate correctly and the instructional strategies its use supports.

b. The school must have in place alternative plans for the provision of uninterrupted learner services and technical support in the event of primary system failure.

c. The school must have policies and technical processes in place to verify and document student identity for enrollment, course participation and course completion.

d. Course submissions shall include a detailed course time-line, and the school shall make the timeline available to students prior to enrollment.

e. The school must present evidence by means of an objective study that the stated course hours are consistent with actual hours required to complete the course.

f. The school must describe in detail, the objective method used to insure students receive only the allotted time to complete the end-of-course examinations.

g. The school must demonstrate that permitted instructors and technical staff are available during normal business hours for student assistance. Instructor and technical assistance must be made available to students and posted in a prominent location.

h. Pre-licensing courses must conform to the Course I and Course II syllabus. Courses must include learning objective for each session of the syllabus. The course school must describe the method of assessment of the student's performance periodically throughout the course of instruction.

i. End-of-course examinations shall not include aids such as, but not limited to, hint, back, or retry functionalities. The school must demonstrate that there is a reasonable method in place to prevent duplication of the end-of-course examination. Students shall not take the end-of-course examination without satisfactorily completing all sessions of the syllabus.

j. The school must require the student to submit a statement that includes, "I certify that I personally completed all assignments and have not duplicated any portion of the end-of-course examination prior to the taking of the final examination."

Thereafter, it is the responsibility of the school offering the Commission-approved courses to keep the course materials current and accurate, as changing times and laws require, and obtain approval from the Commission at least 60 days before implementing any significant changes to the course during its approval period.

~~Approval or denial of a 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 Commission-developed course syllabus, incorporated herein by reference, effective January 1, 2001 (Course I) and effective September 1, 1999 (Course II), incorporated herein by reference as developed by the Commission. Examinations must test the course material. If course approval is denied, the institution or school may resubmit a denied the course with the mandated changes for re-evaluation. 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) The Commission will approve pre-licensure courses for a period of 24 months and evaluate the course for renewal, provided the school submits the renewal application no later than 90 days prior to the course expiration date. A school may grade an examination within 15 days after the expiration date of the course, provided it receives the materials prior to or on date of expiration. Schools shall notify students of course expiration date upon enrollment. 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 end-of course-examination, and submit them which must be submitted for approval as provided in paragraph (4)(5)(b) above. Examinations must test the course material. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information upon on which each question and correct answer is based. At least 70% 20% of the questions on each form of the test shall be application oriented. Application level means 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. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that should be committed to memory. A school offering the Commission-prescribed courses must maintain a sufficient bank of questions to assure examination validity. The sales associate end-of-course examinations shall contain at least 100 items, or 2 items per instruction hour. The order of the examination questions

may not follow the sequence of the course content and the item must not refer the student to the course material. The overall time to complete the end-of-course examination must not exceed the equivalent of 1.8 minutes per item.

~~(5)(a)(6)~~ The ~~institution or~~ school offering these Commission-prescribed ~~Commission~~ ~~prescribed~~ courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall comply with ~~be made as prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.~~

(b) In all Commission-approved courses by distance education, the school and permitholder shall provide to students an address, email address and telephone number of a permitted instructor registered with such school, who shall be available to assist the students with instruction. The school shall communicate to all students the times in which the permitted instructor will be available to assist the students with instruction.

~~(6) (7)~~ Students failing the Commission-prescribed end-of-course ~~Commission prescribed~~ ~~end-of-course~~ examination must wait at least 30 days from the date of the original examination to re-test ~~again take the end-of-course examination.~~ Within one year of the original ~~end-of-course~~ examination, a student may re-test ~~retake the prescribed end-of-course examination~~ a maximum of one time. Otherwise, students failing the end-of-course ~~Commission prescribed~~ examination must repeat the ~~Commission prescribed~~ course prior to being eligible to re-take ~~again the end-of-course~~ ~~end-of-course~~ examination. Schools shall administer a different form of the end-of-course examination to a student that is retaking the exam or repeating the course. ~~Students retaking the end-of-course examination must be administered a different form of the end-of-course examination.~~

~~(7)(8)~~ Make-up ~~Make-up~~ classes and examinations to enable a student to take the ~~end-of-course~~ examination and ~~make-up examinations~~ due to student or family illness may not extend more than 30 days beyond the scheduled ~~their~~ class examination without approval from the Commission. Make-up classes must consist of the original course materials that the student missed. ~~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.~~

~~(8)(10)~~ Any active member in good standing with The Florida Bar who is otherwise qualified under the real estate license law is exempt from the Commission-prescribed ~~Commission prescribed~~ prerequisite education course for licensure as a real estate sales ~~associate~~ 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.

~~(9)(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 ~~Commission prescribed~~ prerequisite education courses for licensure.

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, 11-6-00, _____.

FINAL VERSION

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

(1) Any persons desiring to become licensed as a real estate sales associate must satisfactorily complete the Commission-prescribed course designated as Course I. This course will consist of 63 hours of 50 minutes each, inclusive of examination, in the basic fundamentals of real estate principles and practices, basic real estate, and license law. This rule sets forth the course approval criteria and procedure.

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

(3)(a) Accredited universities, colleges, community colleges and area technical centers in this state that offer transferable college credit courses, or real estate schools registered pursuant to Section 475.451, Florida Statutes ("school"), may offer these Commission-prescribed courses. Satisfactory completion of these courses will not entitle any person to receive a license as a real estate broker or sales associate until such person has met all other requirements of law and has passed the applicable Commission-approved state examination which DBPR administers.

(b) The school permit holder, permitted administrative person, or permitted instructor shall, assure necessary equipment performance and administer and certify student and course compliance.

(4)(a) A grade of 70% or higher on the Commission-prescribed end-of-course examination constitutes satisfactory course completion. The school shall administer the examination upon completion of the instruction, provided the student has not missed in excess of 8 hours of instruction.

(b) The school must submit to the Commission two complete copies of the course materials and end-of-course examinations; one submission must be blind. The school must also submit a copy of the course, and access to the course, in the format in which the student will use it. When delivered by distance education, the course and examination shall comply with the "Course Approval criteria" as follows:

1. Distance learning necessitates a high level of self-direction and should, therefore, require students to read, conduct research, complete timed exams and similar assignments, designed to measure the student's competency relative to the required subject matter objectives. Distance learning study must be offered on a classroom hour per classroom hour basis.
2. Schools must demonstrate that the credit hours awarded for distance learning are appropriate to the course offered. The schools may accomplish this objective by demonstrating that students engaged in distance learning have acquired the knowledge, skills, and/or competencies that are at least equivalent to those acquired by students enrolled in classroom studies. Pre-licensure courses shall not be offered by correspondence methods, except by reason of a hardship as defined by rule.
 - a. The school must demonstrate that the technical processes used in the delivery of the course operate correctly and the instructional strategies its use supports.
 - b. The school must have in place alternative plans for the provision of uninterrupted learner services and technical support in the event of primary system failure.
 - c. The school must have policies and technical processes in place to verify and document student identity for enrollment, course participation and course completion.
 - d. Course submissions shall include a detailed course time-line, and the school shall make the timeline available to students prior to enrollment.

- e. The school must present evidence by means of an objective study that the stated course hours are consistent with actual hours required to complete the course.
- f. The school must describe in detail, the objective method used to insure students receive only the allotted time to complete the end-of-course examinations.
- g. The school must demonstrate that permitted instructors and technical staff are available during normal business hours for student assistance. Instructor and technical assistance must be made available to students and posted in a prominent location.
- h. Pre-licensing courses must conform to the Course I and Course II syllabus. Courses must include learning objective for each session of the syllabus. The course school must describe the method of assessment of the student's performance periodically throughout the course of instruction.
- i. End-of-course examinations shall not include aids such as, but not limited to, hint, back, or retry functionalities. The school must demonstrate that there is a reasonable method in place to prevent duplication of the end-of-course examination. Students shall not take the end-of-course examination without satisfactorily completing all sessions of the syllabus.
- j. The school must require the student to submit a statement that includes, "I certify that I personally completed all assignments and have not duplicated any portion of the end-of-course examination prior to the taking of the final examination." Thereafter, it is the responsibility of the school offering the Commission-approved courses to keep the course materials current and accurate, as changing times and laws require, and obtain approval from the Commission at least 60 days before implementing any significant changes to the course during its approval period. Approval or denial of a 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 Commission-developed course syllabus, effective January 1, 2001 (Course I) effective September 1, 1999 (Course II), incorporated herein by reference. The institution or school may resubmit a denied course with the mandated changes for reevaluation.

(c) The Commission will approve pre-licensure courses for a period of 24 months and evaluate the course for renewal, provided the school submits the renewal application no later than 90 days prior to the course expiration date. A school may grade an examination within 15 days after the expiration date of the course, provided it receives the materials prior to or on the date of expiration. Schools shall notify students of course expiration date upon enrollment.

(d) The school shall develop at least 2 forms of the end-of-course examination, and submit them for approval as provided in paragraph (4)(b) above. Examinations must test the course material. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information upon which each question and correct answer is based. At least 70% of the questions on each form of the test shall be application oriented. Application level means 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. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that should be committed to memory. A school offering the Commission-prescribed courses must maintain a sufficient bank of questions to assure examination validity. The sales associate end-of-course examinations shall contain at least 100 items, or 2 items per instruction hour. The broker end-of-course examinations shall contain at least 95 items, of which 5 items are 2 points each, which shall cover closing statements or escrow accounts, or 2 items per instruction 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 and the item must not refer the student to the course material. The overall time to complete the end-of-course examination must not exceed the equivalent of 1.8 minutes per item.

(5)(a) The 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 comply with Rule 61J2-3.015, Florida Administrative Code.

(b) In all Commission-approved courses by distance education, the school and permitholder shall provide to students an address, email address and telephone number of a permitted instructor registered with such school, who shall be available to assist the students with instruction. The school shall communicate to all students the times in which the permitted instructor will be available to assist the students with instruction.

(6) Students failing the Commission-prescribed end-of-course examination must wait at least 30 days from the date of the original examination to retest. Within one year of the original examination, a student may retest a maximum of one time. Otherwise, students failing the end-of-course examination must repeat the course prior to being eligible to take the end-of-course examination again. Schools shall administer a different form of the end-of-course examination to a student that is retaking the exam or repeating the course.

(7) Make-up classes and examinations to enable a student to take the end-of-course examination due to student or family illness may not extend more than 30 days beyond the scheduled class examination without approval from the Commission. Make-up classes must consist of the original course materials that the student missed.

(8) Any active member in good standing with The Florida Bar who is otherwise qualified under the real estate license law is exempt from the Commission-prescribed prerequisite education course for licensure as a real estate salesperson.

(9) 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.

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, 11-6-00, 1-12-04.