

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
FLORIDA REAL ESTATE COMMISSION**

**IN RE: HARDSHIP EXEMPTION FOR STUDENTS ENROLLED IN
 PRE- AND POST- LICENSURE EDUCATION COURSES
 WITH END OF COURSE EXAMINATION REQUIREMENT**

**ORDER ESTABLISHING HARDSHIP EXEMPTION AND
EXTENDING DEADLINE FOR END OF COURSE EXAMINATIONS**

THIS matter came on for consideration by the Florida Real Estate Commission (Commission) at its regularly scheduled Telephonic Conference Call meeting in Orlando, Florida on May 19, 2020. Due to the Novel Coronavirus 2019 global outbreak and the resulting COVID-19 disease national pandemic, citizens of the State of Florida have experienced unprecedented disruption of their ability to conduct public life and their affairs. There have been numerous consequences to those persons who are, or wish to become, licensed Real Estate Professionals in Florida.

Subparagraph 475.17(2)(a)1., Florida Statutes, directs that any person wishing to be licensed as a real estate sales associate in Florida must take a Pre-Licensure Education Course, with passage of an examination serving as the basis for determination of passage of the course. Subparagraphs 475.17(2)(a)1. and 475.17(4)(a), F.S., establish parallel requirements for real estate brokers. Finally, subparagraphs 475.17(3)(a) and (b), F.S., compel the completion of a Post-Licensure Education Course as a prerequisite to initial renewal of a license; failure to complete the course in specified time periods

renders the license null & void. These statutory provisions are fully implemented by Rules 61J2-3.008 and 61J2-3.020, Florida Administrative Code.

The Commission finds that under the current restrictions on public life compelled by the State and Federal Emergency and Executive Orders, and the binding Guidelines and Recommendations of the Centers for Disease Control / Florida Department of Health, a significant number of licensees and candidates for real estate licensure face numerous, extraordinary hardships in complying with the above cited statutory and rule requirements. One such hardship, to be addressed in this Order, concerns the ability of students enrolled in Pre- and Post- Licensure Education Courses to take the final end-of-course examination, a requirement to establish successful completion of the course.

Specifically, students are required to attempt and successfully pass the end-of-course examination within specified time periods; many of these examinations must be taken in-person; through the use of professional testing centers/facilities; or through the use of electronic communications technologies which may not be available to all persons in the state amid the current restrictions.

Paragraphs and subparagraphs 475.17(2)(a)3., (5)(a), and (c)2., F.S., authorize the Commission to make specific exemptions from the examination requirements in cases of hardship, and invite the Commission to enact rules defining such hardships. Accordingly, the

Commission finds the Florida Legislature clearly contemplated that hardship situations would exist, and that the Commission should be authorized to address those situations for the benefit of licensees and candidates for real estate licensure. Such hardships for an individual would certainly include exactly the situation that now exists for the majority of Florida's citizens due to the national COVID-19 pandemic.

However, the sheer scope of the national COVID-19 pandemic is unprecedented in its impacts. Accordingly, the Commission finds it to be consistent with the purpose, intent, and requirements of all applicable State and Federal Emergency and Executive Orders, and the Legislative intent of Section 475.17, F.S., for the Commission to determine the existence of a universal hardship situation affecting all persons enrolled in Pre- or Post- Licensure Education Courses with an end-of-course examination requirement, such courses being necessary for satisfaction of statutory requirements for licensure or licensure renewal. Accordingly, it is

ORDERED and ADJUDGED that:

By issuance of this Order, any requirement regarding timeframes for attempting and successfully completing a required end of course examination, passage of such exam serving as the basis for successful course completion, which is established by Rules 61J2-3.008 and 3.020, F.A.C., or the Commission approved course syllabus, is tolled until December 31, 2020. Students may attempt the end-of-course

examination at any time between completion of the instructional portion of the course and December 31, 2020.

On and after January 1, 2021, all requirements for the timing of the end-of-course examination following the instructional portion of the course are reinstated in full force and effect.

This Order is effective when filed with the clerk of the Department of Business and Professional Regulation.

DONE and ORDERED this 22 day of May, 2020.

FLORIDA REAL ESTATE COMMISSION



Katy McGinnis
Director, Division of Real Estate
on behalf of Patti E. Ketcham, Chair