



## Policy for Unlicensed Office & Personal Assistants

**Purpose:** This policy would establish uniform procedures and fee structures for unlicensed office and personal assistants to be granted access to the MLS system.

**Rationale:** MFR has attempted to accommodate offices and assistants by charging only minimal fees for unlicensed assistants to access the system.

However, experience has shown that, as users, serving these individuals has required MFR to absorb the costs of their ongoing training, Help Desk assistance and administrative record keeping. In addition, the increased emphasis on database integrity and security also requires that their access be tracked and monitored individually, as with any other user. There are currently approximately 2,000 registered Assistant accounts with MFR and no way to validate that the authorized user is still employed, if Assistant logins for inactivated agent accounts are still active, etc.

Therefore, MFRMLS must now move to adopt a more structured method for tracking and monitoring assistant users, and must recognize and begin to recoup the actual administrative costs involved with serving these individuals.

The following policies and procedures have been adopted for MFRMLS.

Adopted 08/09

Revised 08/10

## Access Policy for Unlicensed Administrative Staff and Personal Assistants

1. **Assistant Defined:** An employee without an active real estate or appraiser license who is employed by a Broker Participant (Broker) as administrative and/or clerical staff, or as a personal Assistant for either a Broker or a Subscriber (referred to as employer) in his/her firm may be registered with My Florida Regional MLS (MFRMLS) as an Assistant and be given access to and use of MLS content.
2. **Authorization Process:** All requests for Assistant access must be submitted in writing on the required MFRMLS Authorization form and must be fully completed and signed by the Broker Participant (Broker) for his/her Administrative staff and by the Broker and the employing Agent if the request is for an individual personal Assistant. The Authorization form must be submitted to the employers Local Service Center (LSC).
3. **Access Levels:** The following levels of access may be granted to an Assistant based on the employer's certified need.
  - a. **AA (Agent Assistant):** Agent Personal Assistant (listing entry/update through Identity Share)
  - b. **OA (Office Assistant):** Broker Administrative Staff or Broker Personal Assistant Only (listing entry/update for any agent within the office)
  - c. **CA (Corporate Assistant):** Broker Administrative Staff or Broker Personal Assistant Only (listing entry/update for any agent within the main and any branch offices of the firm)
4. **Identity Verification:** The employer's (LSC) will verify the Assistant's identity from their driver's license and will perform an on-line check of DBPR records to ensure they are not actively licensed.
5. **User ID Number:** Each applicant will be issued a unique, 9-digit personal User ID number assigned by the LSC with the numbering method at the discretion of the LSC.
  - a. **Use of NRDS Numbers:** If the LSC chooses to issue NRDS numbers to Assistant's, the Assistant ID will be used by MFRMLS and the LSC for tracking and access purposes only; LSC will be responsible to ensure that the Assistant's ID is not transmitted to NAR's NRDS system.
  - b. **Updating the Assistant ID:** If the employer desires to update the original Assistant's ID to his/her replacement, a new Authorization form must be submitted to his/her local LSC to allow the LSC to verify the new employee's identity (#4 above) and update the account. If Assistant ID record is in good standing, no additional set-up fee is charged by MFRMLS. Any fees charged for the name change will be at the discretion of the LSC.
  - c. **Re-use of suspended or terminated Assistant ID:** A suspended/terminated Assistant ID cannot be re-assigned to a new Assistant with a different employer in a different company due to the unique history and education tracking for the previous Assistant.
6. **Employer Change or Transfer of Assistant's Employer:**
  - a. **Change or Transfer:** If an Assistant either moves to the employ of a different Broker or Agent or if the Assistant's current employer transfers to another firm within the same or a different LSC, the existing Assistant ID must be suspended until a new Authorization form is received with all required signatures, including the new Broker Participant's signature. Assignment of a new Assistant ID when transferring to another company may be required by the LSC.
  - b. **Fees for changes or transfers within 30 days of suspension:** MFRMLS will not charge a re-activation fee provided the Assistant account has not been inactive for more than 30 days; however, there may be fees charged by the LSC.
  - c. **Fees for changes or transfers more than 30 days after suspension:** If an Assistant's account is not reactivated within 30 days of suspension, a new Authorization form, payment of the current MFRMLS set-up fee, a prorated amount through the next annual billing cycle, and any fees charged by the LSC will be required.

7. **MFRMLS Mandatory Training:** All Assistants are required to take the mandatory Basic MLXchange Class within 60 days of application, unless verification of attendance within the last year is provided to MFRMLS. The class can be taken on-line or in-person at the employing Broker or Agent's LSC. If the Mandatory Training class is not completed within 60 days of the application, the Assistant's account will be suspended by MFRMLS until notification that the class has been completed is received; if class has not been completed within 30 days of suspension, MFRMLS will consider the account to be terminated and re-application and payment of all new user setup fees and pro-rated annual fees will be required, including any fees assessed by the LSC.

8. **Broker/Agent Employer Responsibilities:**

- a. To ensure that, as the employer, the Assistant abides by all MFRMLS rules, regulations and policies;
- b. To accept full responsibility for making sure that the Assistant's account is not miss-used or shared by the Assistant;
- c. To remedy any violations, including payment of any fines assessed based on the Assistant's actions, whether it is for listing input violations or for any other finable violation of MFRMLS's rules;
- d. To promptly report to their LSC or MFRMLS if an Assistant is no longer in the employ of the Broker or the Agent so that the account can be suspended and no ensuing unauthorized access will occur;
- e. To promptly execute and submit a new Assistant Authorization form to the employer's LSC if the employing Broker or Agent changes offices and the Assistant moves as well.

9. **Termination of Assistant Access:** The Assistant's access to the MLXchange system will be terminated immediately upon:

- a. notification by the employing Broker or Agent that the Assistant is no longer in his/her employ;
- b. non-payment by the employing Broker or Agent of the initial or annual fees within 30 days of suspension;
- c. MFRMLS's determination that the Assistant's ID has been used in an unauthorized manor or shared with any other party for any reason;
- d. failure of the Assistant to complete the mandatory training within 30 days after initial suspension for not meeting the attendance requirement.

10. **Fees for Assistant Access:**

- a. **Initial fees:** An Initial Set-up Fee to establish each new Assistant user account and a pro-rated portion of the annual fee must be paid by the Assistant's employer. Assistant user applications will be processed and appropriate fees collected by each LSC upon application.
- b. **Pro-Ration of Fees:** The calculation of pro-rated fees due will be based on the remaining months until the next annual billing cycle. Example: if the account is created after October 1<sup>st</sup>, the remaining number of full months through September would be included in the calculation.
- c. **Annual access fee:** After the initial application and fees described above, the Assistant's employer will be billed by MFRMLS as follows: In September for the billing period of October-September. Payment will be due within thirty (30) days.
- d. **Late payment and reactivation fees:** If fees remain unpaid at 5:00 p.m. on the payment due date, the Assistant's access will be suspended until the balance due and the reactivation fee is paid by the employer.
- e. **Payment more than 30 days after suspension:** If payment is not received within 30 days of the suspension date, the Assistant's account will be considered terminated. A new Authorization form and payment of the setup/reinstatement fee, a pro-rated portion of the annual fee and any fees charged by the LSC will be required.
- f. **Unused Prorated Fees:** A Broker or agent may apply any unused prorated fees towards a new assistant's annual fee provided it's within the current billing cycle. (New assistant set-up fee required).
- g. **Refunds:** Assistant fees are non-refundable.

11. **Fee Schedule:**

Assistant Set-Up Fee (New Accounts)	\$65.00 (+ LSC Fees at LSC's discretion)
Annual Access Fee	\$75.00 (+ LSC Fee at LSC's discretion)
Pro-ration of remaining Annual cycle	\$6.25/month (+LSC Fee at LSC's discretion)
Assistant Reinstatement Set-Up Fee	\$65.00 (If inactive over 30 days +LSC Fee at LSC discretion)
Security Fee	\$15.00
Late/Reactivation Late Fee	\$25.00 (if within 30 days, includes security fee)
Transfers between offices/associations	No Charge if updated with MFR w/in 30 days; subject to LSC Fes at LSC's discretion
MFRMLS Required Training	No Charge -- included in above fees
Training Reschedule Fee	No Charge (LSC may charge)

12. **Fees Subject to Change:**

- a. **MFRMLS Fees:** MFRMLS fees are established by the MFRMLS Board of Directors and are subject to change with a minimum of thirty (30) days notice from MFRMLS to all employing Brokers, Agents and each LSC.
- b. **LSC Fees (if applicable):** LSC fees are established by the employing member's LSC and are subject to change with a minimum of 30 days advance notice from the LSC to MFRMLS and all employing Brokers and Agents with an Assistant account through that LSC.