

## 61J2-3.020, POST-LICENSING EDUCATION FOR ACTIVE AND INACTIVE BROKER AND SALES ASSOCIATE LICENSEES

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

Rule 61J2-3.020, Post-licensing Education for Active and Inactive Broker and Sales Associate Licensees, was amended effective May 12, 2004. The rule was amended to bring it into compliance with statutory changes. The revised rule affects provision relating to distance education.

### CODED TEXT

61J2-3.020: Post-licensing Education for Active and Inactive Broker and Sales Associate Salesperson Licensees, effective May 12, 2004

61J2-3.020: Post-licensing Education for Active and Inactive Broker and Sales Associate Salesperson Licensees.

(1) All applicants for licensure who pass a broker or sales associate salesperson licensure examination must satisfactorily complete a Commission-prescribed ~~Commission-prescribed~~ post-licensing educational course requirement prior to the first renewal following initial licensure. The licensee must take the post-licensing course or courses ~~must be taken~~ at an accredited college, university, community college, or area technical center in this state, ~~or at a~~ real estate school registered, pursuant to s. 475.451, Florida Statutes, or ~~given by a~~ Commission approved sponsor ("provider").

(a) For a licensed sales associate salesperson, the post-licensing education requirement course shall consist of one or more Commission-approved courses which shall not exceed total at least 45 classroom hours of 50 minutes each, inclusive of examination, in subjects including, ~~but not limited to:~~ agency law, property management, appraisal, real estate finance, or economics of real estate management. as provided for in Section 475.17(3)(a), F.S. Post-licensing courses shall consist of a minimum of 15 hours of instruction of 50 minutes each.

(b) For a broker, the post-licensing education requirement courses shall consist of one or more Commission-approved courses which total at least 60 ~~classroom~~ hours of 50 minutes each, inclusive of examination, in subjects including, ~~but not limited to:~~ agency law, advanced appraisal, advanced property management, real estate marketing, business law, advanced real estate investment analysis, advanced legal aspects, general accounting, real estate economics, syndications, commercial brokerage, feasibility analysis, advanced real estate finance, residential brokerage, or real estate brokerage office operations as provided for in Section 475.17(3)(a), F.S.

(2) Post-licensing education courses shall be training oriented, to the maximum extent possible, and shall build on the academic body of knowledge acquired during the pre-licensing education courses. All courses shall emphasize ~~d~~Development of the skills necessary for licensees to operate effectively and ~~to provide increased public protection~~ to the public shall be emphasized in all courses.

(3) ~~The course content for both broker and salesperson post-licensing education courses shall be directed toward the various real estate specialty areas, that is, brokers or salespersons specializing in residential sales shall be able to take courses directly related to improving their knowledge and skills in that area. Other specialty areas to be considered are commercial sales, property management, business opportunity and business enterprise sales, syndication and counseling. Additional specialty areas also may be considered by the Commission.~~

(3) The provider must submit two complete copies of the course materials and end-of-course examination; one submission must be blind. The provider must also submit a copy of the course, or access to the course, in the format in which the student will use it. The course and examination

when delivered via distance education, shall comply with the "Course Approval Criteria" as follows: The Commission will issue a status report to the course provider within 30 days after submission of the course. Approval or denial of the course will be based on the extent to which the course content covers the material set forth in paragraph (1)(a) above for salespersons and paragraph (1)(b) above for brokers. Examinations must test the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. Institutions, schools and sponsors offering Commission approved post-licensing education courses are responsible for keeping the course subject matter current and accurate.

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 for classroom-hour basis.

2. Providers must demonstrate that the credit hours awarded for distance learning are appropriate to the course offered. The provider 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.

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

b. The provider 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 provider 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 provider shall make the time-line available to students prior to enrollment.

e. The provider 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 provider must describe in detail, the objective method used to ensure students receive only the allotted time to complete the end-of-course examinations.

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

h. Post-licensing courses must include learning objective for each session of the syllabus. The course provider 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 provider 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 provider 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 provider 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. If the Commission does not approve the course, the provider may resubmit a denied course, with the mandated changes for re-evaluation.

~~(4)(a) A copy of the course 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. Approval or denial of the course will be based on the extent to which the course content covers the material set forth in paragraph (1)(a) above for salespersons and paragraph (1)(b) above for brokers. Examinations must test the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. Institutions, schools and sponsors offering Commission approved post licensing education courses are responsible for keeping the course subject matter current and accurate.~~

~~(b) The course syllabus and examinations will be approved for a 2 year period from the date of 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.~~

~~(4) (5) Satisfactory course completion is demonstrated by achieving a grade of 75% or higher on the Commission-prescribed end-of-course examination constitutes satisfactory course completion. The provider shall develop aAt least 2 unique forms of the end-of-course examinations and submit them shall be submitted for approval with a the detailed course syllabus and shall test the learning objectives contained therein. The answer key must be unique for each form of the examination and .The answer key must reference the page numbers containing the information on which each question and correct answer is based. Examinations must test the material. The Commission approved examination shall be administered by the applicable university, college, community college, area technical center, registered real estate school, or Commission-approved sponsor. 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 provider offering the Commission-prescribed courses must maintain a sufficient bank of questions to assure examination validity. End-of-course examinations shall contain at least 100 items. A course that is thirty-hours or less shall contain a minimum of 50 items. 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 overall time to complete the end-of-course examination must not exceed the equivalent of 1.8 minutes per item.~~

~~(5) The Commission shall approve post-licensure courses for a period of 24 months and consider renewals only if the provider submits the renewal application no later than 90 days prior to the course expiration date. A provider may grade an examination within 15 days after the expiration of the course, provided it receives the materials prior to or on date of expiration.~~

~~(6) The provider shall administer the examination and issue a notice of satisfactory completion, as per Rule 61J2-3.015, Florida Administrative Code, provided the student has not missed in excess of 10% of the instruction and has passed the end-of-course examination with a grade of 75% or higher. Notice of satisfactory course completion shall only be issued to any student attending a minimum of 90% of the classroom hours for each course.~~

~~(7) The provider institutions, schools or sponsors offering these Commission-prescribed Commission-prescribed or approved 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. In all Commission-approved courses offered by distance education, the provider or permitholder~~

shall provide to students an address, e-mail address and telephone number of a Commission approved instructor registered with such provider, who shall be available to assist the students with instruction. Normal business hours means 9:00 A.M. to 5:00 P.M. in the appropriate time zone, Monday through Friday, excluding legal holidays.

(8)(a) ~~Students failing a Commission-prescribed end-of-course examination must wait at least 30 days from the date of the original examination to retest again take the end of course examination. Within one year of the original end of course examination, a student may retest retake the prescribed end of course examination a maximum of one time. Otherwise, students failing the Commission-prescribed Commission-prescribed end-of-course end-of-course examination must repeat the Commission prescribed course prior to being eligible to again take the end-of-course end-of-course examination. Providers 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.~~

(b) ~~Make-up Make-up classes and examinations to enable a student to take the prescribed end-of-course end-of-course examination due to student or family illness may not extend more than 30 days beyond the class scheduled end-of-course end-of-course examination date without Commission approval. Make-up classes must consist of the original course materials which the student missed be the classes missed by the student and must consist of the original Commission prescribe course material.~~

(9) ~~The Commission will may allow an additional 6-month period after the first renewal following initial licensure for brokers and sales associates salespersons that cannot, due to individual physical hardship, complete the course or courses within the required time. Individual physical hardship is defined as a case wherein a person desiring to take the Commission prescribed courses cannot, by reason of a physical disability, attend the place where the classes are conducted shall be as defined in subsection 61J2-3.013(2), Florida Administrative Code. Any person desiring to complete the education course by means of distance education shall make a request to the Commission in writing, setting forth the basis of the alleged hardship. The Commission shall require said request to be supported by statements of doctors and other persons having knowledge of the facts. Requests under this rule shall be handled in the same manner as contained in Rule 61J2-3.013(3), Florida Administrative Code.~~

(10) Any licensee who has received a 4-year degree in real estate from an accredited institution of higher education is exempt from the post-licensure education requirements.

Specific Authority: 475.05, 475.17 FS. Law Implemented: 475.04, 475.17, 475.182 FS. History—New 1-1-89, Amended 1-4-90, 6-28-93, Formerly 21V-3.020, Amended 8-2-95, 12-30-97, 2-24-00, 7-23-00, \_\_\_\_\_.

## **FINAL VERSION**

### **61J2-3.020: Post-licensing Education for Active and Inactive Broker and Sales Associate Licensees.**

(1) All applicants for licensure who pass a broker or sales associate licensure examination must satisfactorily complete a Commission-prescribed post-licensing course prior to the first renewal following initial licensure. The licensee must take the post-licensing course or courses at an accredited university, college, community college, area technical center in this state, real estate school registered, pursuant to Section 475.451, F.S., or Commission-approved sponsor ("provider").

(a) For a licensed sales associate, the post-licensing education requirement shall consist of one or more Commission-approved courses which shall not exceed 45 hours of 50 minutes each, inclusive of examination, in subjects as provided for in Section 475.17(3)(a), F.S. Post-licensing courses shall consist of a minimum of 15 hours of instruction of 50 minutes each.

(b) For a broker, the post-licensing education requirement shall consist of one or more Commission-approved courses which shall not exceed 60 hours of 50 minutes each, inclusive of examination, in subjects as provided for in Section 475.17(3)(a), F.S.

(2) Post-licensing education courses shall be training oriented, to the maximum extent possible, and shall build on the academic body of knowledge acquired during the pre-licensing education courses. All courses shall emphasize development of skills necessary for licensees to operate effectively and provide increased protection to the public.

(3) The provider must submit two complete copies of the course materials and end-of-course examination; one submission must be blind. The provider must also submit a copy of the course, or access to the course, in the format in which the student will use it. The course and examination, when delivered via distance education, shall comply with the "Course Approval Criteria" as follows:

(a) 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 for classroom-hour basis.

(b) Providers must demonstrate that the credit hours awarded for distance learning are appropriate to the course offered. The provider 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.

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

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

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

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

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

6. The provider must describe in detail, the objective method used to ensure students receive only the allotted time to complete the end-of-course examinations.

7. The provider must demonstrate that instructors and technical staff are available to assist students with instruction. Instructor and technical assistance hours must be made available to students and posted in a prominent location.

8. Post-licensing courses must include learning objectives for each session of the syllabus. The course provider must describe the method of assessment of the student's performance periodically throughout the course of instruction.

9. End-of-course examinations shall not include aids such as, but not limited to, hint, back, or retry functionalities. The provider 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.

10. The provider 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 provider 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. If the Commission does not approve the course, the provider may resubmit a denied course, with the mandated changes for re-evaluation.

(4) A grade of 75% or higher on the Commission-prescribed end-of-course examination constitutes satisfactory course completion. The provider shall develop at least 2 unique forms of the end-of-course examinations and submit them for approval with a detailed course syllabus. The answer key must be unique for each form of the examination and reference the page number(s) containing the information on which each question and correct answer is based. Examinations must test the material. 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 provider offering the Commission-prescribed courses must maintain a sufficient bank of questions to assure examination validity. End-of-course examinations shall contain at least 100 items. A course that is thirty-hours or less shall contain a minimum of 50 items. 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 overall time to complete the end-of-course examination must not exceed the equivalent of 1.8 minutes per item.

(5) The Commission shall approve post-licensure courses for a period of 24 months and consider renewals only if the provider submits the renewal application no later than 90 days prior to the course expiration date. A provider may grade an examination within 15 days after the expiration of the course, provided it receives the materials prior to or on date of expiration.

(6) The provider shall administer the examination and issue a notice of satisfactory completion, as per Rule 61J2-3.015, F.A.C., provided the student has not missed in excess of 10% of the instruction and has passed the end-of-course examination with a grade of 75% or higher.

(7) The provider offering these Commission-prescribed or approved 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, F.A.C. In all Commission-approved courses offered by distance education, the provider or permitholder shall provide to students an address, e-mail address and telephone number of a Commission-approved instructor registered with such provider, who shall be available to assist the students with instruction. Instructor and technical assistance hours must be made available to students and posted in a prominent location.

(8)(a) Students failing a 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 Commission-prescribed end-of-course examination must repeat the course prior to being eligible to again take the end-of-course examination. Providers shall administer a different form of the end-of-course examination to a student that is retaking the exam or repeating the course.

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

(9) The Commission will allow an additional 6-month period after the first renewal following initial licensure for brokers and sales associates that cannot, due to individual physical hardship, complete the course or courses within the required time. Individual physical hardship is defined as a case wherein a person desiring to take the Commission-prescribed courses cannot, by reason of a physical hardship, attend the place where the classes are conducted. Any person desiring to complete the education course by means of distance education shall make a request to the Commission in writing, setting forth the basis of the alleged hardship. The Commission shall require said request to be supported by statements of doctors and other persons having knowledge of the facts.

(10) Any licensee who has received a 4-year degree in real estate from an accredited institution of higher education is exempt from the post-license education requirements.

Specific Authority: 475.05, 475.17 FS. Law Implemented: 475.04, 475.17, 475.182 FS. History—New 1-1-89, Amended 1-4-90, 6-28-93, Formerly: 21V-3.020, Amended 8-2-95, 12-30-97, 2-24-00, 7-23-00, 5-12-04.