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Policies & Procedures

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Board of Directors

Conflict of Interest Policy

This Conflict of Interest Policy of Capital Area Technology & REALTORS® Services, Inc: (1) defines conflicts of interest; (2) identifies classes of individuals within the Organization covered by this policy; (3) facilitates disclosure of information that may help identify conflicts of interest; and (4) specifies procedures to be followed in managing conflicts of interest.

1. Definition of conflicts of interest. A conflict of interest arises when a person in a position of authority over the Organization may benefit financially from a decision he or she could make in that capacity, including indirect benefits such as to family members or businesses with which the person is closely associated. This policy is focused upon material financial interest of, or benefit to, such persons.

2. Individuals covered. Persons covered by this policy are the Organization’s officers, directors, and chief employed executive and other key employees.

3. Facilitation of disclosure. Persons covered by this policy will annually disclose or update to the Chairman of the Board of Directors their interests that could give rise to conflicts of interest, such as a list of family members, substantial business or investment holdings, and other transactions or affiliations with businesses and other organizations or those of family members.

4. Procedures to manage conflicts. For each interest disclosed to the Chairman of the Board of Directors, the Chairman will determine whether to: (a) take no action; (b) assure full disclosure to the Board of Directors and other individuals covered by this policy; (c) ask the person to recuse from participation in related discussions or decisions within the Organization; or (d) ask the person to resign from his or her position in the Organization or, if the person refuses to resign, become subject to possible removal in accordance with the Organization’s removal procedures. The Organization’s Secretary/Treasurer will monitor proposed or ongoing transactions for conflicts of interest and disclose them to the Chairman of the Board of Directors in order to deal with potential or actual conflicts, whether discovered before or after the transaction has occurred.

Procedure: All members of the board of directors will sign a form indicating their agreement to adhere to the Conflict of Interest policy. (Adopted 10/6/2009)

47 **Attendance Policy:** Members of the CATRS board of directors are required to attend all
48 properly noticed meetings unless otherwise excused in advance by the chairman of the
49 board.

50
51 **Procedure:** Members of the board of directors that will be absent from a meeting will
52 contact the chairman of the board as soon as they know their conflict will cause an absence.
53 The chairman of the board will determine if the reason for the absence is sufficient to be
54 “excused.” The chairman, at their sole discretion, may request a vote by the board of
55 directors to “excuse” an absence. If it is the chairman that will be absent, they will notify
56 the elected vice chairman. (Adopted 10/6/2009)

57
58 [Committees \(top of the page\)](#)

59 **Attendance at Meetings:** Members of committees are expected to attend all properly
60 noticed meetings; failure to do so may result in removal from committee.

61
62 **Procedure:** After a committee member has missed two properly noticed meetings; their
63 name will be forwarded to the Chairman of the board. The Chairman, or their designee,
64 will contact the member and determine whether they should be allowed to continue on the
65 committee for the completion of their term. If it is determined that the member will not
66 complete their term, their entire service for that term will be considered not to have been
67 served. (Adopted 10/2010)

68
69 **MLS Committee Policy:** The purpose of the MLS Committee is to oversee the operation of
70 the MLS and implement the MLS Rules & Regulations under the guidance and direction of
71 the Board of Directors and according to the provisions of the NAR Multiple Listing Rules
72 and Regulations. Including:

- 73 **1.** Periodically review the Multiple Listing Rules and Regulations for accuracy and
74 compliance with any laws, rules or guidelines from agencies having authority over Capital
75 Area Technology & REALTORS® Services or the Tallahassee Board of REALTORS®.
- 76 **2.** Recommend changes to the Multiple Listing Rules and Regulations for approval by the
77 Board of Directors.
- 78 **3.** Monitor the participation of members and make recommendations to the Board of
79 Directors regarding enforcement of Rules and Regulations.
- 80 **4.** Periodically review the adequacy of the MLS Computer system and recommend program
81 revisions to the Board of Directors.
- 82 **5.** Work with the computer system vendor to insure vendor performance according to the
83 contract.
- 84 **6.** Establish a computer vendor review and selection process to accomplish any necessary
85 contract review or vendor changes at the end of a current contract in an efficient and
86 timely manner.
- 87 **7.** Notice all rule changes and proposed rule changes, with a copy of the changed form, to
88 all Participants via electronic media or mailing and to the subscribers of the service
89 through the Board Briefs.
- 90 **8.** The Board of Directors must approve all changes or additions to the MLS Forms or data
91 fields.

92 **9.** Coordinate with the Professional Development Committee of the Tallahassee Board of
93 REALTORS® to educate members on any changes to the MLS database and forms, as
94 needed.

95
96 **Make-up of MLS Committee**

97 The committee's chairman will be appointed by the chairman of the CATRS board of
98 directors. The committee will consist of 9 members appointed to staggered three-year
99 terms. The chairman of the CATRS board of directors, after consulting with the Manager of
100 Association Technology and the CEO, will appoint three new members each year.
101 Vacancies will be appointed by the chairman of the board at the time of the vacancy. At
102 least five of the members must be participants in the CATRS MLS. Should a Participant
103 change status to a Subscriber, they may complete their term. Not more than two members
104 may be from the same office. Should a member change firms, thereby creating more than
105 two from a given office, that member may complete their term.

106
107 **Prerequisites for MLS Committee Service**

108 To ensure that committee members are well-versed in the operation, use, and rules of the
109 MLS, committee members are required to have attended the six MLS-related classes within
110 six-months of being appointed to the committee.

111
112 The classes are:

- 113 MLS & Your Liability
- 114 Paragon Overview
- 115 Client Connect
- 116 Listings
- 117 Search & Mapping
- 118 CMA
- 119 Applications Class (HomeSnap and Showingtime)

120
121 **Procedure:** Hold regular meeting of the committee to comply with the policies. Actively
122 solicit Participant and Subscriber feedback through firms to evaluate the effectiveness of
123 the MLS and other services.

124
125 [Financial\(top of the page\)](#)

126
127 **Application Fees:** Application fees for MLS-Only Participants and Subscribers are set by
128 the CATRS board of directors and are subject to change.

129
130 **Annual Fees:** Annual fees for MLS-Only Participants and subscribers are set by the CATRS
131 board of directors and are subject to change. Annual fees shall be prorated quarterly.

132
133 **All fees paid are non-refundable.**

134
135 **Late charges and penalties for all invoices except MLS fees, will apply according to**
136 **the following schedule:**

137

# Days Past Due	Consequences and Fee Schedule
30	A 5% late charge.
60	An additional 10% late charge.
91	Membership is terminated and a \$50 termination fee will be added to the account. All TBR and MLS services will be discontinued.

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MLS Billing Policy: Invoice and collect MLS service fees from Participants based on the number of subscribers in each of their offices.

Procedures: On the 28th of each month (or the nearest work day to the 28th) MLS Invoices will be created for the subsequent month. Invoices for Multiple Listing Services are due on the 1st of the month for which service is granted. Each MLS Participant (Designated REALTOR®) will be billed at the fee rate times the number of participants and subscribers in the office. For example: if the fee rate is \$35 and there are nine agents and the broker in Office A, the broker (MLS Participant) will be billed \$35 X 10 or \$350. Agents must be terminated through DBPR and reported to CATRS to avoid being invoiced for their MLS access. Credits are not granted for agents after invoices are created.

MLS fees are due on the 1st of the month for which service is granted, late charges and penalties will apply according to the following schedule:

# Days Past Due	Consequences and Fee Schedule
30	A 5% late charge.
60	A total of a 15% late charge and the company will be suspended from the service. Upon payment of all current and past fees and a \$50 reactivation fee, service will be activated.

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MLS Fees Mid Billing Cycle

Invoicing MLS monthly fees when a Participant or Subscribers reinstates their MLS subscription.

1. Reinstatements or reactivations. Brokers would be billed the current month's MLS fee, for each agent that reactivates their MLS subscription by the 7th of the month. Further, all past due fees must be paid.
2. Joining for the first time. These offices wouldn't be billed for subscribers until the next scheduled billing cycle, see MLS Billing Policies earlier in this manual.
3. Rejoining after being gone for a year or more (equivalent to a new member). These offices wouldn't be billed for subscribers until the next scheduled billing cycle, see MLS Billing Policies earlier in this manual.

169 **Returned Checks Policy**

170 A service fee, to be determined from time to time by the board of directors, shall be
171 assessed for a returned check. The account is considered **unpaid** and subject to the above
172 fee schedule, including the returned check service fee.

173
174 Please note: in order for a Participant not to be charged for an agent by TBR, CATRS must
175 have made the agent inactive by the 20th day of the preceding month for which service is
176 billed. CATRS requires Participants to terminate agents from the DBPR online system,
177 www.myfloridalicense.com. Only when DBPR confirms an agent is no longer with a firm
178 will the Participants bill be adjusted. (Adopted 11/12/02)

179
180 **Check Signing Policy**

181 **Policy:** CATRS shall maintain various deposit accounts as deemed necessary, individual
182 withdrawal requests (checks) shall require two (2) Signatories. One of the signatures must
183 either be the Chairman, Vice Chairman or Treasurer of the board of directors. The second
184 signature can be any other member of the CATRS board of directors.

185
186 CATRS may also have corporate charge accounts as deemed necessary with the Treasurer
187 or his assignee as signatories.

188
189 **Procedure:** Prior to each calendar year, the Treasurer will ensure that all financial
190 institutions have updated signatories for accounts. (Adopted 4/2010)

191
192 **MLS Fines**

193 Fines for violations of Multiple Listing Service rules may be levied as outlined and from
194 time to time amended in the Capital Area Technology & REALTOR® Services, MLS Rules
195 and Regulations.

196
197 Brokers will be required to continue to pay for MLS for agents who have outstanding fines,
198 regardless of the agent's ability to access the Multiple Listing System

199
200 If the broker is suspended from the MLS for a violation of the MLS rules, and the broker
201 does not complete the requirements for reactivation of services within 15 days, then the
202 office will be suspended until the broker meets the reactivation requirements.

203
204 [MLS \(top of the page\)](#)

205
206 **Non-Member Participation**

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208 Non-members of the Tallahassee Board of REALTORS® may be Participants or subscribers
209 in the CATRS MLS. The following are the definitions of non-member categories:

210
211 Non-member Participants – Florida real estate brokers who hold REALTOR® membership
212 in another local board/association or are direct State REALTOR® association members. Or
213 Florida real estate brokers who are not REALTORS®.

214

215 Non-member Subscribers – A Florida real estate licensee whose real estate license is placed
216 with a non-member Participant, as defined above.

217

218 **Assistants to Participants and Subscribers**

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220 Policy:

221 Assistants to Participants and subscribers may be subscribers or non-subscribers to the
222 CATRS MLS.

223

224 Assistants that are already subscribers

225 Subscribers will be able to assume the identity of another subscriber or Participant with
226 the Participant's authorization. A form will be available from CATRS that requires the
227 Participant's signature and it will be kept on file with CATRS.

228

229 Assistants that are not qualified to be subscribers

230 Assistants to Participants and subscribers that are not current subscribers to the CATRS
231 MLS will be able to assume the identity of a subscriber or Participant with the Participant's
232 authorization. A form will be available from CATRS that requires the Participant's
233 signature and it will be kept on file with CATRS. These assistants will be issued a unique
234 user login and will only have access to their subscriber or Participant's information. CATRS
235 will charge a monthly fee for these additional credentials.

236

237 Note: In order to qualify for assistant-only credentials, an individual must not otherwise be
238 qualified as a subscriber to the CATRS MLS and must not have a Current/Active real estate
239 license, as defined by the State of Florida Department of Business and Professional
240 Services.

241

242 Procedures:

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1. CATRS/TBR staff will intake the request forms.

244

2. Non-subscribers will be checked against State of Florida license records to ensure
245 that the user does not otherwise qualify for subscription or Participation in the
246 CATRS MLS.

247

3. A record in the membership data base will be created for non-subscribers.

248

4. CATRS staff will edit the user id in Paragon to allow the user to assume the
249 subscriber or Participant's credentials.

249

250

5. The forms will be scanned and linked to both the Designated REALTORS®'
251 (Participant) membership record and the membership record of the user assuming
252 the identity.

253

6. Account will be tested to ensure requested access is available.

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256 **Fine Forgiveness Policy**

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258 Agents fined for a violation of the MLS Rules & Regulations can have their fine refunded
259 under the following conditions:

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Procedure

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- In order to be made active in the MLS, the agent first must pay the fine and fix the error.
 - Upon paying the fine and making the correction, the agent may request a refund by replying to the emailed fine notice and requesting to be in the Fine Forgiveness Program.
 - The agent must complete the “MLS and Your Liability” and “MLS: Listings” classes offered by the Tallahassee Board of REALTORS®.
 - Both of the above-mentioned classes must be completed within four months of the fine.
 - Space in the classes is not guaranteed, and it is up to the individual agent to register in advance and pay the appropriate registration fees, if any.
 - Agents are responsible for reporting to the MLS Committee when they have completed the courses.
 - Failure to attend a class for which the agent is registered, thereby taking space from other potential registrants, will result in a forfeiture of this Fine Forgiveness Policy, and the agent will not be eligible for a refund.
 - Agents are only eligible for one fine forgiveness per year.

Listing Transfers-Participant to Participant

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280

281 The Board/MLS staff can only transfer Active and Pending listings from one Participant to

282 another Participant and only with the expressed written consent of the current listing

283 broker. October 28, 2011

284

Procedures for Challenging a Participants’ Right to Submit and Maintain a Listing in the MLS

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288 Only listings allowed by the CATRS MLS Rules and Regulations are allowed in the MLS. The

289 following procedures apply if a Participant is challenged on the right to submit a listing in

290 the CATRS MLS:

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1. The disputing party will send a written request to the Chairman of the MLS Committee claiming that a Participant’s listing does not meet the requirements for entry in the MLS.
 2. The listing Participant (respondent) will be informed of the allegation.
 3. The respondent may send supporting documentation in defense of their claim to maintain the listing in the MLS. The respondent has 10 days to submit their documentation.
 4. Once received, the full MLS Committee or a subset of not less than 5 members (appointed by the Chairman) will review the documentation to determine if the listing meets the criteria set forth in MLS Rules to place the listing within the system.
 5. Neither party is allowed at the hearing, unless the panel requests so, at which point, both parties will be asked to attend.
 6. Any committee or panel members of either party’s firm will recuse themselves from the proceedings.

- 303 7. Consideration by the committee is only in reference to the MLS Rules and Regulations
304 and does not determine if a listing agreement is legally valid or not.
- 305 8. The committee can only come to one of two conclusions:
- 306 A. Based on the documentation provided, the current listing is sufficient under the
307 MLS Rules to be placed in the MLS.
- 308 B. Based on the documentation provided, the current listing is not sufficient under
309 the MLS Rules to be placed in the MLS.
- 310 9. The conclusion of the committee or panel is final and there is no appeal.
- 311 10. Participants that fail to comply with the committee's findings are subject to disciplinary
312 action as outlined in the MLS Rules and Regulations.

313 **Procedures for processing an alleged violation of the Multiple Listing Service rules**

314
315 Complainant files with the Tallahassee Board of REALTORS® on the approved complaint
316 form alleging which section(s) of the rules have been violated.

317
318 Complainant is e-mailed a confirmation that their complaint was received.
319 Respondent is e-mailed a copy of the complaint

320
321 The complaint is administratively heard by the MLS Committee at their next available
322 meeting, scheduling the hearing is at the discretion of the MLS Committee Chairman. The
323 MLS committee is in Executive Session and neither party is allowed to attend or submit any
324 additional information.

325
326 Each party is notified of the determination by the MLS committee. If the conclusion of the MLS
327 committee is that no violation has occurred, the decision is final and there is no opportunity for
328 appeal. If a violation is determined, the committee may direct the imposition of a sanction. The
329 recipient of such a sanction, however, may then request a hearing before the Professional
330 Standards Committee within twenty (20) days following receipt of the Multiple Listing Service
331 Committee's decision.

332 333 **MLS Education requirement**

334 Pursuant to CATRS MLS Rules and Regulations, Section 17, new MLS Participants and
335 subscribers are required to complete a training program on the MLS Rules and Regulations.

336
337 The training class is offered at the Tallahassee Board of REALTORS® at a price determined by
338 the Professional Development Committee of TBR. Further, a self-study option for the MLS
339 Orientation is available at a price set by the board of directors and is subject to change.

340 341 **MLS Classes - Cancellation.**

342 MLS Classes are offered at no charge to MLS Participants and Subscribers. The current classes
343 offered are:

- 344 • Overview Features & Functionality

- 345 • Search & Mapping
- 346 • Creating & Modifying a CMA
- 347 • Creating & Modifying Listings
- 348 • Collab Center: Managing Prospect Search Criteria

349
350 Classes may be added, subtracted, or modified from time to time at the discretion of the CTO,
351 with input from the MLS Committee.

352
353 Attendees are encouraged to register in advance for MLS classes to ensure adequate space is
354 available, and for advance notification in the event of schedule changes or cancellation, etc.
355 There is no fee to attend MLS classes. However, if a registrant cannot attend a class, they must
356 cancel their registration at least 24 hours in advance of the scheduled start time of the class, or
357 they will be considered a “no-show” and will be assessed a \$20 fee per class; collection will be
358 as outlined in the Financial section of the manual.

359
360 **Procedure:** Notification of the policy shall accompany all MLS Class advertising, including, but
361 not limited to eBoard Briefs; calendar posts; Tallahassee Board of REALTORS® and CATRS
362 website; registration reminder notices.

363
364 **MLS Listing Agreement Audit Policy-effective August 1, 2020**

365 **Procedure:** CATRS MLS listings are randomly audited for compliance with the Rules and
366 Regulations of the CATRS MLS. Participants who have listings that have been selected for
367 audit will receive an email request to submit a copy of the listing agreement or other
368 documentation. The requested agreement must be emailed or delivered to CATRS MLS staff
369 within two (2) days of the date of the request. Each submitted listing agreement is
370 reviewed for accuracy and compliance with CATRS MLS Rules and Regulations.

- 371
- 372 1. Only paperwork for audited listings shall be submitted to CATRS MLS.
 - 373 2. The CATRS MLS staff will use a random number generator program to determine the
374 listings to be audited. The following categories of listings will each be audited: new,
375 coming soon, price changes, and status changes. In addition to the random selection,
376 the MLS may choose other listings to ensure compliance with MLS Rules and
377 Regulations.
 - 378 3. Listing agreements and any change forms are the accepted forms of documentation to
379 be provided to CATRS MLS staff for audited listings.
 - 380 4. Notification on audited listings will be made by email to the listing agent and the listing
381 office’s designated broker.
 - 382 5. Brokers and listing agents will be notified if there are issues identified with audited
383 listings.
 - 384 6. Listing agreements and any change forms must be submitted to CATRS MLS staff within
385 two (2) days (excluding weekends and holidays).
 - 386 7. Failure to provide requested listing agreement(s) within the two (2) days allotted will
387 result in a fine, as outlined in the CATRS MLS Fine Policy. *July 2020*

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Commercial Information Exchange (TALrex.com) ([top of the page](#))

Capital Area Technology & REALTORS® Services, Inc. (CATRS) operates a Commercial Information Exchange named Tallahassee Area Commercial Real Estate Exchange (TALrex). TALrex is offered as a separate service to members and nonmembers.

Procedures: Tallahassee Board of REALTORS® members and nonmembers with active real estate or Certified Appraiser licenses are eligible to subscribe to TALrex. Brokers of record or Certified Appraisers may be Participants in the system, and broker associates or salespersons may subscribers to the system. A subscriber may only subscribe to TALrex if their broker participates.

Participants and subscribers must sign an agreement that they will comply with the rules of the service and timely pay the required fees.

Fees: The CATRS Board of Directors sets the fees. Fees are invoiced for six-month periods. March 1 through August 31 and September 1 through February 28 (or 29). Fees are dues for the entire billing period and are not refundable.

Bills are created around the first day of the month before the period (February 1, and August 1). All invoices are due on the first day of the billing period (March 1, and September 1). Invoices still outstanding on the fifth day of the billing cycle will result in late notices being sent to the subscribers and their brokers. Participants and subscribers still late on the tenth day of the billing cycle will be suspended from the system until paid. If the Participant is suspended, all their subscribers will also be suspended until Participant is paid in full.

Participants and subscribers that join during a billing period will pay a monthly prorated share for the remainder of the period. Fees will be collected for the remainder of the billing cycle, including months where the participant or subscriber joins by the 10th of the month. For example: 1) Bob joins July 10th, he owes July, and August at the current monthly prorated fee, he will be billed for the September through February period in August. Sarah joins December 11th, she owes January, and February at the current monthly prorated fee, she will be billed for March through August period in February.

Revised 10/2011, 7/2011, 7/2012, 4/2013, 9/2013, 7/2015, 4/2017, 8/2017, 9/2018, 10/2019, 7/2020, 10/2020