

CHANGES MADE TO THE PENSACOLA ASSOCIATION OF REALTORS RULES AND REGULATIONS

Changes to take effect October 1, 2021

SECTION 1. LISTING PROCEDURES:

The service area of the Pensacola Multiple Listing Service is the counties of Escambia and Santa Rosa in the state of Florida. Listings of real or personal properties of the following types which are listed subject to a real estate broker's license, and are located within the territorial jurisdiction of the Pensacola Association of REALTORS and are taken by Participants on Listing Forms shall be entered in the Pensacola Multiple Listing Service within two business days after all necessary signatures of seller(s) have been obtained: (Amended 11/17)

- a. Single family homes for sale or exchange
- b. Vacant lots and acreage for sale or exchange
- c. Two-family, three-family, and four-family residential buildings for sale or exchange.

If the seller is not ready to show their property or have it be placed active in the MLS within 2 business days of obtaining all necessary signatures on the listing agreement then the listing agent must place the into the service as a Coming Soon listing or email documentation signed by the seller that states they do not desire the listing to be entered into the system until a certain date to documents@pensacolarealtors.org.

NOTE 1: The Pensacola Multiple Listing Service shall not require a Participant to submit listings on a form other than the form the Participant individually chooses to utilize provided the listing is of a type accepted by the Service, although a "Property Data Form" may be required as approved by the Pensacola Multiple Listing Service. However, the Pensacola Multiple Listing Service, through its legal counsel:

- May reserve the right to refuse to accept a listing form which fails to adequately protect the interest of the public and the Participants; and
- Assure that no listing form filed with the Pensacola Multiple Listing Service establishes, directly or indirectly, any contractual relationship between the Pensacola Multiple Listing Service and the client (buyer or seller).

The Pensacola Multiple Listing Service shall accept exclusive right to sell listing contracts and exclusive agency listing contracts and may accept other forms of agreement which make it possible for the listing broker to offer cooperation and compensation to the other Participants of the Pensacola Multiple Listing Service acting as buyer agents, transactional brokers, or both. (Amended 11/96)

The listing agreement shall be in writing and must include the seller's authorization to submit the agreement to the Pensacola Multiple Listing Service. (Amended 11/96)

1. The different types of listing agreements accepted:
 - a. Exclusive Right to Sell
 - b. Exclusive Agency
 - c. Exclusive Right to Sell with Exemptions
 - d. Exclusive Agency with Exemptions

- e. Exclusive Right to Lease
- f. **MLS Entry Agreement**

The service may not accept net listings because they are deemed unethical and, in most states, illegal. Open listings are not accepted, except where required by law, because of inherent nature of an open listing is such as to usually not include the authority to cooperate and compensate other brokers and inherently provides a disincentive for cooperation. (Amended 4/92)

The exclusive right to sell listing is the conventional form of listing submitted to the Multiple Listing Service in that the seller authorizes the listing broker to cooperate with and to compensate other brokers. (Amended 4/92)

The exclusive agency listing also authorizes the listing broker, as exclusive agent, to offer cooperation and compensation on blanket unilateral bases, but also reserves to the seller the general right to sell the property on an unlimited or restrictive basis. Exclusive agency listings and exclusive right to sell listings with named prospects exempted should be clearly distinguished by a simple designation such as a code or symbol from the exclusive right to sell listings with no named prospects exempted, since they can present special risks of procuring cause controversies and administrative problems not posed by exclusive right to sell listings with no named prospects exempted. Care should be exercised to ensure that different codes or symbols are used to denote exclusive agency and exclusive right to sell listings with prospect reservations. (Amended 4/92)

NOTE 2: A Multiple Listing Service does not regulate the type of listings its Members may take. This does not mean that a Multiple Listing Service must accept every type listing. The Multiple Listing Service shall decline to accept open listings (except where acceptance is required by law) and net listings and it may limit its service to listings of certain kinds of property. But if it chooses to limit the kind of listings it will accept, it shall leave its Members free to accept such listings to be handled outside the Multiple Listing Service.

NOTE 3: A Multiple Listing Service may, as a matter of local option, accept exclusively listed property that is subject to auction. If such listings do not show a listed price, they may be included in a separate section of the MLS compilation of current listings. (Adopted 11/92)

SECTION 1.2.1 PHOTOS AND MEDIA

Once a listing is entered into the Pensacola Association of REALTORS Multiple Listing Service, excluding listings in a coming soon status, the listing agent is responsible for uploading at least one (1) photo accurately depicting the property within ten (10) business days of the date the listing was entered into the system. The photo may be in the form of a plat map, floor plan or site elevation.

Photos and/or media (virtual tour, URL or other types of media) must not have marketing or promotional messages made on behalf of the listing broker or seller. This includes but it is not limited to: listing agent/broker name, phone number, website or email address. Photos and/or media should not infringe or violate any copyrights, trade secrets or other intellectual or proprietary right of any third party. **The use of people or persons on any photo(s) submitted to the Multiple Listing Service is strictly prohibited.**

If the seller expressly directs that photographs of their property not appear in the Multiple Listing Service then the listing agent must obtain those instructions in writing and they must be signed by the seller. A copy of those instructions must be forwarded to the MLS department within ten (10) business days from the date entered into the system.

SECTION 9.1.1 ALLEGED VIOLATIONS:

Alleged violations of the MLS Rules and Regulations must be made in writing and may be initiated by:

- a. MLS Participants (as defined in the MLS Rules and Regulations).
- b. Licensed and unlicensed administrative and clerical staff affiliated with the MLS Participant.
- c. PAR MLS staff or of boards/associations of REALTORS®
- d. Members of the public.
- e. Data checking software integrated into the MLS system.

A letter should be submitted to the Pensacola Association of REALTORS MLS staff via email, mail, fax or delivery when inaccurate or incomplete information is discovered in the MLS database. Letters may be submitted anonymously. MLS participants, subscribers and assistants may also submit inaccurate or incomplete information via the “correction” button located in the MLS system. All persons submitting inaccuracies are kept confidential.

PAR MLS Department Staff will check the database to confirm the violation. If a violation occurs it will fall into one of the following categories:

- a. Minor violations;
- b. Failure to correct a listing within 48 hours of a Listing Complaint Notification;
- c. Prohibited activities;
- d. **Serious Major** Violations;
- e. Unauthorized dissemination of system access password;
- f. Continued failure to correct a listing after a Listing Complaint notification.
- g. Failure to pay a fine.

SECTION 9.2 MINOR (CORRECTABLE) VIOLATIONS:

When one of the violations listed below is alleged, the PAR MLS staff will send a Listing Complaint Notification ~~(by e-mail, fax and/or mail)~~ to the attention of the Participant and the listing agent. The Participant must correct ~~the~~ all errors within **2 business days 48 hours** (excluding weekends and holidays). **Minor (correctable) violations include:**

SECTION 9.2.1 CORRECTABLE VIOLATIONS INCLUDE:

- a. Failure to report contract pending/contingencies as a status or the deletion of contingency flags when a listing is transferred to a contract contingent/contract pending status within 24 hours.
- b. Failure to input a price change within 24 hours.
- c. Failure to map a listing in the correct location.
- d. Failure to report the correct sale price and terms on a closed listing.
- e. Failure to report the correct Selling Office and Selling Agent on a closed listing.
- f. Failure to correctly report all required fields on a listing.
- g. Entries in the cooperative commission field other than a specific dollar amount, percentage, or combination thereof.

- h. Entering status changes relating to amendments to the Participants listing agreement with a seller without the seller's written consent.
- i. Failure to provide the Service with any documentation requested by the Service within 48 hours (excluding weekends or holidays).
- j. Failure to report a correct listing expiration date.
- k. Failure to list properties, which are sold, or which may be sold separately individually in the listing agreement and on the Property Data Form.
- l. Failure to upload at least one photo accurately depicting the property on every listing within 10 business days, except listings in a Coming Soon status.
- m. Failure to properly define "Property Description" solely as the physical attributes of the property excluding such language as
 - 1. address – house number and street name
 - 2. "call..." any name, 'listing agent', or phone number (agents can and should disclose direct interest in a property)
 - 3. Directions to the property or showing instructions
 - 4. Website addresses or email addresses
 - 5. HTML coding or Java Script on the listing
 - 6. HTML coding or Java Script on the photos
 - 7. Builders' names
 - 8. seller concessions/special offers
- n. Any other violations that may interfere with the IDX (Internet Data Exchange) policies as set forth by PAR, FAR and NAR.
- o. Failure to properly notify the Service when part of a listed property was sold.
- p. Failure to submit a certification to withhold property listing form on a listing where the seller refused to permit the dissemination of the listing by the service.
- q. Failure to correct or replace detailed information that was removed from a listing once the listing went to a withdrawn, expired or sold status.
- r. Failure to upload a "Coming Soon Listing Addendum" to a listing in a Coming Soon status, in the MLS system.
- s. **Uploading a photo, virtual tour or other media that depicts marketing or promotional messages made on behalf of the listing broker, seller or third- party company.**
- t. **Uploading a photo, virtual tour or other media that violates copyrights.**
- u. **Uploading a photo that contains people or persons.**
- v. **When a Participant other than the listing broker places a For Sale sign on a property. (moved from Prohibited Activities)**
- w. **When a Participant other than the listing broker places a Sold sign on a property prior to closing without the listing broker's authorization. (moved from Prohibited Activities)**
- x. **Failure to update the Projected Closed Date on a listing.**

SECTION 9.3 FAILURE TO CORRECT A LISTING / Minor Violation:

If a MLS Listing Complaint Notification has been sent to the Participant, the correction must be made within **2 business days ~~48 hours~~** (excluding weekends and holidays) of the notification. If the listing is not corrected within **2 business days ~~the 48 hours~~**, the Participant shall be sent a MLS Listing Complaint & Fine Notification. The **minimum** fine for FAILURE TO CORRECT A LISTING / Minor Violation is \$100. If the listing agent has not

corrected the violation in the MLS within the allotted ~~2 business days~~ ~~48 hours~~ (excluding weekends and holidays), the listing will be placed in a hold status and the listing agent must contact the MLS Department to correct the violation in order for the listing to be taken out of a hold status. ~~An additional \$100 fine will be assessed every 2 business days until the violation has been corrected.~~

SECTION 9.4 PROHIBITED ACTIVITIES:

A first violation of any of the following rules will result in a MLS Listing Complaint Notification, ~~with an automatic fine. Prohibited Activities cannot be corrected and carry a fine of \$200. which gives the Participant 48 hours (excluding weekends and holidays) to make the appropriate correction.~~ There will be a \$100 additional fee added to the fine for each instance a member violates the same prohibited activity within a calendar year. Prohibited activities include:

- a. Failure to input a new listing within two (2) business days of obtaining all signatures on a listing agreement. (Moved from minor violations)
- b. Failure to report closed (sold) listings within 5 business days. (Moved from minor violations)
- c. A listing agent submits an offer to a seller while the property is in a coming soon status.
- d. Sharing a listing filed with the Service with any broker or firm not a Participant of the Service without the prior consent of the listing broker.
- ~~e. When a Participant other than the listing broker places a For Sale sign on a property. (Moved to minor violations)~~
- ~~f. When a Participant other than the listing broker places a Sold sign on a property prior to closing without the listing broker's authorization. (Moved to minor Violations)~~
- g. ~~A Participant submits media (photograph, virtual tour, URL, or other media type) of a listing property depicting marketing or promotional messages made on behalf of the listing broker, seller or third-party company. (Moved to minor violations)~~
- h. A Participant solicits a listing on property filed with the Service unless such solicitation is consistent with Article 16 of the REALTORS® Code of Ethics, its Standards of Practice, and its Case Interpretations.

SECTION 9.5 FAILURE TO CORRECT A PROHIBITED ACTIVITY:

~~If a MLS Listing Complaint Notification has been sent to the Participant, the correction must be made within 48 hours (excluding weekends and holidays) of the notification. If the listing is not corrected within the 48 hours, the Participant shall be sent a MLS Listing Complaint & Fine Notification. The minimum fine for FAILURE TO CORRECT A PROHIBITED ACTIVITY is \$100. A second violation of the same rule will be treated as a SERIOUS VIOLATION carrying an automatic \$100 fine. If the listing agent has not corrected the prohibited activity within the allotted 48 hours (excluding weekends and holidays), the listing will be placed in a hold status and the listing agent must contact the MLS Department to correct the prohibited activity in order for the listing to be taken out of a hold status.~~

SECTION 9.6 ~~SERIOUS MAJOR VIOLATIONS:~~

~~Serious Major~~ violations carry automatic fines. When a complaint alleges one of the violations listed below, the PAR MLS staff or the MLS Compliance Subcommittee will confirm a violation in fact. If there is no violation the matter is closed with PAR MLS staff contacting the person who filed the original complaint when that person has requested notification of the alleged violation outcome. When the Participant has violated the MLS Rules and Regulations, a MLS Listing Complaint & Fine Notification will be sent to the attention of the Participant and the listing(s) in question will be placed on HOLD (if applicable) by the MLS Department. The minimum fine for these violations is ~~\$100.00~~ **\$300**. ~~Serious Major~~ violations include failure to:

- a. ~~Failure to mark a Coming Soon listing active if shown. (Moved from minor violations)~~
- b. ~~Failure to mark a Coming Soon listing active if an offer is submitted to the seller. (Moved from minor violations)~~
- c. ~~Failure to conduct a showing through the listing broker.~~
- d. ~~Failure to obtain the listing agreement in writing that includes the seller's authorization to submit the agreement to the Pensacola Multiple Listing Service.~~
- e. Failure to disclose within agent notes compensation offered by a listing broker may be subject to court or lender approval (e.g.: foreclosure or short sale).
- f. Failure to disclose his/her Participation when a Participant acts as seller or purchaser.
- g. Failure to make arrangements, as the listing broker to present an offer to a seller as soon as possible or give the cooperating broker a satisfactory reason for not doing so.
- h. Failure to submit a written offer, as the selling broker to the seller prior to closing where appropriate.
- i. Failure to include a cooperating broker when an offer is made to the seller or lessor except where the seller or lessor prohibits this in writing. The listing broker must provide a copy of the seller's or lessor's written instructions to the cooperating broker on request.
- j. Failure to include the listing broker when a counter-offer is made to the purchaser or lessee except where the purchaser or lessee prohibits this in writing. The cooperating broker must provide a copy of the purchaser's or lessee's written instructions to the listing broker on request.
- k. A Participant other than the listing broker advertises a listing without the listing broker's consent.
- l. A Participant or Affiliated Licensee including an MLS printout as part of a contract.

SECTION 9.7 FAILURE TO CORRECT A ~~SERIOUS MAJOR VIOLATION:~~

If a MLS Listing Complaint Notification & Fine Notification has been sent to the Participant, the correction must be made within ~~48 hours~~ **2 business days** (excluding weekends and holidays) of the notification. The Participant or his/her ~~affiliate agent~~ must contact the MLS Department to remove the HOLD status at the time the correction is to be made. If the ~~SERIOUS VIOLATION~~ **major violation** is not corrected within the ~~48 hours~~ **2**

business days, the Participant shall be sent a second MLS Listing Complaint & Fine Notification. The minimum fine for ~~FAILURE TO CORRECT A SERIOUS VIOLATION~~ **failure to correct a major violation** is \$100 **and will continue to be assessed every 2 business days until the violation has been corrected**. If the listing agent has not corrected the serious violation in the MLS within the allotted ~~48 hours~~ **2 business days** (excluding weekends and holidays), the listing will be placed in a hold status and the listing agent must contact the MLS Department to correct the violation in order for the listing to be taken out of a hold status.

IF YOU HAVE ANY QUESTIONS REGARDING THE CHANGES, PLEASE CONTACT THE MLS DEPARTMENT AT 850-434-5507.