

Florida Broker Practice Exam (Sample)

Study Guide



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SAMPLE

Questions

- 1. What does the Division of Florida Condominiums, Timeshares, and Mobile Homes regulate?**
 - A. Only mobile home parks**
 - B. Real estate law only**
 - C. Condominiums, cooperatives, timeshares, and mobile home parks**
 - D. Commercial real estate**
- 2. What happens if probable cause is found during an investigation?**
 - A. An emergency order is issued**
 - B. A final complaint is filed**
 - C. A license renewal is granted**
 - D. Confidentiality is lifted**
- 3. Which of the following is NOT a duty of a Transaction Broker?**
 - A. Disclose all known facts**
 - B. Exercise limited confidentiality**
 - C. Present offers in a timely manner**
 - D. Act with undivided loyalty**
- 4. Which easement allows property owners to enter and exit their landlocked property?**
 - A. Easement by necessity**
 - B. Easement by prescription**
 - C. Easement in gross**
 - D. Easement appurtenant**
- 5. Which of the following conditions allows a licensee to continue operating pending an appeal?**
 - A. The licensee has found a new broker**
 - B. The licensee has filed an appeal**
 - C. The licensee passed the EofC examination**
 - D. The licensee's license is under review**

- 6. Under what condition may a broker place a lien on real property for nonpayment of commission?**
- A. If the property owner is in breach of contract**
 - B. If the broker has express authorization in a contractual agreement**
 - C. If the seller requests it in writing**
 - D. If the commission is over \$500**
- 7. Upon finding probable cause, what document is directed to be filed against the respondent?**
- A. Civil lawsuit**
 - B. Formal complaint**
 - C. Notification of investigation**
 - D. Legal notice**
- 8. What is a written lease agreement with a specific starting and ending date called?**
- A. Tenancy at will**
 - B. Estate for years**
 - C. Leasehold estate**
 - D. Tenancy at sufferance**
- 9. Before offering condominium units for sale, a developer must file documents with which Florida division?**
- A. Division of Real Estate**
 - B. Division of Florida Condominium, Timeshares, and Mobile Homes**
 - C. Department of Housing and Urban Development**
 - D. Division of Property Management**
- 10. What type of discrimination does the Civil Rights Act of 1866 prohibit?**
- A. Gender discrimination**
 - B. Racial discrimination**
 - C. Age discrimination**
 - D. Economic discrimination**

Answers

SAMPLE

1. C
2. B
3. D
4. A
5. B
6. B
7. B
8. B
9. B
10. B

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Explanations

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1. What does the Division of Florida Condominiums, Timeshares, and Mobile Homes regulate?

A. Only mobile home parks

B. Real estate law only

C. Condominiums, cooperatives, timeshares, and mobile home parks

D. Commercial real estate

The correct response highlights that the Division of Florida Condominiums, Timeshares, and Mobile Homes oversees a broad range of residential and recreational properties. This division is specifically tasked with regulating condominiums, cooperatives, timeshares, and mobile home parks, ensuring compliance with state laws and protecting consumer interests in these types of housing arrangements. The inclusivity of the regulation is key: it extends to various forms of ownership and occupancy, ensuring that all residential unit owners and tenants understand their rights and responsibilities. This comprehensive oversight helps promote fair business practices, safeguards property values, and assists in resolving disputes within these communities. By understanding this role, one can appreciate the critical function the division serves in maintaining orderly management and operation of these unique living arrangements in Florida's real estate landscape.

2. What happens if probable cause is found during an investigation?

A. An emergency order is issued

B. A final complaint is filed

C. A license renewal is granted

D. Confidentiality is lifted

When probable cause is established during an investigation into a real estate professional's conduct, it leads to the filing of a formal complaint. This step is crucial because it signifies that there is sufficient evidence to suggest that a violation of laws or regulations may have occurred. The final complaint serves as the basis for further proceedings, which may include hearings or other actions to address the allegations. This process ensures that due process is followed and that the individual has the opportunity to respond to the charges brought against them. The outcome of subsequent disciplinary action can vary significantly, focusing on determining the appropriate consequences based on the findings of the investigation. In contrast, an emergency order is typically enacted in situations that require immediate action to protect the public, rather than being a direct consequence of establishing probable cause. A license renewal would not typically be granted in the face of a complaint and investigation. Lifting confidentiality pertains to specific procedural circumstances, rather than being a direct outcome of probable cause findings during an investigation.

3. Which of the following is NOT a duty of a Transaction Broker?

- A. Disclose all known facts**
- B. Exercise limited confidentiality**
- C. Present offers in a timely manner**
- D. Act with undivided loyalty**

A Transaction Broker in Florida operates under a specific set of duties, which focus on facilitating the transaction without representing either party as a fiduciary. This means that while a Transaction Broker is responsible for certain actions, they do not owe the same level of loyalty as a single agent does. Acting with undivided loyalty is a duty associated with single agents, who must prioritize their client's interests above all else. In contrast, a Transaction Broker provides a lower level of service and does not have a fiduciary relationship with either party. Their role is more about providing a neutral ground to help facilitate the transaction, thus allowing for a more objective approach. The other responsibilities of a Transaction Broker, such as disclosing all known facts, exercising limited confidentiality, and presenting offers in a timely manner, are key aspects of their role. These duties are designed to ensure fair and honest dealings during the transaction process. By clarifying this distinction, it becomes evident why undivided loyalty is not a duty of a Transaction Broker, as this concept is rooted in the representation level of single agents.

4. Which easement allows property owners to enter and exit their landlocked property?

- A. Easement by necessity**
- B. Easement by prescription**
- C. Easement in gross**
- D. Easement appurtenant**

The easement by necessity is the correct choice because it is specifically designed for situations where a property is landlocked and requires access to a public road or another private property for ingress and egress. This type of easement arises when a parcel of land is rendered inaccessible due to the circumstances surrounding its ownership, such as a lack of direct access points. In cases of easement by necessity, the owner of the landlocked property can assert their right to access the neighboring property owner's land to reach a public road. This legal principle is grounded in the idea that it is unreasonable to deprive a property owner of access to their property. Therefore, courts often grant such easements to ensure that landlocked parcels have a means of access. Other types of easements, while also important in property law, serve different purposes. An easement by prescription allows for access based on long-term use, not necessarily addressing immediate necessity. An easement in gross involves a right that benefits an individual rather than a particular piece of land, often for utility companies, and does not apply to landlocked issues. Finally, an easement appurtenant benefits a specific piece of land and requires two separate properties: one that is dominant (benefiting) and one that is

5. Which of the following conditions allows a licensee to continue operating pending an appeal?

- A. The licensee has found a new broker**
- B. The licensee has filed an appeal**
- C. The licensee passed the EofC examination**
- D. The licensee's license is under review**

The condition that allows a licensee to continue operating pending an appeal is that the licensee has filed an appeal. Filing an appeal can stay the enforcement of a prior decision regarding the license, which means the licensee is given the opportunity to continue their business activities while the appeal process takes place. This can provide essential stability for the licensee during what can often be a lengthy and complex process. Other options may suggest changes in the licensee's status, such as finding a new broker or passing an examination, but these do not inherently provide the legal basis to operate while an appeal is in progress. Similarly, if a license is under review, it typically implies scrutiny rather than the ability to actively work, as the license status is uncertain. Hence, it is the act of filing the appeal itself that affords the licensee the right to continue operating during the appeal process.

6. Under what condition may a broker place a lien on real property for nonpayment of commission?

- A. If the property owner is in breach of contract**
- B. If the broker has express authorization in a contractual agreement**
- C. If the seller requests it in writing**
- D. If the commission is over \$500**

A broker may place a lien on real property for nonpayment of commission when there is express authorization in a contractual agreement between the broker and the property owner. This is grounded in the legal concept that a lien, which is a legal right or interest that a lender has in the borrower's property, can only be established if there is explicit consent or a contractual basis permitting such action. In such agreements, the terms usually outline the conditions under which the broker may seek a lien, ensuring that there is mutual understanding and consent for the broker to secure a right against the property for unpaid commissions. This legal framework provides protection to brokers and ensures transparency in the transaction process, requiring that all parties are aware and have acknowledged these terms in writing. Other choices do not provide the legal basis required for placing a lien. While breach of contract may lead to other legal actions, it does not directly allow for a lien without prior authorization. A seller's request in writing does not automatically create the legal right to a lien unless it is framed within a broader contractual context that grants such authority. Lastly, the threshold of the commission amount does not determine the right to place a lien; rather, the agreement between the broker and the owner holds primary importance.

7. Upon finding probable cause, what document is directed to be filed against the respondent?

A. Civil lawsuit

B. Formal complaint

C. Notification of investigation

D. Legal notice

When probable cause is found during a disciplinary investigation, a formal complaint is the document that is directed to be filed against the respondent. This formal complaint serves as an official legal document that outlines the allegations and details of the case against the individual being accused. It initiates the formal administrative process to address the violations of laws or regulations as they pertain to real estate licensing and practice in Florida. The significance of the formal complaint lies in its role in ensuring that the respondent is made aware of the specific charges being levied against them. It also provides the framework within which any hearings or proceedings will occur, ensuring due process is upheld. The formal complaint will detail the nature of the allegations, the parties involved, and the statutory or regulatory provisions that are believed to have been violated, allowing the respondent to prepare a defense accordingly. This document is essential in moving forward with appropriate legal measures to address any misconduct in the real estate industry.

8. What is a written lease agreement with a specific starting and ending date called?

A. Tenancy at will

B. Estate for years

C. Leasehold estate

D. Tenancy at sufferance

A written lease agreement with a specific starting and ending date is referred to as an estate for years. This term describes a leasehold interest in which the lease is for a fixed duration, meaning both the landlord and tenant are clear on when the lease begins and ends. The lease does not automatically renew unless specifically stated, and this clarity helps both parties to understand the terms of occupancy and rental payments. This type of agreement contrasts with other tenancy arrangements such as tenancy at will, which allows for the lease to continue indefinitely until either party gives notice to terminate. A leasehold estate is a more general term that can encompass various forms of tenant arrangements. Tenancy at sufferance refers to a situation where a tenant remains in possession of the property after the lease has expired without the landlord's consent. Hence, the specificity and predetermined timeline of an estate for years clearly differentiate it from these other forms of tenancy.

9. Before offering condominium units for sale, a developer must file documents with which Florida division?

A. Division of Real Estate

B. Division of Florida Condominium, Timeshares, and Mobile Homes

C. Department of Housing and Urban Development

D. Division of Property Management

The correct answer highlights the specific regulatory body that oversees the development and sale of condominium units in Florida. The Division of Florida Condominium, Timeshares, and Mobile Homes is responsible for the administration and enforcement of laws related to these types of properties. This includes ensuring that developers adhere to state regulations, which require them to file the necessary documents, such as the condominium documents, with this division before they can market and sell units. This division is specialized and focuses not only on condominiums but also on timeshares and mobile homes, reflecting the unique considerations and protections required for these types of residential properties. The requirement for filing documents is in place to protect buyers by providing them with essential information about the condominium and its governance, thereby promoting transparency and fair practices in the real estate market.

10. What type of discrimination does the Civil Rights Act of 1866 prohibit?

A. Gender discrimination

B. Racial discrimination

C. Age discrimination

D. Economic discrimination

The Civil Rights Act of 1866 specifically prohibits racial discrimination. This landmark legislation was pivotal in affirming the rights of all citizens to own property and enter into contracts regardless of race. It was enacted in the aftermath of the Civil War to address the injustices faced by formerly enslaved individuals. The Act asserts that all persons shall have the same right to make and enforce contracts as is enjoyed by white citizens, thereby establishing a significant legal foundation against racial discrimination. While the Act is a crucial piece of civil rights legislation, it does not extend to gender, age, or economic discrimination, which are governed by other laws and statutes that came into effect later. For instance, gender discrimination is primarily addressed through the Equal Pay Act and Title VII of the Civil Rights Act of 1964, while age discrimination is addressed by the Age Discrimination in Employment Act (ADEA), and economic discrimination issues have different legal frameworks. This context helps in understanding the specific focus of the Civil Rights Act of 1866 on racial equality.