

# MLS FINE SCHEDULE

By becoming and remaining a Participant or Subscriber in the Southeast Florida Multiple Listing Service ("SEFMLS"), each agrees to be subject to the MLS Rules and Regulations ("MLS Rules") and Governing Documents of the MIAMI Association of REALTORS® ("MIAMI"). FAILURE TO COMPLY WITH THE MLS RULES WILL SUBJECT PARTICIPANTS AND/OR SUBSCRIBERS TO DISCIPLINE PER SECTION 28 OF THE MLS RULES. REMINDER: the new MLS Rules are effective August 17, 2024.



## DISCIPLINE THAT MAY BE IMPOSED:

- One time required education;
- Letter of warning;
- Letter of reprimand;
- Attendance at SEFMLS orientation or seminars;
- Appropriate, reasonable fine not to exceed \$15,000;
- Suspension of SEFMLS rights, privileges, and services for not less than 30 days nor more than 1 year;
- Termination of SEFMLS rights, privileges, and services with no right to reapply for a specified period not to exceed 3 years; and/or,
- For failure to pay any service charge or fee within 1 month of due date, SEFMLS rights, privileges, and services shall be suspended until paid in full.

## PROCESS:

- Administrative sanctions
  - ☐ Participants and Subscribers can receive no more than 3 administrative sanctions (as outlined above in Section 28.1.1 of the MLS Rules) from the SEFMLS in a calendar year before they are required to attend a hearing for their actions and potential violations of MLS Rules.
  - ☐ SEFMLS may allow more administrative sanctions for violations of listing information provided by Participants and Subscribers before requiring a hearing.
- Review of Corporate Board of Directors, or committee of their designees
  - ☐ After the 3 administrative sanctions for any combination of the MLS Rules, if the alleged offense is a violation of the MLS Rules and does not involve a charge of alleged unethical conduct or request for arbitration, may be administratively considered and determined by the Corporate Board of Directors, or a committee of their designees.
  - ☐ If a violation is determined, the Corporate Board of Directors, or a committee of their designees, may direct the imposition of sanction.
- Appeal to Professional Standards Committee
  - ☐ The recipient of a sanction may request a hearing before the Professional Standards Committee of MIAMI in accordance with the Bylaws and other Governing Documents of MIAMI within 20 days following receipt of the decision of the Corporate Board of Directors and/or the committee of their designees.

# THE FOLLOWING FINE SCHEDULE SHEET INCLUDES EXAMPLES OF THE MOST COMMON VIOLATION RULES BUT IS NOT AN EXHAUSTIVE LIST:



## ADMINISTRATIVE SANCTIONS:

This fine schedule of administrative sanctions includes examples of the most common violations of the MLS Rules; however, it is not an exhaustive list. Any violation of the MLS rules is subject to these administrative sanctions and discipline.

### UNAUTHORIZED ACCESS – MISUSE OF MLS INFORMATION

**1<sup>st</sup> Violation: \$2500 | 2<sup>nd</sup> Violation: \$5000 | 3<sup>rd</sup> Violation: \$7500**

- Providing ANY Password or Lockbox access to any unauthorized party or violating any lockbox or electronic key regulations (Section 22.5.3, 27.1–27.11)
- Reproducing and distributing unauthorized portions of the MLS database
- Use of MLS data for other than intended/permitted purposes

### DATA INTEGRITY – MANIPULATION OF MLS LISTING CONTENT OR DATA FIELDS

**1<sup>st</sup> Violation: \$2500 | 2<sup>nd</sup> Violation: \$5000 | 3<sup>rd</sup> Violation: \$7500**

- Failure to properly specify correct property type and/or intentional manipulation of listing/location and/or use of any data field for a purpose other than its intended use, including but not limited to (Section 15.6):
  - ☐ County
  - ☐ City
  - ☐ Address
  - ☐ MLS Area / MLS GEO Map
  - ☐ Folio number
  - ☐ 5-digit zip code
  - ☐ Square Footage
  - ☐ Owner Agent (Y/N)
- Manipulation of property status affecting history and/or “Days-On-Market” (this includes cancelling and relisting properties) (Section 15.6)

### MISUSE OF MLS REMARKS

**1<sup>st</sup> Violation: \$2500 | 2<sup>nd</sup> Violation: \$7500 | 3<sup>rd</sup> Violation: \$15,000**

- Compensation, if any, is NOT to be communicated in any manner, or in any location on the MLS (Sections 13.1 to 13.6)

### BUYER BROKER AGREEMENT

**1<sup>st</sup> Violation: \$1000 | 2<sup>nd</sup> Violation: \$2500 | 3<sup>rd</sup> Violation: \$5000**

- Failure to have a buyer broker agreement in writing where required (Section 15.12.1)
- Failure to provide a copy of written buyer agreement within 2 business days when requested by MIAMI (Section 15.2.3)

### COMING SOON LISTINGS

**1<sup>st</sup> Violation: \$1000 | 2<sup>nd</sup> Violation: \$2500 | 3<sup>rd</sup> Violation: \$5000**

- Listing being shown or offer accepted before Go Live/Active date
- Failure to attach required Coming Soon Authorization Form to the listing

## SHOWING AND NEGOTIATION

**1<sup>st</sup> Violation: \$500 | 2<sup>nd</sup> Violation: \$750 | 3<sup>rd</sup> Violation: \$1500**

- Failure to share information on listed property or to show the property within a reasonable period of time (e.g. failure to respond to inquiries regarding compensation, if any) (Sections 3.18, 8.3.5)
- Failure to respond to written Request for Affirmation of Presentation of Offer within 2 business days (Section 15.2.4)
- Failure to secure seller(s), broker, or office manager signature on MLS Status Change Form
- Failure to attached required Auction Information Form to Auction Listings (Section 15.1.3)
- Failure to provide requested documents within two (2) business days after requested by MIAMI Staff (Sections 15.1.1, 15.1.3, and 15.1.25)

## DATA INTEGRITY: ENTERING LISTING, SUBMITTING PHOTOS OR MAKING CHANGES

**1<sup>st</sup> Violation: \$500 | 2<sup>nd</sup> Violation: \$750 | 3<sup>rd</sup> Violation: \$1500**

- Failure to enter and maintain complete accurate listing information (including but not limited too agent contact info, current listing status and date fields, including ECD) within 2 business days (Section 15.6)
- Loading or updating a listing without signed agreements and/or change forms (Section 15.1.11)
- Failure to submit valid office Exclusive/Exempt Listing or Syndication opt-out form within 2 business days of signed Listing Agreement (Section 15.1.13)
- Not following “OK to Advertise instructions” included within the listing
- Listing entered in the MLS that are already Under Contract or have Sold (Section 4.1)
- Placing URLs, showing instructions, open house information, access codes, lockbox combinations, contact information in remarks, directions, or internet remarks. This includes but not limited to names, phone Numbers, email address, hashtags or websites/social media addresses
- Failure to provide requested documents within 2 business days after requested by MIAMI Staff (Section 15.1.25)
- No Photo: Minimum of 1 photo (representation of the front of the property) is required for RE1, RE2, RIN and RNT property types for all Status (Section 15.1.12)
- Use or reuse of photograph(s) or remarks without written authorization
- Inappropriate, inaccurate, or branded photos, virtual tours and videos containing text, embedded links, watermarks, logos, graphics, QR codes (Section 15.1.12)
- Entering a duplicate listing under the same property type (except rentals)
- Entering incorrect Sale/Rental Information when Closing/Renting a listing such as, but not limited to Selling Agent info, Sale/Rent Price, Buyers Country of Origin, Buyers State, etc. (Section 15.6)
- Agent solicitation/recruitment in any field (including Remarks) or MLS integrated services

## IDX

**1<sup>st</sup> Violation: \$2000 | 2<sup>nd</sup> Violation: \$2500 | 3<sup>rd</sup> Violation: \$5000 plus Possible Termination of Feeds**

- Failure to provide quarterly reports
- Failure to adhere to IDX Rules for Data Display
- Failure to execute IDX licensing agreements
- Inadequate protection against Data Misappropriation
- Unauthorized distribution of MLS database

