

61J2-10.025 Advertising.

1) All advertising must be in a manner in which reasonable persons would know they are dealing with a real estate licensee. All real estate advertisements must include the licensed name of the brokerage firm. No real estate advertisement placed or caused to be placed by a licensee shall be fraudulent, false, deceptive or misleading.

2) When the licensee's personal name appears in the advertisement, at the very least the licensee's last name must be used in the manner in which it is registered with the Commission.

3)(a) When advertising on a site on the Internet, or by any other electronic means, including but not limited to SMS or any digital messaging services of any kind, the brokerage firm name as required in subsection (1), above, shall be placed adjacent to or immediately above or below the point of contact information. "Point of contact information" refers to any means by which to contact the brokerage firm or individual licensee including mailing address(es), physical street address(es), email address(es), telephone number(s) or facsimile telephone number(s).

3)(b) The remaining requirements of subsections (1) and (2), apply to advertising on a site on the Internet or by any other electronic means, including but not limited to SMS or any digital messaging services of any kind.

Rulemaking Authority 475.05, 475.25(1)(c) FS. Law Implemented 475.01, 475.25(1)(c), 475.4511 FS. History—New 1-1-80, Amended 2-17-81, 3-14-85, Formerly 21V-10.25, Amended 12-29-91, 7-20-93, Formerly 21V-10.025, Amended 4-18-99, 7-4-06, 2-5-07.

61J2-2.030 Notice of Denial.

~~(1) When an application shall be is denied by the Commission, a copy of the order shall be mailed to the applicant shall be notified in writing through a copy of the order by email, or by registered or certified mail, or actual service, or constructive service. in a manner as provided in Chapter 120, F.S., if If notification is returned unserved, the Department shall attempt again to notify the applicant after making reasonable effort to determine the applicant's correct mailing or email address.~~

~~(2) service upon the applicant by registered or certified mail, or actual service, is not obtainable, setting forth the reasons for the denial and advising that the applicant has 21 days from date of receipt to request a hearing in accordance with Chapter 120, F.S. The order shall include the reasons for the denial and advise the applicant has 21 days from date of receipt to request a hearing in accordance with Chapter 120, F.S.~~

Rulemaking Authority 475.05 FS. Law Implemented 455.275, 120.569, 120.60 FS. History—New 1-1-80, Formerly 21V-2.30, Amended 6-28-93, Formerly 21V-2.030, Amended 11-10-97,

61J2-2.032 Informal Hearings.

~~When an applicant for licensure as a real estate sales associate or broker requests a Section 120.57(2), F.S., informal hearing before the Commission, in addition to other requirements of law, before the applicant shall be considered for approval to sit for the real estate examination, the applicant must submit at least 3 letters of reference from persons who know of the applicant's honesty, truthfulness, trustworthiness, good character and good reputation for fair dealing as required in Section 475.17(1)(a), F.S. At least 2 of the letters must be from individuals not related to the applicant.~~

Rulemaking Authority 475.05, 475.17 FS. Law Implemented 455.227(2), 475.17, 475.25 FS. History—New 5-7-95, Amended 2-4-04.

61J2-10.026 Team or Group Advertising.

(1) “Team or group advertising” shall mean a name or logo used by one or more real estate licensees who represent themselves to the public as a team or group. The team or group must perform licensed activities under the supervision of the same broker or brokerage.

(2) Each team or group shall file with the broker a designated licensee to be responsible for ensuring that the advertising is in compliance with chapter 475, Florida Statutes, and division 61J2, Florida Administrative Code.

(3) At least once monthly, the registered broker must maintain a current written record of each team's or group's members.

(4) Team or group names. Real estate team or group names may include the word “team” or “group” as part of the name. Real estate team or group names shall not include the following words:

- (a) Agency
- (b) Associates
- (c) Brokerage
- (d) Brokers
- (e) Company
- (f) Corporation
- (g) Corp.
- (h) Inc.
- (i) LLC
- (j) LP, LLP or Partnership
- (k) Properties
- (l) Property
- (m) Real Estate
- (n) Realty
- (o) Or similar words suggesting the team or group is a separate real estate brokerage or company

(5) This rule applies to all advertising.

(6) In advertisements containing the team or group name, the team or group name shall not be in larger print than the name of the registered brokerage. All advertising must be in a manner in which reasonable persons would know they are dealing with a team or group.

(7) ~~All advertisements must comply with these requirements no later than July 1, 2019.~~

Nothing in this rule shall relieve the broker of their legal obligations under chapter 475, Florida Statutes, and division 61J2, Florida Administrative Code.

Rulemaking Authority 475.05, 475.25(1)(c) FS. Law Implemented 475.25 FS. History—New 6-18-18, Amended 7-1-19.

61J2-17.015 Required Communication by School Permit Holders.

(1) No real estate school, permit holder or instructor shall recruit for employment opportunities for any real estate brokerage firm during ~~classroom~~ instructional time.

(2) Each school permit holder must post in every classroom and administrative area, and read at the beginning of each course, the following statement: “Recruiting for employment opportunities for any real estate brokerage firm must be accomplished outside the prescribed ~~classroom~~ instructional time. Noncompliance should be reported to the Commission.”

(3) No later than December 31, 2026, the Commission shall review and consider amendment, modification, or repeal of this rule if review determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs.

Specific Authority 475.05 FS. Law Implemented 475.451(1),(2)(a),(c) FS. History—New 6-28-93, Formerly 21V-17.015.

61J2-24.006 Probation.

(1) Unless otherwise stated in the final order a term of probation shall be ninety (90) days, to commence thirty (30) days after the filing of the final order.

(2) If a respondent is unable to complete the requirements of probation within the ninety (90) days or such other time specified in the final order, the Division Director is authorized to grant a one-time 180 days extension for the following reasons:

(a) Illness;

(b) Unavailability of a required course.

(c) Economic hardship. This means that the respondent has completed all requirements of probation except for the payment of fines or costs and is presently unable to pay.

(3) In the event the Division Director denies a request for extension or the request for extension involves a reason other than stated in subsection (2), then the request shall be heard by the Commission.

(4) It is the responsibility of the respondent to submit to the Division Director or the Commission written documentation to substantiate the request for extension. Such request must be made prior to the expiration of the initial term of probation. Failure to request an extension either of the Division Director or the Commission within the initial term of probation will result in the automatic denial of the request for extension and any penalty or penalties associated with the failure to timely complete probation will become effective.

(5) Unless otherwise stated in the final order, The respondent will be released early from probation upon the successful completion of the terms of probation and the required information being submitted to the Division of Real Estate Legal Section.

(6) When as a term of probation, the Commission orders a respondent to attend one or more meetings of the Commission, the respondent shall comply with the following in order to obtain credit for attending the meeting:

(a) The respondent shall arrive not less than 5 minutes prior to the published starting time and date on the meeting agenda, absent good cause. Inability to find a parking space shall not constitute good cause. The respondent is responsible for arriving early enough to obtain suitable parking;

(b) The respondent is permitted short absences from the meeting for not more than 5 minutes each hour. Failure to remain in the meeting at least 55 minutes per hour without prior permission of Division staff or the Chair of the Commission will result in a Commission decision to not award credit for attendance at a Commission meeting;

(c) Except as otherwise allowed by this section, the respondent is required to attend the meeting in its entirety;

(d) All electronic devices must be turned off; and

(e) Failure to comply with this subsection or any other direction of the Commission consistent with an orderly public meeting will result in loss of credit for attendance at the entire meeting of the Commission.

(f) Any respondent requiring special accommodations to attend the meeting, because of a disability, must contact the Division of Real Estate staff at 400 West Robinson Street, Suite N801, Orlando, Florida 32801-1757, Call.Center@dbpr.state.fl.us, (850)487-1395 at least two weeks prior to the meeting date. The Commission will make a reasonable accommodation for those respondents who demonstrate they require special accommodations because they are a person who has a mental or physical impairment that substantially limits one or more of the major life activities of such individual.

Rulemaking Authority 475.05 FS. Law Implemented 455.227, 475.25(4) FS. History—New 2-13-96, Amended 11-10-97, 12-8-02, 7-10-06, 1-11-11, 8-31-16.

61J2-1.011 License Fees.

(1) Every person, partnership, limited liability partnership, corporation or limited liability company deemed and held to be a licensee under Chapter 475, F.S., must register with the Florida Real Estate Commission (Commission) and must secure a license for each license period.

(2) The application fee ~~for licensure~~ shall be as follows:

<u>(a) Broker</u>	\$14.75
<u>(b) Sales Associate</u>	\$14.75
<u>(c) School Instructor</u>	<u>\$14.75</u>

(3) ~~The~~ Effective July 1, 2021, the biennial fees for ~~initial~~ licensure shall be as follows:

<u>(a) Broker</u>	\$72.00
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<u>(b) Sales Associate</u>	\$64.00
<u>(c) School Instructor</u>	<u>\$64.00</u>

(4) ~~Effective July 1, 2019, a reduction of the biennial license renewal fee for an active licensee until June 30, 2021, shall be as follows:~~

Broker	\$36.00
Sales Associate	\$32.00
Branch office for Broker	\$32.00

~~Beginning July 1, 2021, the biennial license renewal fees return to the previous amount of \$72.00 or \$64.00, respectively.~~

(5) ~~The fee and the time of payment for inactive license shall be the same as for an active license, as set forth in paragraph (3) of this rule; however, there is no inactive branch office.~~

(6) ~~The following fees shall be charged for the following purposes:~~

~~(a) Change of Individual License to Professional Association or Professional Association to~~

Individual License	\$30.00
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~~(b) Checks returned due to insufficient funds or account closed:~~

Face value does not exceed \$50.00	\$25.00
Face value exceeds \$50.00 but does not exceed \$300.00	\$30.00
Face value exceeds \$300.00 (Section 68.065, F.S.)	\$40.00
	or an amount up to 5% of the face amount of the check, whichever is greater
(c) Late fee	\$25.00

~~(7) The permit fees for school related categories shall be as follows:~~

(a) Application for School Instructor	\$14.75
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~~(b) Effective July 1, 2014, the initial permit fees shall be:~~

Real Estate School	\$104.00
Real Estate School Additional Location	\$45.00
School Instructor	\$64.00

~~(c) Effective July 1, 2019, the biennial permit renewal fees shall be:~~

Real Estate School	\$104.00
Real Estate School Additional Location	\$45.00
School Instructor, temporary 50% fee reduction through June 30, 2021:	\$32.00

(4) Effective July 1, 2021, the biennial fees for permits shall be as follows:

<u>(a) Real Estate School</u>	<u>\$104.00</u>
<u>(b) Real Estate School Additional Location</u>	<u>\$45.00</u>

~~Beginning July 1, 2021, the biennial license renewal fee for School Instructors returns to the previous amount of \$64.00.~~

~~(8)~~ (5) The fees for each application submitted by an ~~Entity~~ entity, sponsor, organization and individual ~~equivalent offering education courses~~ equivalent education course offering shall be as follows: ~~For each application for approval of:~~

(a) Education offering	\$80.00
(b) For each biennial education course offering renewal	\$80.00

~~(9)~~ (6) Effective July 1, ~~2014~~2021, the initial registration ~~and biennial renewal fees~~ for registration of a corporation, partnership, limited liability company or limited liability partnership ~~is~~ shall be as follows:

(a) Corporation, partnership, limited liability company or limited liability partnership	\$72.00
(b) Branch office for a corporation, partnership, limited liability company or limited liability partnership	\$64.00

~~(10) Effective July 1, 2019, a temporary 50% reduction of the biennial registration renewal fee of a corporation, partnership, limited liability company or limited liability partnership registration until June 30, 2021, fee shall be:~~

Corporation, partnership, limited liability company or limited liability partnership	\$36.00
Branch office for a corporation, partnership, limited liability company or limited liability partnership	\$32.00

~~Beginning July 1, 2021, the biennial license renewal fees return to the previous amounts of \$72.00 or \$64.00, respectively.~~

(7) Fees shall be charged for the following purposes:

(a) <u>Change of Individual License to Professional Association or Professional Association to Individual License</u>	<u>\$30.00</u>
(b) <u>Late fee</u>	<u>\$25.00</u>

(8) Fees for worthless payment instrument (check, draft, order of payment, debit card order, or electronic funds transfer):

(a) Pursuant to Chapter 68.065, Florida Statutes, if the payee of a payment instrument, the payment of which is refused by the drawee because of lack of funds, lack of credit, or lack of an account, or where the maker or drawer stops payment on the instrument with intent to defraud, the following service fees shall be charged:

<u>1. face value does not exceed \$50.00</u>	<u>\$25.00</u>
<u>2. face value exceeds \$50.00 but does not exceed \$300.00</u>	<u>\$30.00</u>
<u>3. face value exceeds \$300.00</u>	<u>\$40.00 or 5% of the value of the payment instrument, whichever is greater.</u>

(b) Pursuant to Chapter 215.34(2), Florida Statutes, whenever a check, draft, or other order for the payment of money is returned, the following service fees shall be charged:
1. \$15.00 or 5% of the face value of the payment instrument, whichever is greater.

(9) The fee and the time of payment for an inactive license shall be the same as for an active license, as set forth in paragraph (3) of this rule; however, there is no inactive branch office.

(10) No later than December 31, 2026, the Commission shall review and consider amendment, modification, or repeal of this rule if review determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs.

Rulemaking Authority 455.219, 475.05, 475.125, 475.24 FS. Law Implemented 215.34(2), 455.219, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451, 68.065, FS. History—New 10-10-79, Amended 1-1-80, 4-14-81, 9-13-82, 10-19-83, 8-12-84, 10-13-85, Formerly 21V-1.11, Amended 2-1-87, 1-1-88, 5-5-88, 10-13-88, 9-10-89, 1-4-90, 2-13-90, 3-27-90, 8-21-90, 10-9-90, 1-13-91, 8-19-91, 7-1-93, Formerly 21V-1.011, Amended 7-1894, 12-17-95, 12-30-97, 1-19-99, 4-18-99, 2-24-00, 11-17-03, 3-8-05, 12-6-07, 8-18-08, 5-8-13, 6-29-14, 9-16-15, 9-13-16, 9-27-17, 8-15-19, 1231-19,