



Trending Topics of Risk

*An Ounce of Prevention is Worth
A Pound of Cure*

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Antitrust Statement

Florida REALTORS® is devoted to improving the competitive business conditions of the real estate industry. This meeting may include real estate professionals and other industry stakeholders who compete with each other or work for competing businesses.

Florida REALTORS® is committed to conducting all meetings and events in a professional, ethical, and lawful manner, including in adherence to all antitrust laws. To that end, the topics for this meeting will focus on advancing the interests of real estate professionals and consumers of real estate services, increasing competition, reducing risk for all parties involved in real estate transactions, and sharing insights on business best practices.

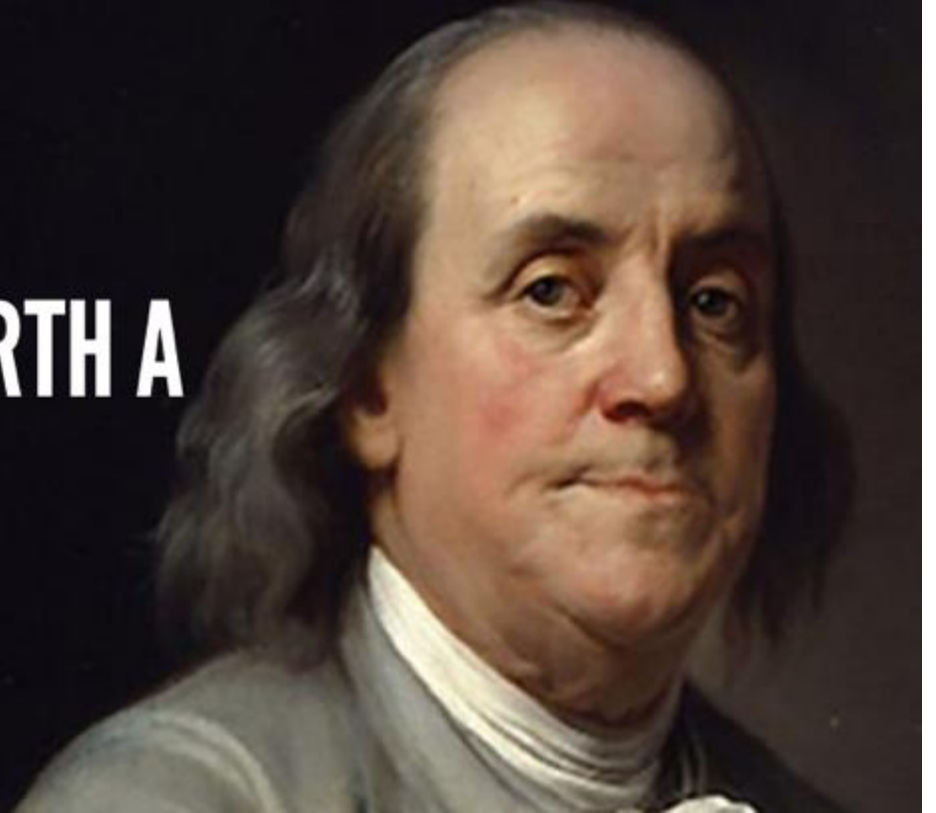
The following discussion topics are always prohibited: agreements to fix prices, limit product or service offerings, allocate geographical territory or customers, and refuse to deal. Any discussion inconsistent with this policy will not be tolerated.



It is Often Said

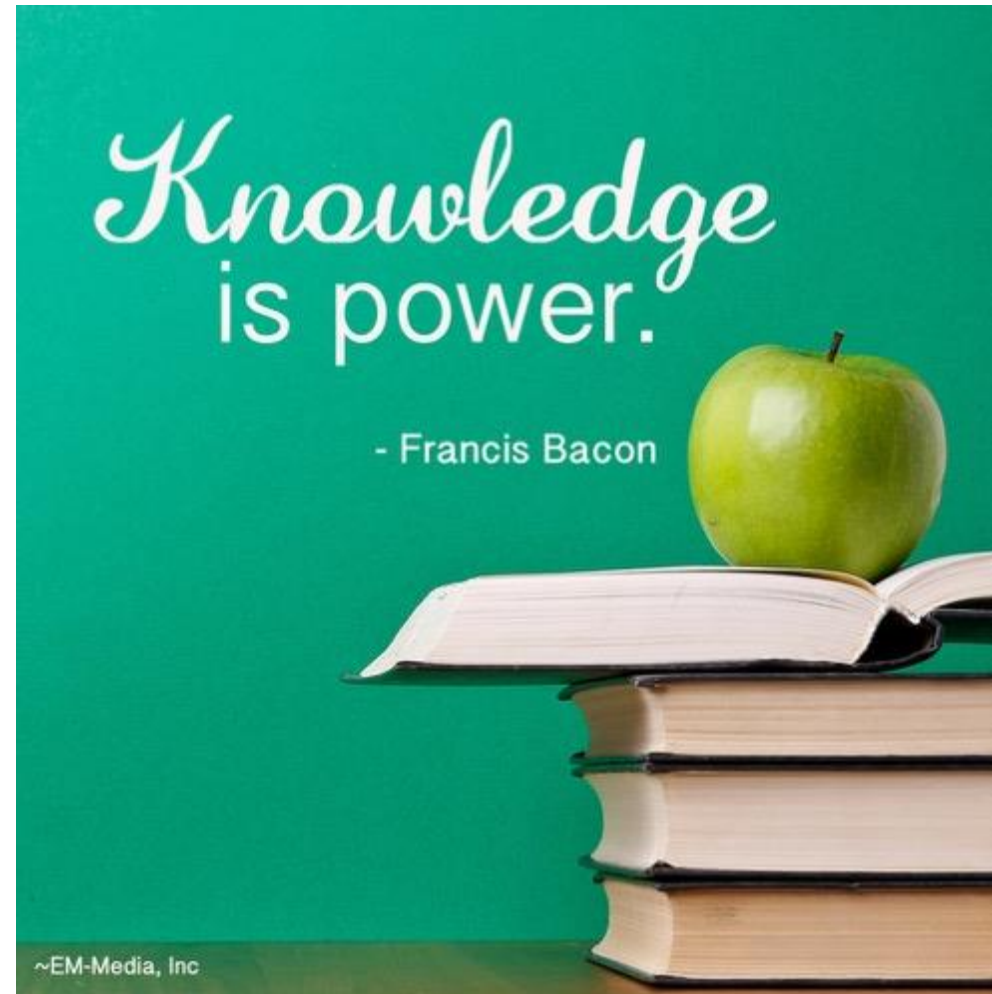
**AN OUNCE OF
PREVENTION IS WORTH A
POUND IN CURE**

Benjamin Franklin





It is also often said





It is NOT said enough





Risk Management

- This is SO true in business.
- It's all about risk management.
- In other words...
 - an ounce of risk management (prevention)
 - is worth a pound of
 - verdict, settlement,
FREC/FREAB/professional standards/MLS
penalty (cure).



Trending Topics

Knowing is half the battle! 2025 Q2 Legal Hotline Issues

1. **Advertising**: How are team advertising requirements different from regular advertising requirements?
2. **Contract Formation**: What does it take to have an enforceable contract for purchase and sale of real property, residential leases a year or less, and compensation agreements?



Trending Topics

Knowing is half the battle! 2025 Q2 Legal Hotline Issues

3. **Commission Disputes between Broker and Associate**: If a broker decides to only pay a portion of the commission they owe to a sales associate, will FREC or the local board get involved? If not, how is the dispute resolved?

4. **Duty to Present Offers**: I suspect the listing Realtor never presented my buyer's offer. How can I use Standard of Practice 1-7 in this scenario?



Trending Topics

Knowing is half the battle! 2025 Q2 Legal Hotline Issues

5. **Terminating Exclusive Agreements (Listing or Buyer Broker)**: A consumer isn't sure whether she successfully terminated an exclusive agreement with another brokerage company, and the (former?) broker isn't communicating. Can I take the listing?

6. **Unresolved Legal Dispute**: Buyer and seller are currently fighting over who is entitled to the escrow deposit. Neither one has retained a lawyer to advise or articulate a position. Seller asked me to put the property back on the market. Can I follow seller's instructions?



Trending Topics

Knowing is half the battle! 2025 Q2 Legal Hotline Issues

7. **Calculating Time**: When using a FR/BAR ASIS, how is time calculated?
8. **Seller Disclosure**: What is the central rule about seller disclosures in Florida? How does it fit within seller obligations under the listing agreement and contract?



Trending Topics

Knowing is half the battle! 2025 Q2 Legal Hotline Issues

9. **Flood Disclosure**: How do new flood disclosure obligations add to the seller's existing disclosure obligation?
10. **Assistance Animals (Fair Housing Act)**: The condominium association is scrutinizing emotional support animal requests. When can they deny the request, and what information are they allowed to request?



Trending Topics - NAR

National Trends



Hot Topics in Broker Risk Reduction

May 2025 | NAR Legal Affairs

**MULTIPLE LISTING OPTIONS FOR SELLERS | ANTITRUST
CYBERCRIME & WIRE FRAUD | DEED FRAUD
ARTIFICIAL INTELLIGENCE | COPYRIGHT INFRINGEMENT | FAIR HOUSING
INDEPENDENT CONTRACTOR STATUS | TCPA & DNC: TEXTING AND CALLING**

CRYPTOCURRENCY SCAM ALERT!

The U.S. Secret Service has advised NAR about a new cryptocurrency scam targeting real estate professionals. Find out how the scam works, and best practices to protect yourself on page 3.



Trending Topics - NAR

Multiple Listing Options for Sellers

- New NAR Policy
- **Seller** focused
- **Important:** Clear Cooperation Policy (CCP) remains unchanged
 - If you have a written exclusive listing agreement, it must be in the MLS within 1 business day after it's *publicly* marketed
 - New rule does *not* eliminate that requirement



Trending Topics - NAR

Multiple Listing Options for Sellers

- New “Delayed Marketing” exemption
 - IDX and syndication feeds are delayed
 - **Local MLS** decides how long this period can be
 - Listing is active, so participants can see the listing details
 - Up to the **seller** and listing broker to decide how to market the property
 - Effective immediately – must be implemented by MLS by 9/30/25



Trending Topics

Antitrust

- Understanding the principles of antitrust law is critical for both brokers and agents to protect the brokerage from costly antitrust claims.
- Remember that brokers can be held liable for the anticompetitive behavior of their sales associates and staff, ***so having an antitrust compliance program in place to educate and train staff is important.***



Trending Topics

Antitrust

- Business decisions should always be made unilaterally and independently, and never as a result of an agreement, understanding or conspiracy among competitors.
- Any agreement to fix prices is prohibited, and real estate professionals should never agree, expressly or implicitly, with their competitors about matters such as the commission rate charged to consumers or the cooperative compensation they will offer to cooperating brokers.
- Similarly, brokers should never agree with other competitors to refuse to deal– or to only deal on certain terms–with another competitor or business.



**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

RHONDA BURNETT, JEROD BREIT,)
HOLLEE ELLIS, FRANCES)
HARVEY, and JEREMY KEEL,)
individually and on behalf of all others)
similarly situated,)

Plaintiffs,)

v.)

THE NATIONAL ASSOCIATION OF)
REALTORS, et al.)

Defendants.)

Case No. 19-CV-00332-SRB

**UPDATE FROM CO-LEAD COUNSEL ON ENFORCEMENT OF
THE NATIONAL ASSOCIATION OF REALTORS SETTLEMENT AGREEMENT**

Co-Lead Counsel for the Settlement Class submit this update on their ongoing efforts to enforce the practice changes outlined in the National Association of Realtors (“NAR”) Settlement Agreement (“NAR Settlement”), ECF No. 1458-1.

The NAR Settlement includes several robust monitoring and enforcement mechanisms. These grant Co-Lead Counsel authority to request proof of compliance from entities bound by the settlement’s practice changes. For Multiple Listing Services (“MLSs”) opting into the NAR



Pursuant to these terms, Co-Lead Counsel have requested proof of compliance from eleven MLSs and fourteen Realtor associations, including some of the largest entities nationwide.¹ *See* Exs. A; B.² Co-Lead Counsel are diligently reviewing the submitted documentation from these entities to evaluate compliance with the NAR Settlement’s practice changes.

This Court retains “jurisdiction over the implementation and enforcement” of the NAR Settlement (NAR Settlement ¶ 82), and Co-Lead Counsel will, if necessary, bring instances of noncompliance to the Court’s attention.

Additionally, Co-Lead Counsel participated in a legal seminar hosted by the Council of Multiple Listing Services (“CMLS”), engaging with MLS leaders and their counsel to discuss settlement requirements and compliance. In the coming months, Co-Lead Counsel plan to request proof of compliance from additional MLSs and Realtor associations and will provide further updates on their ongoing enforcement efforts.

Date: July 10, 2025

Respectfully Submitted,

¹ Presently, Plaintiffs have requested proof of compliance with the NAR Settlement from the following MLSs and Realtor associations: Stellar MLS; San Diego MLS; OneKey MLS; Charlottesville Area Association of Realtors; Imagine MLS; Canopy MLS; Northstar MLS; California Regional MLS; Bright MLS; Heartland MLS; Florida Gulf Coast MLS; Long Island Board of Realtors; Georgia Association of Realtors; NC Realtors; Texas Realtors; Pennsylvania Association of Realtors; New Jersey Realtors; Florida Realtors; Minnesota Realtors; California Association of Realtors; Colorado Association of Realtors; Idaho Realtors; New Mexico Association of Realtors; Oregon Realtors; and Rhode Island Association of Realtors.

² Exhibit A shows the information requested from the eleven MLSs and Exhibit B shows the information requested from the fourteen Realtor associations.

11 MLSs

14 Associations





CYBERCRIME and WIRE FRAUD Cybercrime—

particularly wire fraud—continues to be a top concern in the real estate industry. The U.S. Secret Service has informed NAR about a new cryptocurrency scam targeting real estate professionals.

Need to know!

Other Topics & Resources - NAR

- [U.S. Secret Service: Investment Fraud and Pig Butchering](#)
- [U.S. Secret Service: Tips for Avoiding Scams](#)
- [Mortgage Closing Scam Client Advisory Brochure](#)
- [Window to the Law: Avoiding Wire Fraud in Transactions](#)
- [Window to the Law: Protecting Your Business from a Ransomware Attack](#)
- [Window to the Law: Cybersecurity: What You Need to Know](#)
- [Cybersecurity Checklist: Best Practices for Real Estate Professionals](#)
- [NAR Data Security & Privacy Toolkit](#)
- [NAR Emerging Technology Series: Episode 3 – Ransomware](#)
- [Drive with NAR: What to Do If Your Business Faces a Ransom Threat](#)
- [FinCEN Financial Trend Analysis on Business Email Compromise in the Real Estate Sector](#)
- [FBI Internet Crime Center Internet Crime Report 2024](#)
- [Directory of Local FBI Field Offices](#)
- [Drive with NAR: How to Educate Clients About Real Estate Scams](#)
- [Consumers: Agents Aren't Warning Us Enough About Scams](#)
- [Domain Listing Scam Targeting NAR Members](#)



DEED FRAUD Deed fraud encompasses a range of crimes where the criminal seeks financial gain through a scheme involving real property. One such scheme is seller impersonation fraud, which is on the rise. According to the American Land Title Association, in April 2024 alone, two in 10 title companies experienced seller impersonation fraud attempts.

Need to know!

Other Topics & Resources - NAR

- [Consumer Guide: Protecting Yourself from Title Fraud](#)
- [2025 Deed and Title Fraud Survey](#)
- [Window to the Law: Avoiding Vacant Land Scams](#)
- [Vacant Land Scams Red Flags and Recommended Practices](#)
- [Scammers are Plotting to Sell Vacant Land Fraudulently](#)
- [U.S. Secret Service Advisory](#)
- [ALTA Issue Brief: What is Deed Fraud?](#)
- [The Safety Series: How to Educate Clients About Real Estate Scams](#)
- [How to Handle Scammers, Squatters, and Trespassers](#)



ARTIFICIAL INTELLIGENCE

Generative Artificial Intelligence (AI) has become a game-changer for the real estate industry, offering a wide range of capabilities to improve efficiency and productivity.

Need to know!

Other Topics & Resources - NAR

- [Window to the Law: Legal Tips to Use AI in Your Business](#)
- [Using AI to Enhance Listing Photos Can Be Legally Risky](#)
- [Bipartisan House AI Report](#)
- [How Generative AI Can Transform Your Real Estate Images](#)
- [Prevent Deepfakes from Hijacking Your Transactions](#)
- [Course: What Is AI and Why Do We Need to Know About It?](#)
- [How AI and VR are Helping to Buy and Sell Homes](#)
- [REALTOR® Magazine: Start Experimenting with AI Now](#)
- [REALTOR® Magazine: What You Can Do That Artificial Intelligence Can't](#)
- [REALTOR® Magazine: AI Use in Real Estate Comes With Copyright Concerns](#)
- [Why Caution is Needed in Following the ChatGPT, AI Hype](#)
- [RPR: Let a Market-Specific AI Scriptwriter Do the Work](#)
- [AI Needs Solid Input Data for Better Results](#)
- [Transforming How Agents Work the Phones Using AI Call Assistants](#)
- [Generative AI Is Your Ally for Smart Staging and Faster Deals](#)
- [AI in Renting: Enhanced Security, Streamlined Services](#)



COPYRIGHT

INFRINGEMENT NAR has received reports from multiple sources that members are receiving an increased number of copyright infringement cease-and-desist letters.

Need to know!

Other Topics & Resources - NAR

- [Window to the Law: Tips to Prevent Floorplan Infringement Claims](#)
- [Window to the Law: Protect Your Website from Copyright Liability](#)
- [Window to the Law: Copyright Best Practices for Listing Photos](#)
- [Window to the Law: Copyright Issues for Real Estate Professionals](#)
- [Window to the Law: How to Avoid Copyright Infringement](#)
- [Listing Photo Sample Agreements](#)



FAIR HOUSING Disability-based discrimination accounted for more than 50 percent of fair housing complaints filed with fair housing agencies, HUD, and the Department of Justice in 2024.

Need to know!

Other Topics & Resources - NAR

- [Consumer Guide: Fair Housing](#)
- [Window to the Law: Fair Housing Assistance Animal Guidance](#)
- [Real Estate Brokerage Essentials Chapter on Fair Housing](#)
- [Fair Housing Primer: Disability](#)
- [HUD Guidance: Assessing a Person's Request to Have an Animal as a Reasonable Accommodation](#)
- [At Home with Diversity Certification](#)
- [REALTOR® Fair Housing Declaration](#)
- [Fairhaven: A Fair Housing Simulation](#)
- [Window to the Law: Advertising within the Fair Housing Framework](#)



INDEPENDENT CONTRACTOR STATUS -The ability to work as an independent contractor is recognized and protected under many state and some federal laws. The risk of misclassification poses a challenge for brokerages, particularly with the proliferation of teams, where team leads may want to dictate how team members manage their tasks and time

Need to know!

Other Topics & Resources - NAR

- [Window to the Law: Independent Contractor Best Practices](#)
- [Window to the Law: Legal Issues for Teams](#)
- [Frequently Asked Question about the Department of Labor's Independent Contractor Rule](#)
- [FTC Issues Final Rule Banning Noncompete Agreements](#)
- [NAR Issue Brief: Real Estate Professionals' Classification as Independent Contractors](#)
- [Independent Contractor State Law Survey](#)
- [Independent Contractor Status for Real Estate Professionals](#)
- [Independent Contractor Status Frequently Asked Questions](#)
- [Key Provisions for Independent Contractor Agreements](#)
- [Small Entity Compliance Guide](#)
- [U.S. Department of Labor Final Independent Contractor Rule](#)



TCPA & DNC: TEXTING AND CALLING

Plaintiff lawyers have created a lucrative business model filing class action lawsuits alleging real estate professionals have violated the Telephone Consumer Protection Act (TCPA) and Do Not Call (DNC) laws by sending text messages and placing phone calls without the recipient's consent

Need to know!

Other Topics & Resources - NAR

- [Window to the Law: FCC One-to-One Consent Rule Vacated](#)
- [Window to the Law: Updated Guidance on TCPA Compliance](#)
- [Window to the Law: Comply with The Do Not Call Registry](#)
- [Window to the Law: TCPA and Texting](#)
- [Window to the Law: TCPA Update on Cell Phone Marketing](#)
- [TCPA Quick Reference Guide](#)
- [DNC Safe Harbor Provision](#)
- [REALTOR® Magazine: "Do You Know Who You Are Calling?"](#)
- [National Do Not Call Registry](#)



Thank you for attending!

Questions?

Contact the Legal Hotline

- Call: 407-438-1409
- Email us: go to FloridaRealtors.org
 - Go to Law & Ethics
 - click on Florida Realtors Legal Hotline
 - Log in to submit a question; we strive to call back within 1 business day
- Also: Forms@FloridaRealtors.org
- Juana Watkins 407-587-1466, juanaw@floridarealtors.org