



SALES ASSOCIATE COURSE
CHAPTER 3

Real Estate License Law and Commission Rules



Live Stream Students: WEBCAM POLICY

- To receive credit for this course:
 1. Camera must be ON

AND

 2. Student must be visible to instructor for the ENTIRE time class is in session
- **No Exceptions!**
- This policy also applies to Repeat students.
- Credit for the course will NOT be given if camera policy is not followed.
- No driving around during class, running errands, etc. We can see you!

A young woman with dark hair wearing a black hijab is looking directly at the camera. Her hands are raised, with her index and thumb fingers touching to form a rectangular frame around her face. The background is a soft-focus outdoor scene with green foliage and a blue sky.

Webcam Policy Reminder!

F.S. 455

- Provides licensing, oversight, & regulation of businesses & professions

The Division of Real Estate (DRE)

- Regulates:
 - Real estate licensees
 - Appraisal licensees
- Responsible for exams, licensing and regulation of individuals , corporations, real estate schools, instructors

A photograph of a man with short dark hair, smiling, wearing a light blue button-down shirt and grey trousers. He is holding a dark folder or bag. The background is a plain, light grey color.



The Department of Business and Professional Regulation



The Department of Business and Professional Regulation

Intent of Legislation

- Unregulated practice can cause harm
- Potential for such harm is recognizable
- Public is not effectively protected by other means
- Less restrictive means are not available 455.201

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- Conduct investigations of applicants, licensees and unlicensed persons
 - Prosecute those charged with law or rule violations
 - Issue, renew and reissue licenses
 - Conformance with F.S. 409 (child support laws)
- 



Duties of the DBPR



Division of Real Estate
Florida Statute 475

Part I

Real Estate Brokers, Sales Associates, and Schools

Part II

Appraisers

Part III

The Commercial Real Estate Sales Commission Lien Act

Part IV

The Commercial Real Estate Leasing Commission Lien Act

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- Divisions of Service Operations
 - Florida Condominiums, Timeshares & Mobile Homes
 - Professions
 - Division of Real Estate

Department of Business and Professional Regulations DBPR (Department)

Powers of the Department

- Seek a court injunction against a licensee (not unlicensed persons)
- Issue cease and desist orders
- Issue citations
- Administer oaths
- Take depositions
- Issue subpoenas
- Adopt rules
- Issue notice of noncompliance/citation
- Issues and renews licenses
- Issues permits for real estate school licensing schools
- Responsible for testing new applicants





**Division of
Real Estate**

- Intermediary between Department and Commission
- Conducts office inspections
- Determines if complaints should be investigated
- Ministerial services for FREC
- Director appointed by Secretary of DBPR with FREC approval

Seven Members

Appointed by the governor & confirmed by the state senate
At least one member must be at least 60 years old

One

Broker or Sales Associate active at least 2 years

Four

Brokers active for at least 5 years

Two

Consumer members (no license)

Composition of the Commission

A photograph of a modern conference room. In the center is a long, white, rectangular conference table. Around the table are several black office chairs with chrome frames and armrests. The room has large windows in the background with light-colored blinds, and the floor is made of dark wood. The lighting is bright, creating shadows on the table and floor.



Term of Office

- Four-year terms
- 2 consecutive terms maximum
- No maximum number of years
- Paid per diem + expenses

- **Executive**
 - Publication of books and newsletters
 - Chairperson can act alone
- **Quasi-legislative**
 - Make and pass rules regulating licensees
 - FREC rules – F.A.C. 61J2
- **Quasi-judicial**
 - Impose disciplinary action
 - May not imprison
- **Ministerial**
 - Record keeping and clerical functions



Powers of the Commission

Disciplinary Authority of the Commission



- Deny application
- Reprimand
- \$5,000 Administrative fine per offense
- Probation
- Suspension up to 10 years
- Revocation

DBPR

Oversees and regulates professions and businesses in Florida

Issues and renews all licenses

Determines if a complaint is legally sufficient

DRE

One of the licensing divisions of the DBPR, intermediary between DBPR & FREC

Administrative functions, investigations, prosecution of complaints

Office field audits
Notice of noncompliance
Citation

FREC

Seven members
Administrative agency
Educates, Interprets and enforces F.S. 475

Executive powers
Quasi-legislative powers
Quasi-judicial powers
Ministerial

Licenseses – reprimand, fine, probation, suspension, revocation, license denial

Initial Issue

- No more than 24 months
- No less than 18 months
- Expires March 31 or September 30

Renewal

- Sent 60 days in advance
- Two year period
- Fail to renew
 - Initial license period – null and void
 - Subsequent renewals – involuntary inactive
 - Involuntary inactive status – up to 2 years



Licensing Periods

- Member of the U.S. Armed forces on active duty
 - Exempt from all renewal requirements until 2 years after discharge of active duty
 - Exemption will not apply if license active
- Applies to spouse if stationed outside Florida
- License is Voluntary Inactive

Armed Forces Renewal





Active License

- Employed by broker or owner-developer
- Complete
 - Post license education
 - Continuing education
 - Pay renewal fees
- Change employers
 - License ceases to be in force
 - Notify Commission within 10 days

Voluntary Inactive

- Chooses not to engage in real estate business (indefinite)

Involuntary Inactive

- Does not renew license
- During first 12 months
- 14 hr. Continuing Education and late fee
- More than 12 months and less than 24 months
- 28 hours of education and late fee.
- After 2 years license becomes null and void



Inactive License

Licensing Renewal Periods

Licensure Date
(Date State
Exam passed)

Renewal Date
Mar 31 or
Sept 30

Keep renewing
by Renewal
Date every 2
years

Missed
Renewal
Date

Initial License

**Active or
Voluntary Inactive**

**Active or
Voluntary Inactive**

**Active or
Voluntary Inactive**

**Involuntary
Inactive**

**Licence
Null &
Void**

1st Renewal

2nd Renewal

nth Renewal

Late Renewal

Pre-Licensing

63-hr Sales Assoc
(FREC I)
72-hr Broker
(FREC II)

Post-Licensing(*)
45-hr Sales Assoc

60-hr Broker

Continuing Ed
14-hr CE

Continuing Ed
14-hr CE

14-hr CE
(Late fee)

28-hr
Reactivation
(Late FEE)

(*) Missed 1st renewal deadline:
license null & void.

Brokers may revert to Sales Associate by
completing 14-hr CE within 6 months of
license becoming Null & Void and by
submitting DBPR RE-13 form requesting
to downgrade to sales associate.

2 Years

2 Years

1-12
Months

13-24
Months

2 Years involuntary
inactive status

4 Years to renew license



Void and Ineffective Licenses

- **Broker**
 - License – suspended, revoked, void
- License of persons working with broker automatically inactive
- **Void**
 - Expired, Revoked or Canceled
- **Ineffective**
 - Inactive, Suspended– can't use it
- **Canceled**
 - Return license to Department

Active	Inactive	
Compensation	No compensation	
	<u>Voluntary</u>	<u>Involuntary</u>
Has registered employer	No registered employer (by choice)	1. Broker suspended or revoked
	Continues 1. Education requirements 2. renewals	2. Did not renew (other than first renewal)
	No time limit	Maximum two years

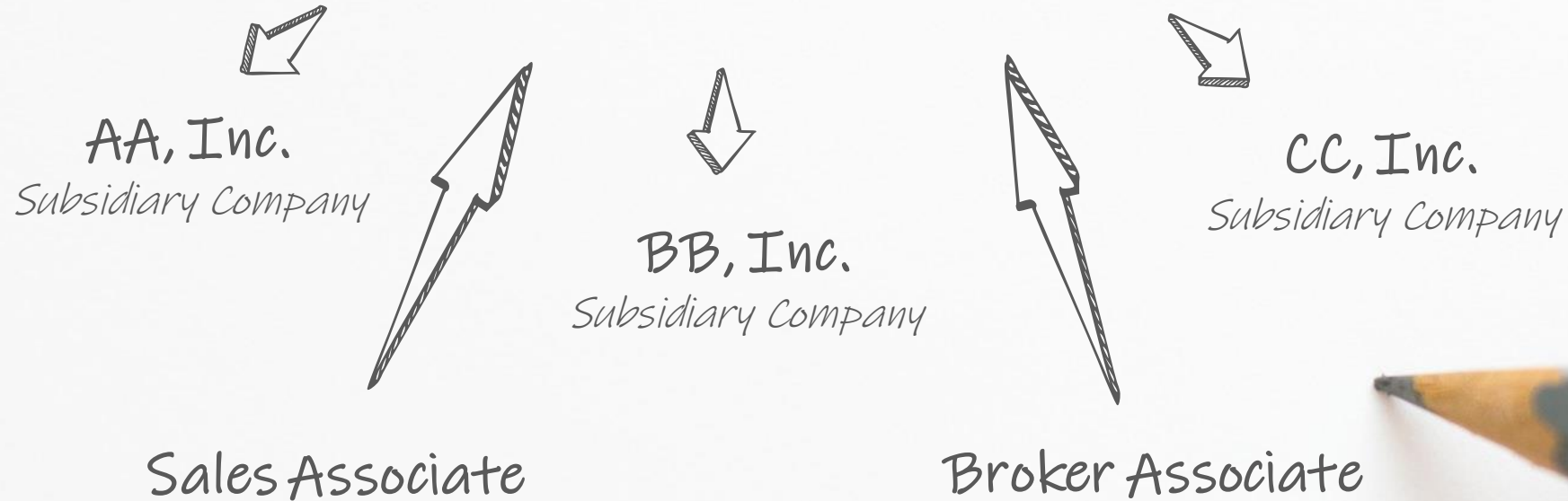
Mailing Address Change

- **Mailing address (personal address)**
 - Must report within 10 days to the DBPR
 - Become Nonresident – 60 days to notify FREC
 - Penalty up to \$500

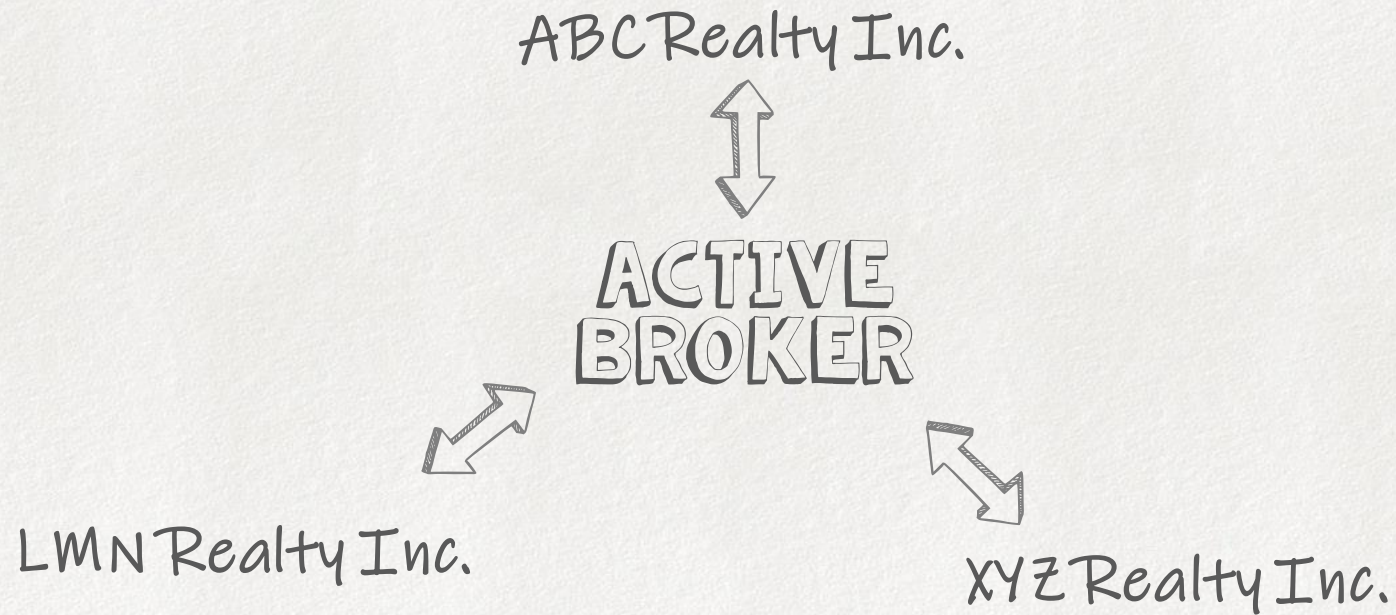


GROUP LICENSE

BUILT RIGHT INC.
(OWNER DEVELOPER)



MULTIPLE LICENSES



A broker may be the broker for more than one unrelated company.



Coffee Break

15 Minutes