# YOUR MLS YOUR CHOICE

UPDATES TO MLS RULES & FORMS GOING LIVE ON 10.14.25

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### DISCLAIMER:

This session is only meant to provide education and information on relevant legal topics facing the industry and is not a substitute for legal advice or representation.

### MEET THE LEGAL TEAM



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### MEET THE MLS TEAM

### HOW WE GOT HERE

SPOILER ALERTS:
NAR REQUIRED NEW POLICIES
MIAMI IS MAKING MINOR CHANGES
YOUR MLS, YOUR CHOICE!

#### **MARCH 2025**

- NAR announced a new mandatory policy for MLSs
- "Multiple Listing Options for Sellers" (a/k/a "delayed marketing")
- Deadline to adopt: September 30, 2025

#### **SUMMER 2025**

- NAR announced a new mandatory policy for MLSs
- Survey (anonymous) to all MIAMI members nearly 3,000 responses!
- One-on-one broker/manager meetings over 61 scheduled
- Corporate BOD and all BOGs met to contemplate whether to make any changes to the MLS Rules based on member feedback, the consumer experience, legal landscape, and South Florida market

#### **AUGUST 21, 2025**

- Corporate BOD approved and adopted minor changes on August 21, 2025
- Emphasis on transparency and keeping changes to a minimum
- YOUR MLS, YOUR CHOICE

# YOUR CHOICE

# MLSRULES UPDATES GO LIVE ON OCTOBER 14, 2025



NO NEW STATUSES



UPDATED "STATUS" INPUT
SHEET IN THE MLS

### DRAFT:

#### Single Family/Manufactured Homes

MLS Rules Notice

Status

Location Information

General Information

Remarks

Rooms

Additional Information

Financial/Office Information

#### Status Information

#### **PICK YOUR LISTING STATUS:**

Active Coming Soon -



#### ACTIVE

"Active" status is used when you are ready to submit your listing to the MLS. It will be assigned a number (MLS #A-). You can pick "Active -Display on Internet Y" or "Active - Display on Internet N".

#### ACTIVE - DISPLAY ON INTERNET Y

The listing will be available: to ALL MLS Participants/Subscribers within the MLS; on IDX data feeds; via syndication to third-party websites; Virtual Office Websites (VOWs); and, Broker Back Office ("BBO") data feeds.

#### ACTIVE - DISPLAY ON INTERNET N

This listing will ONLY be available to ALL MLS Participants/Subscribers within the MLS. It will NOT be publicly distributed. Public marketing FOR COMING SOON, PICK YOUR GO LIVE DATE: is permitted.



**DISPLAY ON INTERNET?** 

YES

NO

#### **COMING SOON**

"Coming Soon" status is when you and your seller customers want to let buyers and their brokers know that you are preparing the property for sale. Reminders:

- Can be in "Coming Soon" status up to 21 days
- Days on market do not accrue
- No showings
- No open houses
- Public marketing is permitted
- Offers may be presented and accepted
- Status changes MUST be reported to the SEFMLS within 1 business day of accepting an offer
- <u>Seller Authorization Form</u> must be submitted to mls@miamire.com upon listing input you will get an email with a reminder to do this

USE THE QUICK REFERENCE GUIDE ON "LISTINGS: WHERE DO THEY GO? WHAT ARE THE RULES?" REFER TO THE MLS RULES FOR COMPLETE DEFINITIONS AND DETAILS.











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"ACTIVE - INTERNET N" IS NOT NEW, BUT IT HAS A NEW HOME

#### "ACTIVE - INTERNET N" IS NOT NEW!

- This has always been an option
- Now has a new home on the "status" input page on the MLS

#### WHAT IS "ACTIVE - INTERNET N"?

- Listing will ONLY be available to ALL MLS Participants/Subscribers within the MLS
- NOT publicly distributed
- Public marketing is permitted
- Showings and open houses are permitted
- Days on market accrue

#### **HOW CAN "ACTIVE - INTERNET N" USED?**

- Completely optional
- Listing brokers and their sellers can determine the level of exposure of the listing and the data
- No mandatory minimum or maximum time a listing has to be in this status
- Can be moved to "Active Internet Y" at any time

"COMING SOON" STATUS
CLARIFICATIONS

#### **KEEPING THE "COMING SOON" STATUS**

- Can be in "Coming Soon" status up to 21 days
- Days on market do not accrue
- No showings
- No open houses
- Public marketing is permitted
- IS publicly distributed (IDX, syndication, etc.)
- **NEW:** offers may be presented and accepted
  - Status changes MUST be reported within 1 business day of accepting an offer (Rule 4.5)
  - Seller Authorization Form must be submitted to mls@miamire.com upon listing input
  - MLS will send reminder emails for that form

#### HOW CAN "COMING SOON" STATUS BE USED?

- Completely optional
- Listing brokers and sellers use this status to:
  - Let buyers know that they are preparing the property for sale or lease
  - Build excitement around a property ahead of an open house



NO CHANGES TO "OFFICE EXCLUSIVES"

#### NO CHANGES TO MLS RULES ON "OFFICE EXCLUSIVES"

- Last set of changes: August 1, 2024 (effective August 17, 2025)
- Entry into MLS is NOT required
- Public marketing is permitted
- **REVISED:** Seller Authorization Form
  - MUST be submitted to mls@miamire.com
  - Seller and brokers release Association from liability
  - Requires disclosure to sellers about the potential risks of opting out from exposure the MLS provides to their listings

#### **AUDITS (A/K/A "DOCUMENT VERIFICATIONS")**

- Questions or concerns?
- Email mls@miamire.com

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REVISED SELLER AUTHORIZATION FORMS

# NEW FORM: SELLER AUTHORIZATION FORMS

#### SELLER AUTHORIZATION FORM: COMING SOON STATUS

EMAIL A COMPLETED COPY TO COMINGSOON@MIAMIRE.COM

If a Seller (who is an owner or owners of real property that are selling or leasing their properties) decides to place a listing in "Coming Soon" status, the Listing Broker must submit this Seller Authorization Form ("Form") to SEFMLS within 2 business days of the effective date of the listing agreement:

		FFECTIVE DATE:
21 - 11 - 12 - 13 - 13 - 13 - 13 - 13 -	REEMENT T	ERMINATION DATE:
ML#:		/ JII / III   1   1   1   1   1   1   1   1   1
GO-LIVE DA	IE:	
Y SIGNING	THIS FORM,	THE SELLER ACKNOWLEDGES, REPRESENTS. AND AGREES:
SELLER	LISTING	
INITIALS	BROKER	
	Intimes	No agreement of sale or lease is currently in effect -OR- while a listing agreement has been executed
		the above-referenced listing has not yet been on the market but will be on the market soon.
		The above-referenced property may be in "Coming Soon" status up to 21 days.
		Days on market do not accrue in "Coming Soon" status.
		Offers may be presented while in "Coming Soon" status.
		Offers may be accepted while in "Coming Soon" status; however, all status changes must be reported to the SEFMLS within 1 business day that the offer is accepted.
	_	Public Marketing (foule 3.17) is permitted.
		Showings are not permitted in "Coming Soon" status.
		Open houses are not permitted in "Coming Soon" status.
		The "Coming Soon" status is optional, and it is the Listing Broker's and Seller's unilateral and
		independent business decision to use it. The Listing Broker and Seller hold harmless and release MIAM
_	_	REALTORS® and the SEFMLS from any liability regarding a listing in "Coming Soon" status.
		Using the "Coming Soon" status may have potential impacts on a Seller's sale, lease, or other transaction
		The Seller understands the benefits of the SEFMLS they may be waiving or delaying with a listing in
		"Coming Soon" status, such as broad and immediate exposure of their listing outside of the SEFMLS and delays in open houses and showings.
		[경기 ] [경기 ] [경기 ] 경기 [경기 ]
		Listing Broker and Seller understand and acknowledge that the Seller may, at any time, instruct the

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MIAMI-11: Seller Authorization Form (Coming Soon Status)

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#### SELLER AUTHORIZATION FORM: OFFICE EXCLUSIVE LISTINGS

EMAIL A COMPLETED COPY TO MLS MIAMIRE.COM

Many third-party websites and services get their information from MIAMI Association of REALTORS®, Inc.'s (MIAMI REALTORS®). Southeast Florida Multiple Listing Service ("SEFMLS®). This is sometimes referred to as the "MLS® or "multiple listing service." This form, however, instructs the Listing Broker not to publicly distribute the Seller's property information outside of the SEFMLS.

If a Seller (who is an owner or owners of real property that are selling or leasing their properties) decides NOT to publicly distribute the Seller's property information outside of the SEFMLS, the Listing Broker must submit this Seller Authorization Form ("Form") to SEFMLS within 2 business days of the effective date of the listing agreement.

#### LISTING INFORMATION

PROPERTY ADDRESS:

LISTING AGREEMENT EFFECTIVE DATE:
LISTING AGREEMENT TERMINATION DATE:

BY SIGNING THIS FORM, THE SELLER ACKNOWLEDGES AND REPRESENTS:

#### SELLER'S INITIALS:

The Seller wants the Listing Broker to restrict and/or delay marketing of their listing and understands that they need to sign this Form because this limits broad access to information and, as a result, may affect the sale price. Specifically, the Seller's property (and the terms and conditions under which the Seller is offering the property for sale or lease) will not be displayed on the SEFMLS, internet platforms, or third-party websites that are used by the general public to search for property listings.

The Seller understands that, if they choose to delay or not to promote their home for sale or lease on the SEFMLS on an impartial basis to the area's real estate brokers/agents, homebuyers, and/or tenants for any period of time, then the Seller understands and accepts the risks that: their home may take longer to sell or rent; it may impact the sale/lease price; and/or, the reduction in exposure of the Seller's property may negatively impact the Seller's ability to sell or lease their property at terms favorable to the Seller. The Seller holds harmless and releases MIAMI REALTORS\*\* and the SEFMLS from any liability regarding the same.

The Seller understands that MIAMI REALTORS® has thousands of members who are also SEFMLS Participants and/or Subscribers. The Seller further understands that MIAMI REALTORS® and SEFMLS have data sharing agreements with other multiple listing services around the country, and world, that provide additional exposure for listings in the SEFMLS that are publicly distributed. The Seller is knowingly waiving this benefit — broad and immediate exposure of their listing through the SEFMLS and by extension third-party websites and services — and holds MIAMI REALTORS® and SEFMLS harmless for the same.

The Seller understands that most properties in the area are marketed through MIAMI REALTORS® SEFMLS service, which enables homeowners, buyers, and renters an equal opportunity to access up-to-date information about properties for sale and rent. The Seller further understands that by delaying or not marketing the listing in the SEFMLS, other real estate licensees representing prospective buyers and tenants may not be aware that the Seller's property is available for sale or lease.

The Seller understands that delaying and/or not allowing MIAMI REALTORS\* and SEFMLS to distribute their property's information to other brokers and the public may substantially reduce the number of local, national, and foreign potential buyers/renters and real estate brokers/agents who can learn about the property.

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MIAMI-10: Seller Authorization Form (Office Exclusive Listings)
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#### WHEN IS THE "SELLER AUTHORIZATION FORM" REQUIRED?

- Listings in "Coming Soon" status
- When a brokerage takes an "office exclusive" listing agreement

#### **REVISIONS TO THE "SELLER AUTHORIZATION FORM"**

- MUST be submitted to mls@miamire.com within 2 business days of the effective date of a listing agreement
- Seller and brokers release Association from liability
- Requires disclosure to sellers about the potential risks of opting out from exposure the MLS provides to their listings
- Required by the mandatory NAR policy changes

#### WILL THE LISTING AGREEMENT CHANGE?

- NO! The "Seller Authorization Form" is a separate document that does not require you to amend your listing agreement
- CAUTION! Make sure sure your listing agreement is consistent with the Seller Authorization Form



### NEW REFERENCE GUIDE:

"LISTINGS: WHERE DO THEY GO? WHAT ARE THE RULES"



### NEW REFERENCE GUIDE:

"LISTINGS: WHERE DO THEY GO? WHAT ARE THE RULES"



#### **LISTINGS**: WHERE DO THEY GO? WHAT ARE THE RULES?



				HOW THE	LISTINGS GET SH	ARED									
STATUS/	REQUIRE	PUBLI	C DISTRIBUTION	vow	BBO	WITHIN MLS:	PUBLIC	ок то	AVM	CONSUMER	ADDRESS ON	ACCRUE DAYS	SHOWINGS	OPEN HOUSES	ACCEPT OFFERS
LISTING TYPE	MLS ENTRY	IDX	SYNDICATION TO THIRD-PARTY SITES			PARTICIPANTS & Subscribers	MARKETING	ADVERTISE		COMMENTS (BLOGGING)	INTERNET	ON MARKET			
ACTIVE - INTERNET Y	YES	YES	YES	YES	YES	YES	YES	YES or NO	YES or NO	YES or NO	YES or NO	YES	YES	YES	YES
ACTIVE - INTERNET N	YES	NO	NO	NO	NO	YES	YES	YES or NO	NO	NO	NO	YES	YES	YES	YES
ACTIVE UNDER CONTRACT	N/A	YES or NO	YES or NO	YES	YES	YES	YES	YES or NO	YES or NO	YES or NO	YES or NO	YES	YES	YES	YES (Back Ups)
CANCELED	N/A	NO	NO	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
CLOSED	N/A	YES or NO	YES or NO	YES	YES	YES	NO	NO	NO	YES or NO	YES or NO	NO	NO	NO	NO
COMING SOON	YES	YES or NO	YES or NO	YES	YES	YES	YES	YES or NO	YES or NO	YES or NO	YES or NO	NO	NO	NO	YES
COMP ONLY SALES	YES	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
OFFICE EXCLUSIVE	NO	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	YES	YES	YES
PENDING	NO	YES or NO	YES or NO	YES	YES	YES	YES	YES or NO	NO	YES or NO	YES or NO	NO	NO	NO	NO
TEMPORARILY OFF MARKET	N/A	NO	NO	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
WITHDRAWN	N/A	NO	NO	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO

#### **REMINDERS:**

- ACTIVE (INTERNET N, INTERNET Y) AND COMING SOON LISTINGS MUST BE ENTERED INTO THE MLS WITHIN 2 BUSINESS DAYS OF THE EFFECTIVE DATE OF A LISTING AGREEMENTS (RULE 15.1.1).
- ALL STATUS CHANGES MUST BE REPORTED TO THE MLS WITHIN 2 BUSINESS DAYS (RULE 15.2.6), EXCEPT FOR WHEN OWNER ACCEPTS AN OFFER IN COMING SOON, WHICH MUST BE DONE WITHIN 1 BUSINESS DAY OF ACCEPTING AN OFFER (RULE 4.5).
- SELLER AUTHORIZATION FORM REQUIRED FOR "COMING SOON" (RULE 4.5) AND "OFFICE EXCLUSIVE" (RULE 6.6) LISTINGS.
- COMP ONLY SALES (RULE 4.6) ARE ENTERED INTO THE MLS BY THE MLS.
- "PUBLIC MARKETING" AND "OK TO ADVERTISE" ARE DIFFERENT! "PUBLIC MARKETING" (RULE 3.17) includes, but is not limited to, flyers displayed in windows, yard signs, digital marketing on public facing websites (including but not limited to social media), brokerage website displays (including IDX and syndication to third-party websites), digital communications marketing (e.g. email blasts), multi-brokerage listing sharing networks or multi-brokerage communications, and applications available to the general public.

  "OK TO ADVERTISE" (RULE 15.5), if selected, allows others to display listings that are not their own outside of data feeds).



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OTHER UPDATES

### RULE 15.1.1: ENTRY OF LISTINGS INTO MLS - WITHIN 2 DAYS OF EFFECTIVE DATE OF LISTING AGREEMENT

 We heard you! Provides listing brokers/agents and their sellers with ample time to get listings (and photos) ready.

E	xclusive Brokerage Listing Agreement	FloridaRealtors
Th	his Exclusive Brokerage Listing Agreement ("Agreement") is bet	ween
		("Seller"
ar	nd brokerage	("Broker")
	and personal property (collectively "Property") described below	be the EXCLUSIVE BROKER in the sale of the rea

### EFFECTIVE

#### **Exclusive Right of Sale Listing Agreement**



- This Exclusive Right of Sale Listing Agreement ("Agreement") is between
- and brokerage ("Seller").
- 1. Authority to Sell Property: Seller gives Broker the EXCLUSIVE RIGHT TO SELL the real and personal property (collectively "Property") described below, at the price and terms described below, beginning and terminating at 11:59 p.m. on \_\_\_\_\_\_\_ ("Termination Date"). Upon full execution of a contract for sale and purchase of the Property, all rights and obligations of this Agreement will automatically extend through the date of the actual closing of the sales contract. Seller and Broker acknowledge
- that this Agreement does not guarantee a sale. This Property will be offered to any person without regard to race, color, religion, sex, handicap, familial status, national origin, or any other factor protected by federal, state, or local
  - law. Seller certifies and represents that she/he/it is legally entitled to convey the Property and all improvements.

#### **RULE 15.8: AUDITS = "DOCUMENT VERIFICATIONS"**

- Clarifies that audits are "document verifications"
- 2 business days to respond

#### **RULE: 15.1.10: REMOVED REFERENCE TO OBSOLETE INPUT FIELDS**

- Used to have fields on input for "seller-to-buyer incentives" (seller concessions)
- Removed as the fields were already removed

#### **RULE 31.2.5.1: WITHHOLDING PROPERTY ADDRESS FROM VOW**

• Owner must direct listing broker – in writing (added "in writing")

#### **RULE 15.9.1: CLARIFIES PURPOSE OF "STATUS CHANGE FORM"**

- Only a reporting mechanism
- Does not modify the terms of or cancel agreements (listing agreements, etc.)

#### **RULE 15.9.4: "OK TO ADVERTISE" CLARIFICATIONS**

 Tweaks to make sure that those displaying others' listings comply with the options the listing broker selected (or changed) in the MLS

#### RULE 22.5.5: AUGMENTING LISTINGS WITH DATA FROM OTHER SOURCES

- Sharing of listings through VOW, IDX, and third-party sites may be augmented with information about the properties from other sources to appear on the same search results (sources must be identified)
- **NEW:** If listing broker provides contrary written instruction to each third-party aggregator, cannot do this!

#### **RULE 24.23: CANNOT SHARE MLS CREDENTIALS**

- This is already in the Membership Agreement
- DO NOT share usernames and passwords to the MLS!

#### **RULE 30.4.4: ADDED PDAP TO DATA FEED OPTIONS**

- Not new; added for consistency
- "Brokerage Only Data PDAP" (Participant Access Data Policy)
- Available ONLY for a brokerage's OWN listings, subject to a data license agreement

### RULE 30.5.7: CLARIFIED THAT DATA FEEDS REQUIRE AND ARE SUBJECT TO A DATA LICENSE AGREEMENT

- Not new; data license agreements are already required
- Added to MLS Rules for consistency



# GET READY TO CATCH THE QR CODES

### MORE EDUCATION

- OCTOBER 1, 2025, 1:00 2:00 PM (ENGLISH)
- OCTOBER 1, 2025, 3:30 4:30 PM (SPANISH)
- OCTOBER 2, 2025, 2:00 3:00 PM (ENGLISH)
- OCTOBER 2, 2025, 3:30 4:30 PM (SPANISH)
- OCTOBER 10, 2025, 2:00 3:00 PM (ENGLISH)
- OCTOBER 10, 2025, 3:30 4:40 PM (SPANISH)
- OCTOBER 16, 2025, 10:00 11:00 AM (ENGLISH)
- OCTOBER 16, 2025, 11:30 AM 12:30 PM (SPANISH)



### MLS RULES



### LEGAL UPDATES IN REAL TIME

### JOIN THE LEGAL WHATSAPP GROUP:



# ASK NILS!

MIAMIREALTORS.COM/MLS MLS@MIAMIRE.COM

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