



FLORIDA GULF COAST MULTIPLE LISTING SERVICE, INC. RULES AND REGULATIONS

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1. Definition of MLS Participant

1
2 Any REALTOR® Member of this or any other Board who is a principal, partner, or corporate officer, or branch
3 manager acting on behalf of the principal, without further qualification, except as otherwise stipulated in these
4 governing documents, shall be eligible to participate in the Florida Gulf Coast Multiple Listing Service, Inc.
5 upon agreeing in writing to conform to the rules and regulations thereof and to pay the costs incidental
6 thereto. *However under no circumstances is any individual or firm, regardless of membership status, entitled
7 to Multiple Listing Service "membership" or "participation" unless they hold a current, valid real estate broker's
8 license and offer or accept compensation to and from other Participants or are licensed or certified by an
9 appropriate state regulatory agency to engage in the appraisal of real property. ** Use of information
10 developed by or published by a Board Multiple Listing Service is strictly limited to the activities authorized
11 under a Participant's licensure(s) or certification and unauthorized uses are prohibited. Further, none of the
12 foregoing is intended to convey "participation" or "membership" or any right of access to information
13 developed by or published by a Board Multiple Listing Service where access to such information is prohibited
14 by law. (Amended 11/08)
15

16 A nonmember applicant for MLS participation who is a principal, partner, corporate officer, or branch office
17 manager acting on behalf of a principal, shall supply evidence satisfactory to the Membership Committee that
18 he/she has no record of recent or pending bankruptcy; has no record of official sanctions involving
19 unprofessional conduct; agrees to complete a course of instruction (if any) covering the MLS rules and
20 regulations and computer training related to MLS information entry and retrieval, and shall pass such
21 reasonable and non-discriminatory written examination thereon as may be required by the MLS; and shall
22 agree that if elected as a Participant, he/she will abide by such rules and regulations and pay the MLS fees
23 and dues, including the nonmember differential (if any), as from time to time established. Under no
24 circumstances is any individual or firm entitled to MLS participation or membership unless they hold a current,
25 valid real estate broker's license and offer or accept compensation to and from other Participants, or are
26 licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property.
27 Use of information developed by or published by an Association Multiple Listing Service is strictly limited to
28 the activities authorized under a Participant's licensure(s) or certification and unauthorized uses are
29 prohibited. Further, none of the foregoing is intended to convey participation or membership or any right of
30 access to information developed by or published by a Multiple Listing Service where access to such
31 information is prohibited by law.
32

33 Mere possession of a broker's license is not sufficient to qualify for MLS participation. Rather, the requirement
34 that an individual or firm offers or accepts cooperation and compensation means that the participant actively
35 endeavors during the operation of its real estate business to list real property of the type listed on the MLS
36 and/or to accept offers of cooperation and compensation made by listing brokers or agents in the MLS.
37 "Actively" means on a continual and ongoing basis during the operation of the participant's real estate
38 business. The "actively" requirement is not intended to preclude MLS participation by a participant or potential
39 participant that operates a real estate business on a part-time, seasonal, or similarly time-limited basis or that
40 has its business interrupted by periods of relative inactivity occasioned by market conditions. Similarly, the
41 requirement is not intended to deny MLS participation to a participant or potential participant who has not
42 achieved a minimum number of transactions despite good faith efforts. Nor is it intended to permit an MLS to
43 deny participation based on the level of service provided by the participant or potential participant as long as
44 the level of service satisfies state law. (Adopted 11/08)
45

46 The key is that the participant or potential participant actively endeavors to make or accept offers of
47 cooperation and compensation with respect to properties of the type that are listed on the MLS in which
48 participation is sought. This requirement does not permit an MLS to deny participation to a participant or
49 potential participant that operates a "Virtual Office Website" (VOW) (including a VOW that the participant uses
50 to refer customers to other participants) if the participant or potential participant actively endeavors to make or
51 accept offers of cooperation and compensation. An MLS may evaluate whether a participant or potential
52 participant actively endeavors during the operation of its real estate business to offer or accept cooperation
53 and compensation only if the MLS has a reasonable basis to believe that the participant or potential
54 participant is in fact not doing so. The membership requirement shall be applied in a nondiscriminatory
55 manner to all participants and potential participants. (Adopted 11/08)
56

57 Further, none of the foregoing is intended to convey participation or membership or any right of access to
58 information developed by or published by an association multiple listing service where access to such

59 information is prohibited by law. Additionally, the foregoing does not prohibit association multiple listing
60 services, at their discretion, from categorizing non-principal brokers, sales licensees, licensed and certified
61 appraisers and others affiliated with the MLS members or participants as users or subscribers and, holding
62 such individuals personally subject to the rules and regulations and any other governing provisions of the
63 MLS and to discipline for violations thereof. MLSs may, as a matter of local determination, limit participatory
64 rights to individual principal brokers, or to their firms, and to licensed or certified appraisers, who maintain an
65 office or Internet presence from which they are available to represent real estate sellers, buyers, lessors or
66 lessees or from which they provide appraisal services.

67 Where the terms subscriber or user are used in connection with a multiple listing service owned or operated
68 by an association of REALTORS®, they refer to non-principal brokers, sales licensees, and licensed and
69 certified real estate appraisers affiliated with an MLS participant and may, as a matter of local option, also
70 include a participant's affiliated unlicensed administrative and clerical staff, personal assistants, and
71 individuals seeking licensure or certification as real estate appraisers provided that any such individual is
72 under the direct supervision of an MLS participant or the participant's licensed designee. If such access is
73 available to unlicensed or uncertified individuals, their access is subject to the rules and regulations, the
74 payment of applicable fees and charges (if any), and the limitations and restrictions of state law. None of the
75 foregoing shall diminish the participant's ultimate responsibility for ensuring compliance with the rules and
76 regulations of the MLS by all individuals affiliated with the participant.

77 Under the Board of Choice policy, MLS participatory rights shall be available to any REALTOR® (principal) or
78 any firm comprised of REALTORS® (principals) irrespective of where they hold primary membership subject
79 only to their agreement to abide by any MLS rules or regulations; agreement to arbitrate disputes with other
80 participants; and payment of any MLS dues, fees, and charges. Participatory rights granted under Board of
81 Choice do not confer voting privileges or eligibility for office as an MLS committee member, officer, or director,
82 except as granted at the discretion of the local board and/or MLS.

83 The universal access to services component of Board of Choice is to be interpreted as requiring that MLS
84 participatory rights be available to REALTOR® principals, or to firms comprised of REALTOR® principals,
85 irrespective of where primary or secondary membership is held.

86 The MLS may charge participants and subscribers not holding primary or secondary membership in a
87 Realtor® association that owns the MLS a different amount than charged to members of the association,
88 provided that such charge is reasonably related to the actual costs of serving those members. (Amended
89 5/19)

90 None of the foregoing shall be construed as requiring an association to grant MLS participatory rights, under
91 Board of Choice, where such rights have been previously terminated by action of that association's Board of
92 Directors.

93 **Section 1. Listing Procedures**

94 Listings of real or personal property of the following types, which are listed subject to a real estate broker's
95 license, located within the territorial jurisdiction of the Association of Realtors® taken by Participants shall be
96 entered into the Multiple Listing Service within 48 hours after all necessary signatures of seller(s) have been
97 obtained: (Amended 11/91)

- 98
- 99 (a) Single-family home for sale or exchange.
 - 100 (b) Vacant lots and acreage for sale or exchange.
 - 101 (c) Multiple-family residential buildings for sale or exchange.
 - 102 (d) Condominiums for sale or exchange.
 - 103 (e) Manufactured Homes and/or Mobile Homes for sale or exchange.
 - 104 (f) Commercial and/or business property for sale or exchange.
- 105

106 **Note 1:** The Multiple Listing Service shall not require a Participant to submit listings on a form other than the
107 form the Participant individually chooses to utilize provided the listing is of a type accepted by the Service,

108 although a property data form may be required as approved by the Multiple Listing Service. However, the
109 Multiple Listing Service, through its legal counsel:

- 110
111 1. May reserve the right to refuse to accept a listing form, which fails to adequately protect the
112 interests of the public and the Participants
113 2. Assure that no listing form filed with the Multiple Listing Service establishes, directly or indirectly,
114 any contractual relationship between the Multiple Listing Service and the client (buyer or seller)
115

116 The Multiple Listing Service shall accept exclusive right to sell listing contracts and exclusive agency listing
117 contracts, and may accept other forms of agreement which make it possible for the listing broker to offer
118 compensation to the other Participants of the Multiple Listing Service acting as subagents, buyer agents, or
119 both. (Amended 11/96)

120 The listing agreement must include the seller's written authorization to submit the agreement to the Multiple
121 Listing Service. (Amended 11/96)

122 The listing agreement must include the deeded owner's signature to submit the agreement to the Multiple
123 Listing Service.

124 Current owner name must be listed in the MLS.

125

126 **The different types of listing agreements include:**

- 127 (a) Exclusive right to sell
128 (b) Exclusive right to sell with Exclusions
129 (c) Exclusive Agency
130 (d) Exclusive Agency with Exclusions
131 (e) Limited Services
132 (f) Limited Services with Exclusions
133

134 The Service may not accept net listings because they are deemed unethical and, in most states, illegal. Open
135 listings are not accepted except where required by law because the inherent nature of an open listing is such
136 as to usually not include the authority to cooperate and compensate other brokers and inherently provides a
137 disincentive for cooperation. (Amended 4/92)

138
139 The exclusive right to sell listing is the conventional form of listing submitted to the Multiple Listing Service in
140 that the seller authorizes the listing broker to cooperate with and to compensate other brokers.
141 (Amended 4/92)
142

143 The exclusive agency listing also authorizes the listing broker, as exclusive agent, to offer cooperation and
144 compensation on blanket unilateral bases, but also reserves to the seller the general right to sell the property
145 on an unlimited or restrictive basis. Exclusive agency listings and exclusive right to sell listings with named
146 prospects exempted should be clearly distinguished by a simple designation such as a code or symbol from
147 exclusive right to sell listings with no named prospects exempted, since they can present special risks of
148 procuring cause controversies and administrative problems not posed by exclusive right to sell listings with no
149 named prospects exempted. Care should be exercised to ensure that different codes or symbols are used to
150 denote exclusive agency and exclusive right to sell listings with prospect reservations. (Amended 4/92)
151

152 **Note 2:** A Multiple Listing Service does not regulate the type of listings its Members may take. This does not
153 mean that a Multiple Listing Service must accept every type of listing. The Multiple Listing Service shall
154 decline to accept open listings (except where acceptance is required by law) and net listings, and it may limit
155 its service to listings of certain kinds of property. But, if it chooses to limit the kind of listings it will accept, it
156 shall leave its Members free to accept such listings to be handled outside the Multiple Listing Service.
157

158 **Section 1.01, Clear Cooperation****

159 Within one (1) business day of marketing a property to the public, the listing broker must submit the listing to
160 the MLS for cooperation with other MLS participants. Public marketing includes, but is not limited to, flyers
161 displayed in windows, yard signs, digital marketing on public facing websites, brokerage website displays
162 (including IDX and VOW), digital communications marketing (email blasts), multi-brokerage listing sharing
163 networks, and applications available to the general public. (Adopted 11/19)

164 Note: Exclusive listing information for required property types must be filed and distributed to other MLS
165 Participants for cooperation under the Clear Cooperation Policy. This applies to listings filed under Section 1

166 and listings exempt from distribution under Section 1.3 of the NAR model MLS rules, and any other situation
167 where the listing broker is publicly marketing an exclusive listing that is required to be filed with the service
168 and is not currently available to other MLS Participants.

169 **Section 1.1. Types of Properties:** Following are some of the types of properties that may be published
170 through the Service, including types described in the preceding paragraph that are required to be filed with
171 the Service and other types that may be filed with the Service at the Participant's option provided, however,
172 that any listing submitted is entered into within the scope of the Participant's licensure as a real estate broker:
173 (Amended 11/91)

- 174
- 175 1. Single Family Residential
- 176 2. Manufactured Homes
- 177 3. Condominium
- 178 4. Co-op
- 179 5. Villa
- 180 6. Townhouse
- 181 7. Residential Income
- 182 8. Residential Land
- 183 9. Boat Dock
- 184 10. Commercial/Business/Agricultural Land
- 185 11. Residential Rental (incl. Duplex, Triplex, Quadraplex)
- 186 12. Improved Commercial/Industrial
- 187 13. Business Opportunity
- 188 14. Auction Properties*
- 189

190 **Auction Properties*** that may be entered into the MLS database are those properties that meet the following
191 four requirements: (1) the property must be available for sale prior to the Auction at the full gross listing price
192 entered into the MLS Database in the Listing Price Field, which must be the same full gross listing price at
193 which the Seller has agreed to sell the property prior to the Auction and which is stated in the exclusive right
194 to sell or exclusive agency listing contract for which the property is offered for sale prior to the Auction; (2) An
195 entry must be made to the Confidential Information Section that includes the date, time, and location of the
196 auction and whether or not there is a reserve; (3) There must be an offer of compensation to cooperating
197 Brokers, and if the sale of the property occurs at Auction, those different offers must clearly be stated in the
198 appropriate fields; and (4) Entries in the Property Information Section stating that the property is an Auction
199 Property is permitted; however, details regarding the Auction are prohibited from being entered into the MLS
200 Database.

201 The Auction properties must state in the first line of the Property Information "This is an Auction."

202

203 A listing cannot be added into the Multiple Listing Service if other ownership requirements or additional
204 purchases are mandated unless fully disclosed and also reflected in the list price. (i.e. boat docks).

205 Only properties located in the State of Florida can be entered into the Multiple Listing Service.

206 All properties listed in the MLS must be listed through a member Broker.

207

208 New construction properties must specify status of construction. There are three (3) status types available in
209 the MLS:

- 210 1. Pre – permit pulled no dirt moved
- 211 2. Under – dirt moved no Certificate of Occupancy
- 212 3. New – Certificate of Occupancy has been issued – never occupied.
- 213

214 Resale property is defined as: the deeded owner, not the builder.

215

216 **Section 1.1.1. Listings Subject to Rules and Regulations of the Service:** Any listing taken on a contract
217 to be filed with the Multiple Listing Service is subject to the rules and regulations of the Service upon
218 signature of the seller(s).

219

220 Entry of Listings into the MLS Database

221 Listings to be entered into the MLS Database must comply with the following:

222

- 223
- 224
- 225
- 226
- 227
- 228
- The listing agreement must be legally enforceable in the State of Florida, which includes the signatures of all parties and a Commencement Date (Effective Date) and a Termination Date (Expiration Date).
 - The listing cannot be entered into the MLS Database before the Commencement Date (Effective Date) of the listing agreement.

229 **Note 1:** The Listing Commencement Date is the Commencement Date (Effective Date) of the listing
230 agreement and may be different from the date the parties sign the listing agreement or the date that the
231 Listing Broker receives the listing agreement. The Listing Commencement Date is determined by the parties
232 to the listing agreement and is the date the contract takes effect.

233

234 **Note 2:** The System Entry Date is the date the listing is entered into the MLS Database, which may be the
235 same as, or later than, the Listing Commencement Date.

- 236
- If the listing has been previously entered into the MLS Database by another MLS Participating Office, the MLS Participating Office that is currently entering the listing into the MLS Database shall not use Listing Data that is copyrightable (e.g., agent composed remarks, photos, or other images) from the previously entered listing as the source of its Listing Data unless permission is obtained in writing from previous Listing Agent/Broker.

242

243 **Co-Agency Listings:** In the event that multiple Brokers join to have a mutual single agreement with one Seller
244 to promote the sale of a property, one of the Brokers shall enter the listing into the MLS and that same
245 Broker will be responsible for the terms regarding compensation. All co-agency relationships are to be
246 disclosed by entering data from the appropriate item on the Profile Sheet or, if the Profile Sheet has no
247 appropriate item, by entering it into the appropriate remarks section of the MLS Database. One of the
248 Brokers must be an MLS Participant.

249

250 **Section 1.1.1a.** The same rules that govern written information or information in our MLS shall pertain to
251 electronic information. No field that prints out on any client report selectable on the reports page, excluding
252 the auto-populated, LISTING BROKER field, shall identify the listing office, broker, or agent, nor shall any
253 such field contain any listing agent contact information including owner agent. Furthermore, no field that prints
254 out on any client report selectable on the reports page shall contain anything pertaining to agent's
255 compensation. Such fields include but are not limited to, photographs and virtual tours. Companies displaying
256 virtual tours cannot link back or refer to the listing agent. No virtual tour may link back or advertise the
257 company providing the service however, copyright information can be displayed on our site. No Websites,
258 names, phone numbers, contact information of any kind are allowed in the public remarks or any client report
259 selectable field in the Multiple Listing Service.

260

261 **Section 1.1.1b.** It will be mandatory for all new members to attend MLS Orientation (3 Hours) offered by this
262 Multiple Listing Service within 60 days in person, or within 30 days online of their joined date.

263

264 **Section 1.1.1c.** No Programming Code in Listings: There shall be no programming code, e.g. HTML, Java
265 Script, Active X, etc., in any of the listing information (text, images, or other) entered into the MLS Database.

266

267 **Section 1.2. Detail on Listings Filed with the Service:** A listing agreement or property data form, when
268 filed with the Multiple Listing Service by the listing broker, shall be complete in every detail which is
269 ascertainable as specified on the property data form.

270

271 **Section 1.2a.** When inputting a listing into the Service any verbiage added to the PROPERTY
272 INFORMATION section of the listing should not be agent sensitive data. (i.e. agent's name or phone number)

273

274

275 **Section 1.2b.** Verbiage is required if this is "Assignment of Contract" This is an Assignment of Contract,
276 which must close on _____ (insert date) at _____ (insert Closing/ Agent Company).

277

278 **Section 1.2c.** Highest and Best verbiage must go into Property Remarks and must have an ending date for
279 the Highest & Best period. Verbiage must be removed from Property Remarks after the Highest and Best time
280 period has lapsed.

281
282 **Section 1.2d.** All fields shall be used as intended. Willful misuse of any field will be fineable.
283
284 **Section 1.2e.** Listing entry must be submitted in English. The translated document can be added to the MLS
285 through the vendor as an attachment. All foreign translations must be accurate.
286
287 **Section 1.2f.** Any additional fees the seller requires the buyer to pay above and beyond the list price, (such
288 as short sale negotiating fees, transaction fees) must be disclosed in the public remarks. (Adopted 10/11)
289
290 **Section 1.2.1. Procedures for Limited Service Listings:**
291 Limited Service Listings will be identified with an appropriate code or symbol (e.g., LR or LS) in MLS
292 compilations so potential cooperating brokers will be aware of the extent of the services the listing broker will
293 provide to the seller(s), and any potential for cooperating brokers being asked to provide some or all of these
294 services to listing brokers' clients, prior to initiating efforts to show or sell the property. (*Adopted 5/01*)
295 Limited Service Listings must be designated in the MLS by using the code LS under listing type preceded by
296 the type of listing being taken (Exclusive Right or Exclusive Agency) (ER/LS) or (EA/LS).
297
298 Listing agreements under which the listing broker will not provide one, or more, of the following services:
299 **a.** arrange appointments for cooperating brokers to show listed property to potential purchasers but
300 instead gives cooperating brokers authority to make such appointments directly with the seller(s)
301 **b.** accept and present to the seller(s) offers to purchase procured by cooperating brokers but instead
302 gives cooperating brokers authority to present offers to purchase directly to the seller(s)
303 **c.** advise the seller(s) as to the merits of offers to purchase
304 **d.** assists the seller(s) in developing, communicating, or presenting counter-offers
305 **e.** participate on the seller's(s') behalf in negotiations leading to the sale of the listed property
306
307 All listings submitted to MLS must have a Broker Disclosure available to cooperating Brokers containing the
308 following items as a minimum requirement. Said disclosure will be delivered by fax, e-mail or other hard copy
309 method upon request by any member of MLS wishing to cooperate with the listing Broker.
310
311 **a.** Signage on the property with Seller contact information y/n
312 **b.** Contact Seller for showing y/n
313 **c.** Listing Broker will be available on contract presentation y/n
314 **d.** Listing Broker will perform post contract services. y/n
315
316
317 **Section 1.3. Exempted Listings:** If the seller refuses to permit the listing to be disseminated by the Service,
318 the Participant may then take the listing ("office exclusive") and such listing shall be filed with the Service but
319 not disseminated to the Participants. Filing of the listing shall be accompanied by certification signed by the
320 seller that he does not desire the listing to be disseminated by the Service.
321
322 Note 2: MLS Participants must distribute exempt listings within (1) one business day once the listing is
323 publicly marketed. See Section 1.01, Clear Cooperation
324
325 **Section 1.3a.** No Member of the Service may advertise any property for sale or lease that is not listed in the
326 MLS in any print or electronic medium, unless they have first provided the Service with a Non-Participation
327 Agreement, signed by the Owner of the property, stating Owner does not wish their property be listed in the
328 MLS. When a property cannot be found in the MLS and is being advertised in other venues (sign, written or
329 electronic advertisement) the MLS service must be notified in writing. The notification must include property
330 address and brokerage information along with the date of the inquiry. The MLS reserves the right to request a
331 copy of the listing agreement and any other marketing agreement with the seller to verify whether it's an office
332 exclusive or non-participation listing. (Amended 08/15)
333
334 **Section 1.3b.** All listings must be in the MLS, or brokers must provide documentation via the non-participation
335 agreement that the seller does not wish to have their listing in the MLS. They have 3 days to comply, or be
336 fined \$500 per listing. If the fines are not paid Section 7.1(a) applies. A notification will be sent to brokers
337 who are not entering listings in the MLS telling them that they must abide by the MLS rules. (Amended 06/12)
338

339 **Section 1.4. Change of Status of Listing:** Any change in listed price or other change in the original listing
340 agreement shall be made only when authorized in writing by the seller and shall be entered into the MLS
341 Database replaced with the Service within forty-eight (48) hours (excepting weekends, holidays, and postal
342 holidays) after the authorized change is received by the listing broker.
343

344 **Section 1.5. Withdrawal of Listing Prior to Expiration:** Listings of property may be withdrawn from the
345 Multiple Listing Service by the listing broker before the expiration date of the listing agreement provided there
346 is a written agreement between the seller and the listing broker which authorizes the withdrawal. NOTE: The
347 listing will expire on its expiration date; the listing does not remain in a withdrawn status.
348

349 Sellers do not have the unilateral right to require an MLS to withdraw a listing without the listing broker's
350 concurrence. However, when a seller(s) can document that his exclusive relationship with the listing broker
351 has been terminated, the Multiple Listing Service may remove the listing at the request of the seller.

352 **Listings not saleable** must be withdrawn until property is saleable. The statement "no showings until further
353 notice" is not acceptable. Listings which cannot be shown must be withdrawn unless the listing can be shown
354 with an accepted contract which must be disclosed in confidential comments. When the listing has limited
355 showing access, restrictions must be disclosed in confidential comments
356 (Adopted 11/96)
357

358 **Section 1.5.a. Termination of Listing prior to Expiration:** Listings of property may be terminated from the MLS
359 by the Listing Broker before the expiration date of the listing agreement provided there is a written agreement
360 between the Seller and the Listing Broker which authorizes the termination.
361

362 Sellers do not have the unilateral right to require that their listing be terminated in the MLS Database without
363 the Listing Broker's concurrence. However, when the Seller(s) can document that his/her exclusive
364 relationship with the Listing Broker has been terminated, MLS may terminate the listing in the MLS Database
365 and notify the Listing Agent and the Listing Broker of such action.
366

367 **Section 1.6. Contingencies Applicable to Listings:** Any contingency or conditions of any term in a listing
368 shall be specified and noticed to the Participants.
369

370 **Section 1.6a Pending Dates** entered into the MLS system reflect the date on contract not the date that
371 pending status was entered into the system.
372

373 **Section 1.6b. Pending Status** Listings that are in any Pending Status should not count toward the
374 calculation of DOM/CDOM.
375

376 **Section 1.6d** Any Pending Status shall not expire in the MLS
377

378 **Section 1.7. Listing Price Specified:** The full gross listing price stated in the listing contract will be included
379 in the information published in the MLS compilation of current listings.
380

381 **Section 1.8. Listing Multiple Unit Properties:** All properties which are to be sold or which may be sold
382 separately must be indicated individually in the listing and on the property data form. When part of a listed
383 property has been sold, proper notification should be given to the Multiple Listing Service.
384

385 To input a listing in the MLS, the property must have a strap number and legal description. If the property is a
386 new construction PUD, or condo consisting of units up to 20 or more, then there is a possibility that the strap
387 has not been assigned and the listing can be entered with disclosure detailing strap to be determined.
388

389 Property identification fields or photos, cannot be altered on any listings that are going off market.
390 Listings shall not be active in the MLS until there is a photo uploaded. One of the photos displayed on an MLS
391 listing must portray the front elevation photo of the listing. This rule is applicable to all residential improved
392 properties.
393

394 Multiple Listing Services may, as a matter of local discretion, require submission of a reasonable number of
395 photographs or other graphic representations that accurately depict listed property except where sellers
396 expressly direct that photographs of their property not appear in MLS compilations. Adopted 5/10)
397

398
399
400 **Section 1.8.1. Same Listing filed in the MLS Database more than once**
401 When the same listing is in the MLS Database two (2) or more times, whether the status is Active, Pending
402 with Contingencies, Pending, or Withdrawn, MLS will only delete duplicate listings upon receiving written
403 authorization from the Participant or his/her authorized representative to delete the Participant's listing, unless
404 the property is for rent and for sale, in which case it may be listed once in the Residential Rental property
405 class and once in the Residential property class. When the Listing Agent informs MLS which listing should be
406 deleted from the MLS Database, the non-complying listing will be deleted by MLS.
407

408 **Section 1.9. No Control of Commission Rates or Fees Charged by Participants:** Further, the Multiple
409 Listing Service shall not fix, control, recommend, suggest, or maintain commission rates or fees for services
410 to be rendered by Participants. Further, the Multiple Listing Service shall not fix, control, recommend,
411 suggest, or maintain the division of commissions or fees between cooperating Participants or between
412 Participants and non-participants.
413

414 **Section 1.10. Expiration of Listings:** Listings filed with the Multiple Listing Service will automatically be
415 removed from the compilation of current_listings on the expiration dates specified in the agreement, unless
416 prior to that date the MLS receives notice that the listing has been extended or renewed.
417

418 If notice of renewal or extension is received after the listing has been removed from the compilation of current
419 listings, the extension or renewal will be published in the same manner as a new listing. Extensions and
420 renewals of listings must be signed by the seller(s) and filed with the service.
421

422 **Section 1.11. Termination Date on Listings:** Listings filed with the Service shall bear a definite and final
423 termination date, as negotiated between the listing broker and the seller.
424

425 **Section 1.12. Service Area:** Only listings of the designated types of property located within the Service area
426 of the Board of REALTORS® are required to be submitted to the Service. Property Listings located outside of
427 the Board's service area, will be accepted if submitted voluntarily by a Participant but cannot be required by
428 the Service. (Amended 11/17)
429

430 **Section 1.13. Listings of Suspended Participants:** When a Participant of the Service is suspended from
431 the MLS for failing to abide by a membership duty (i.e., violation of the Code of Ethics, Board Bylaws, MLS
432 Bylaws, MLS Rules and Regulations, or other membership obligation except failure to pay appropriate dues,
433 fees, or charges), all listings currently filed with the MLS by the suspended Participant shall, at the
434 Participant's option, be retained in the Service until sold, withdrawn or expired, and shall not be renewed or
435 extended by the MLS beyond the termination date of the listing agreement in effect when the suspension
436 became effective. If a Participant has been suspended from the Board (except where MLS participation
437 without Board membership is permitted by law) or MLS (or both) for failure to pay appropriate dues, fees, or
438 charges, a MLS Service is not obligated to provide MLS services, including continued inclusion of the
439 suspended Participant's listings in the MLS compilation of current listing information. Prior to any removal of
440 suspended Participant's listings from the MLS, the suspended Participant should be advised, in writing, of the
441 intended removal so that the suspended Participant may advise his clients.
442

443 **Section 1.14. Listings of Expelled Participants:** When a Participant of the Service is expelled from the
444 MLS for failing to abide by a membership duty (i.e., violation of the Code of Ethics, Association Bylaws
445 Membership Article IV, MLS Bylaws, MLS Rules and Regulations, or other membership obligations except
446 failure to pay appropriate dues, fees, or charges), all listings currently filed with the MLS shall, at the expelled
447 Participant's option, be retained in the Service until sold, withdrawn, or expired, and shall not be renewed or
448 extended by the MLS beyond the termination date of the listing agreement in effect when the expulsion
449 became effective. If a Participant has been expelled from the Board (except where MLS participation without
450 Board membership is permitted by law) or MLS (or both) for failure to pay appropriate dues, fees, or charges,
451 a Board MLS is not obligated to provide MLS services, including continued inclusion of the expelled
452 Participant's listings in the MLS compilation of current listing information. Prior to any removal of an expelled
453 Participant's listings from the MLS, the expelled Participant should be advised, in writing, of the intended
454 removal so that the expelled Participant may advise his clients.
455

456 **Section 1.15. Listings of Resigned Participants:** When a Participant resigns from the MLS, the MLS is not
457 obligated to provide services, including continued inclusion of the resigned Participant's listings in the MLS
458 compilation of current listing information. Prior to any removal of a resigned Participant's listings from the
459 MLS, the resigned Participant should be advised, in writing, of the intended removal so that the resigned
460 Participant may advise his clients.

461
462 **Section 1.16. Listing Agent:** All listings entered into the MLS must be entered showing the name of the
463 agent who took the listing. The Multiple Listing Service prohibits the practice of entering any listings in an
464 office under the Broker/Manager's name unless that person actually is the listing agent who obtained the
465 listing(s). Non-participants may not enter their listings into the MLS under a participating agent's name.
466 Failure to comply with this Section may result in loss of MLS privileges.

467 **Section 2. Selling Procedures**

468 Showings and Negotiations: Appointments for showings and negotiations with the seller for the purchase of
469 listed property filed with the Multiple Listing Service shall be conducted through the listing broker, except
470 under the following circumstances:
471

472
473 (a) The listing broker gives the cooperating broker specific authority to show and/or negotiate directly, or
474

475 (b) After reasonable effort, the cooperating broker cannot contact the listing broker or his representative;
476 however, the listing broker, at his option, may preclude such direct negotiations by cooperating brokers.
477 (Amended 4/92)

478
479 Multiple Listing Services may, as a matter of local discretion, require submission of all legally-required seller
480 disclosure information except where sellers expressly direct that such disclosure documents not be
481 disseminated through MLS. (Adopted 5/10)

482
483 **Section 2.1. Presentation of Offers:** The listing broker must make arrangements to present the offer as
484 soon as possible, but no later than 24 hours, or give the cooperating broker a satisfactory reason for not doing
485 so. (Amended 4/92)

486
487 **Section 2.2. Submission of Written Offers and Counter Offers:** The listing broker shall submit to the seller
488 all written offers until closing unless precluded by law, government rule, regulation, or agreed otherwise in
489 writing between the seller and the listing broker. Unless the subsequent offer is contingent upon the
490 termination of an existing contract, the listing broker shall recommend that the seller obtain the advice of legal
491 counsel prior to acceptance of the subsequent offer. (Approved 11/87)

492
493 Participants representing buyers or tenants shall submit to the buyer or tenant all offers and counter-offers
494 until acceptance, and shall recommend that buyers and tenants obtain legal advice where there is a question
495 about whether a pre-existing contract has been terminated.

496
497 **Section 2.2.a.** If there are Seller Concessions involved in a Transaction, the Listing Agent must record
498 amount of the concession in the appropriate field.
499

500 **Section 2.3. Right of Cooperating Broker in Presentation of Offer:** The cooperating broker or his
501 representative has the right to participate in the presentation to the seller or lessor of any offer he secures to
502 purchase or lease. He/She does not have the right to be present at any discussion or evaluation of that offer
503 by the seller or lessor and the listing broker. However, if the seller or lessor gives written instructions to the
504 listing broker that the cooperating broker not be present when an offer the cooperating broker secured is
505 presented, the cooperating broker has the right to a copy of the seller's written instructions. None of the
506 foregoing diminishes the listing broker's right to control the establishment of appointments for such
507 presentations. (Amended 4/92)

508
509 Where the cooperating broker is not present during the presentation of the offer, the cooperating
510 broker can request in writing, and the listing broker must provide, as soon as practical, written
511 affirmation stating that the offer has been submitted to the seller, or written notification that the seller
512 has waived the obligation to have the offer presented. (Adopted 11/19)

513

514 **Section 2.4. Right of Listing Broker in Presentation of Counter-Offer:** The listing broker or his
515 representative has the right to participate in the presentation of any counter-offer made by the seller or lessor.
516 He does not have the right to be present at any discussion or evaluation of a counter-offer by the purchaser or
517 lessee (except when the cooperating broker is a subagent). However, if the purchaser or lessee gives written
518 instructions to the cooperating broker that the listing broker not be present when a counter-offer is presented,
519 the listing broker has the right to a copy of the purchaser's or lessee's written instructions. (Adopted 11/93)
520

521 **Section 2.5. Reporting Sales to the Service:** The definition of "Closed Sale" is when the transaction has
522 been funded. Status changes including final closing of sales and sale prices shall be reported to the Multiple
523 Listing Service by the listing broker within 3 Business Days after they have occurred. If negotiations were
524 carried on under Section 2(a) or (b) hereof, the cooperating broker shall report accepted offers and prices to
525 the listing broker 24 hours after occurrence and the listing broker shall report them to the MLS within 24 hours
526 after receiving notice from the cooperating broker. (Amended 11/08)
527

528 The status of a Short Sale listing, requiring third party approval, is to be changed from "Active" to "Pending
529 with Contingency", Contingency Type "Third Party Approval" within twenty-four (24) hours of the time the
530 contract was signed by the Buyer or the Seller, whichever was later. This applies to all property types.
531

532 **Note 1:** The listing agreement of a property filed with the MLS by the listing broker should include a provision
533 expressly granting the listing broker authority to advertise; to file the listing with the MLS; to provide timely
534 notice of status changes of the listing to the MLS; and to provide sales information including selling price to
535 the MLS upon sale of the property. If deemed desirable by the MLS to publish sales information prior to final
536 closing (settlement) of a sales transaction, the listing agreement should also include a provision expressly
537 granting the listing broker the right to authorize dissemination of this information by the MLS to its
538 Participants.
539

540 **Note 2: Florida is currently a disclosure state.** In disclosure states, if the sale price of a listed property is
541 recorded, the reporting of the sale price may be required by the MLS.
542 In states where the actual sale prices of completed transactions are not publicly accessible, failure to report
543 sale prices can result in disciplinary action only if the MLS:
544

- 545 1. Categorizes sale price information as confidential and
- 546 2. limits use of sale price information to participants and subscribers in providing real estate services,
547 including appraisals and other valuations, to customers and clients; and to governmental bodies and third-
548 party entities only as provided below.
549

550 The MLS may provide sale price information to governmental bodies only to be used for statistical purposes
551 (including use of aggregated data for purposes of valuing property) and to confirm the accuracy of information
552 submitted by property owners or their representatives in connection with property valuation challenges; and to
553 third-party entities only to be used for academic research, statistical analysis, or for providing services to
554 participants and subscribers. In any instance where a governmental body or third-party entity makes sale
555 price information provided by the MLS available other than as provided for in this provision, a listing
556 participant may request the sale price information for a specific property be withheld from dissemination for
557 these purposes with written authorization from the seller, and withholding of sale price information from those
558 entities shall not be construed as a violation of the requirement to report sale prices.
559

560 **Note 3:** As established in the Virtual Office Website ("VOW") policy, sale prices can only be categorized as
561 confidential in states where the actual sale prices of completed transactions are not accessible from public
562 records.)

563 **Section 2.6. Reporting Resolutions of Contingencies:** The listing broker shall report to the Multiple Listing
564 Service within twenty-four (24) hours that a contingency on file with the Multiple Listing Service has been
565 fulfilled or renewed, or the agreement canceled.
566

567 **Section 2.7. Advertising of Listing Filed with the Service:** A listing shall not be advertised by any Participant
568 other than the listing broker without the prior consent of the listing broker.
569

570 **Section 2.8. Reporting Cancellation of Pending Sale:** The listing broker shall report immediately to the
571 Multiple Listing Service the cancellation of any pending sale, and the listing shall be reinstated immediately.
572

573 **Section 2.9. Disclosing the Existence of Offers**
574 Listing brokers, in response to inquiries from buyers or cooperating brokers shall, with the seller's approval,
575 disclose the existence of offers on the property. Where disclosure is authorized, the listing broker shall also
576 disclose, if asked, whether offers were obtained by the listing licensee, by another licensee in the listing firm,
577 or by a cooperating broker.
578 (Amended 11/08)
579

580 **Section 2.10. Availability of Listed Property**
581 Listing brokers shall not misrepresent the availability of access to show or inspect listed property.
582

583 **Section 3. Refusal to Sell**
584 If the seller of any listed property filed with the Multiple Listing Service refuses to accept a written offer
585 satisfying the terms and conditions stated in the listing, such fact shall be transmitted immediately to the
586 Service and to all Participants.
587

588 **Section 4. Prohibitions**
589 **Information for Participants Only:** Any listing filed with the Service shall not be made available to any
590 broker or firm not a Member of the MLS without the prior written consent of the listing broker.
591

592 **Section 4.1. "For Sale" Signs:** Only the "For Sale" sign of the listing broker may be placed on a property,
593 however, MLS shall make no rule prohibiting the Seller from placing a sign on the property. (Amended 11/89)
594

595 **Section 4.2. "Sold" Signs:** Prior to closing, only the "Sold" sign of the listing broker may be placed on a
596 property, unless the listing broker authorizes the cooperating (selling) broker to post such a sign. (Amended
597 4/96)

598 **Section 4.3. Solicitation of Listing Filed with the Service:** Participants shall not solicit a listing on any
599 property filed with the Service unless such solicitation is consistent with Article 16 of the Realtor Code of
600 Ethics, its' Standards of Practice, and its Case Interpretations.
601

602 **Section 4.4. Use of the Terms MLS and Multiple Listing Service**
603 No MLS participant, subscriber or licensee affiliated with any participant shall, through the name of their firm,
604 their URLs, their e-mail addresses, their website addresses, or in any other way represent, suggest, or imply
605 that the individual or firm is an MLS, or that they operate an MLS. Participants, subscribers and licensees
606 affiliated with participants shall not represent, suggest, or imply that consumers or others have direct access
607 to MLS databases, or that consumers or others are able to search MLS databases available only to
608 participants and subscribers. This does not prohibit participants and subscribers from representing that any
609 information they are authorized under MLS rules to provide to clients or customers is available on their
610 websites or otherwise. (Adopted 11/07)
611

612 **Note 1:** This Section is to be construed in a manner consistent with Article 16 of the Code of Ethics and
613 particularly Standard of Practice 16-4. This Section is intended to encourage sellers to permit their properties
614 to be filed with the Service by protecting them from being solicited, prior to expiration of the listing, by brokers
615 and salespersons seeking the listing upon its expiration.
616

617 Without such protection, a seller could receive hundreds of calls, communications, and visits from brokers and
618 salespersons who have been made aware through MLS filing of the date the listing will expire and desire to
619 substitute themselves for the present broker.
620

621 This Section is also intended to encourage brokers to participate in the Service by assuring them that other
622 Participants will not attempt to persuade the seller to breach the listing agreement or to interfere with their
623 attempts to market the property. Absent the protection afforded by this Section, listing brokers would be most
624 reluctant to generally disclose the identity of the seller or the availability of the property to other brokers.
625

626 This Section does not preclude solicitation of listings under the circumstances otherwise recognized by the
627 Standards of Practice related to Article 16 of the Code of Ethics.

628 **Division of Commissions**
629 **Section 5. Compensation Specified on Each Listing**

630 The listing broker shall specify, on each listing filed with the Multiple Listing Service, the compensation offered
631 to other Multiple Listing Service Participants for their services in the sale of such listing. Such offers are
632 unconditional except that entitlement to compensation is determined by the cooperating broker's performance
633 as the procuring cause of the sale (or lease) or as otherwise provided for in this rule. The listing broker's
634 obligation to compensate any cooperating broker as the procuring cause of the sale (or lease) may be
635 excused if it is determined through arbitration that, through no fault of the listing broker and in the exercise of
636 good faith and reasonable care, it was impossible or financially unfeasible for the listing broker to collect a
637 commission pursuant to the listing agreement. In such instances, entitlement to cooperative compensation
638 offered through MLS would be a question to be determined by an arbitration hearing panel based on all
639 relevant facts and circumstances including, but not limited to, why it was impossible or financially unfeasible
640 for the listing broker to collect some or all of the commission established in the listing agreement; at what
641 point in the transaction did the listing broker know (or should have known) that some or all of the commission
642 established in the listing agreement might not be paid; and how promptly had the listing broker communicated
643 to cooperating brokers that the commission established in the listing agreement might not be paid. (Amended
644 11/98)

645
646 In filing a property with the Multiple Listing Service of an Association of REALTORS®, the Participant of the
647 Service is making blanket unilateral offers of compensation to the other MLS Participants, and shall therefore
648 specify on each listing filed with the Service, the compensation being offered to the other MLS Participants.
649 Specifying the compensation on each listing is necessary, because the cooperating broker has the right to
650 know what his compensation shall be prior to his endeavor to sell.* (Amended 11/96)

651
652 The listing broker retains the right to determine the amount of compensation offered to other Participants
653 (acting as subagents, buyer agents, or in other agency or non-agency capacities defined by law) which may
654 be the same or different. (Amended 11/96))

655 This shall not preclude the listing broker from offering any MLS Participant compensation other than the
656 compensation indicated on any listing published by the MLS, provided the listing broker informs the other
657 broker, in writing, in advance of submitting an offer to purchase, and provided that the modification in the
658 specified compensation is not the result of any agreement among all or any other Participants in the Service.
659 Any superseding offer of compensation must be expressed as either a percentage of the gross sales price or
660 as a flat dollar amount. (Amended 5/10)

661
662 **Note 1:** The Association Multiple Listing Service shall not have a rule requiring the listing broker to disclose
663 the amount of total negotiated commission in his listing contract, and the Association Multiple Listing Service
664 shall not publish the total negotiated commission, on a listing, which has been submitted to the MLS by a
665 Participant. The Association Multiple Listing Service shall not disclose in any way the total commission
666 negotiated between the seller and the listing broker.

667 *The compensation specified on listings filed with the Multiple Listing Service shall be expressed as a
668 percentage of the gross sales price or as a definite dollar amount. Multiple listing services may, as a matter
669 of local discretion, allow participants to offer cooperative compensation as a percentage of the net sales price,
670 with net sales price defined as the gross sales price minus buyer upgrades (new construction) and seller
671 concessions (as defined by the MLS unless otherwise defined by state law or regulation). The essential and
672 appropriate requirement by an Association Multiple Listing Service is that the information to be published shall
673 clearly inform the Participants as to the compensation they will receive in cooperative transactions, unless
674 advised otherwise by the listing broker, in writing, in advance of submitting an offer to purchase. The
675 compensation specified on listings published by the MLS shall be shown in one of the following forms:

- 676
677 1. by showing a percentage of the gross selling price
678
679 2. by showing a definite dollar amount (Amended 5/10)
680

681 **Note 2:** The listing broker may, from time to time, adjust the compensation offered to other Multiple Listing
682 Service Participants for their services with respect to any listing by advance published notice to the Service so
683 that all Participants will be advised. (Amended 4/92)

684
685 **Note 3:** The Multiple Listing Service shall make no rule on the division of commissions between Participants
686 and non-participants. This should remain solely the responsibility of the listing broker.
687

688 **Note 4:** Multiple listing services, at their discretion, may adopt rules and procedures enabling listing brokers to
689 communicate to potential cooperating brokers that gross commissions established in listing contracts are
690 subject to court approval and that compensation payable to cooperating brokers may be reduced if the gross
691 commission established in the listing contract is reduced by a court. In such instances, the fact that the gross
692 commission is subject to court approval and either the potential reduction in compensation payable to
693 cooperating brokers or the method by which the potential reduction in compensation will be calculated must
694 be clearly communicated to potential cooperating brokers prior to the time they submit an offer that ultimately
695 results in a successful transaction. (Amended 5/10)

696
697 **Note 5:** Nothing in these MLS rules precludes a listing participant and a cooperating participant, as a matter
698 of mutual agreement, from modifying the cooperative compensation to be paid in the event of a successful
699 transaction.

700
701 **Note 6:** As a matter of local discretion, Multiple Listing Services may require participants to disclose if a listed
702 property is a foreclosure, bank-owned, or real estate owned

703
704 **Note 7:** Multiple Listing Services must give participants the ability to disclose to other participants any
705 potential for a short sale. As used in these rules, short sales are defined as a transaction where title transfers;
706 where the sale price is insufficient to pay the total of all liens and costs of sale; and where the seller does not
707 bring sufficient liquid assets to the closing to cure all deficiencies. Multiple Listing Services may, as a matter
708 of local discretion, require participants to disclose potential short sales when participants know a transaction
709 is a potential short sale. In any instance where a participant discloses a potential short sale, they may, as a
710 matter of local discretion, also be permitted to communicate to other participants how any reduction in the
711 gross commission established in the listing contract required by the lender as a condition of approving the
712 sale will be apportioned between listing and cooperating participants. Where participants are permitted to
713 communicate to other participants how any reduction in the gross commission established in the listing
714 contract required by the lender as a condition of approving the sale will be apportioned between the listing
715 and cooperating participants, multiple listing services may, as a matter of local discretion, require listing
716 participants to disclose to cooperating participants in writing the total reduction in the gross commission and
717 the amount by which the compensation payable to the cooperating broker will be reduced within 48
718 hours of receipt of notification from the lender. All confidential disclosures and confidential information related
719 to short sales, if allowed by local rules, must be communicated through dedicated fields or confidential
720 "remarks" available only to participants and subscribers. (Amended 5/10)

721
722 **Section 5.0.1.** Participants must disclose potential short sales (defined as a transaction where title transfers,
723 where the sale price is insufficient to pay the total of all liens and costs of sale and where the seller does not
724 bring sufficient liquid assets to the closing to cure all deficiencies) when reasonably known to the listing
725 participants. (Amended 05/09)

726
727 When disclosed, participants may, at their discretion, advise other participants whether and how any
728 reduction in the gross commission established in the listing contract, required by the lender as a condition of
729 approving the sale, will be apportioned between listing and cooperating participants. (Adopted 05/09)

730
731
732 **Section 5.1. Participant as Principal:** If a Participant or any licensee (or licensed or certified appraiser)
733 affiliated with a Participant has any ownership interest in a property, the listing of which is to be disseminated
734 through the Multiple Listing Service, that person shall disclose that interest in the Confidential Comments
735 Section and/or the Special Info Section when the listing is filed with the Multiple Listing Service and such
736 information shall be disseminated to all Multiple Listing Service Participants.

737
738 **Section 5.2. Participant as Purchaser:** If a Participant or any licensee (including licensed and certified
739 appraisers) affiliated with a Participant wishes to acquire an interest in property listed with another Participant,
740 such contemplated interest shall be disclosed, in writing, to the listing broker no later than the time an offer to
741 purchase is submitted to the listing broker. (Adopted 2/92)

742
743 **Section 5.3. Dual or Variable Rate Commission Arrangements:** The existence of a dual or variable rate
744 commission arrangement (i.e., one in which the seller/landlord agrees to pay a specified commission if the
745 property is sold/ leased by the listing broker without assistance and a different commission if the sale/lease
746 results through the efforts of a cooperating broker; or one in which the seller/landlord agrees to pay a

747 specified commission if the property is sold/leased by the listing broker either with or without the assistance of
748 a cooperating broker and a different commission if the sale/lease results through the efforts of a
749 seller/landlord) shall be disclosed by the listing broker by a key, code, or symbol as required by the MLS.
750 The listing broker shall, in response to inquiries from potential cooperating brokers, disclose the differential
751 that would result in either a cooperative transaction or, alternatively, in a sale/lease that results through the
752 efforts of the seller/landlord. If the cooperating broker is a buyer/tenant representative, the buyer/tenant
753 representative must disclose such information to their client before the client makes an offer to purchase.
754 (Amended 01/02)

755 756 **Section 6. Service Fees and Charges**

757 Service Fees and Charges: A separate fee schedule shall be kept up to date and available to all Participants.
758 Participation fees and Charges may be changed from time to time at the discretion of the Board of Directors.

759 760 Service Charges

761 The following services charges for operation of the Multiple Listing Service are in effect to defray the costs of
762 the service and are subject to change from time to time in the manner prescribed:

763
764 Initial Participation Fee: An applicant for participation in the Service shall pay an application fee in accordance
765 with the current fee schedule to accompany the application. (Participation Applicant is the designated Broker)
766 (The amount charged is according to the current fee schedule)

767
768 Note: The initial participation fee shall approximate the cost of bringing the Service to the participant.

769
770 Recurring Participation Fee: The annual participation fee of each participant shall be a recurring participation
771 fee times each salesperson and licensed or certified appraiser who has access to and use of the service,
772 whether licensed as a broker, sales licensee, or licensed or certified appraiser who is employed by or
773 affiliated as an independent contractor with such participant. Payment of such fees shall be made on or
774 before the first day of the fiscal year of the Multiple Listing service. Fees shall be prorated on a monthly basis.

775
776 However, MLSs must provide participants the option of a no-cost waiver of MLS fees, dues, and charges
777 for any licensee or licensed or certified appraiser who can demonstrate subscription to a different MLS or
778 CIE where the principal broker participates. MLSs may, at their discretion, require ~~waiver recipients and~~
779 ~~their~~ that broker participants to sign a certification for nonuse of its MLS services by their licensees, which
780 can include penalties and termination of the waiver if violated.

781
782 Note 1: A Multiple Listing Service may elect to have such fees payable on a quarterly or even on a monthly
783 basis. However, added administrative services are necessitated by increased frequency of such payments.

784
785 Note 2: Multiple Listing Services that choose to include affiliated unlicensed administrative and clerical staff,
786 personal assistants, and/or individuals seeking licensure or certification as real estate appraisers among
787 those eligible for access to and use of MLS information as subscribers may, at their discretion, charge
788 recurring fees. (The amount charged is according to the current fee schedule) (Amended 11/17) **R**

789
790 Participation fees shall be payable annually in advance on or before December 31 for the following year.
791 Participation Fees received after the stated due date will be assessed a late fee according to the current fee
792 schedule. Failure to pay the late fee is considered non-payment of financial obligations.

793 Notice will be given to the Broker of action taken. If the Participant does not pay the outstanding invoice, the
794 Broker must collect and pay the fee to the MLS or service will be terminated.

795 796 **Section 7. Compliance with Rules Authority to Impose Discipline**

797 By becoming and remaining a participant or subscriber in this MLS, each participant and subscriber agrees to
798 be subject to the rules and regulations and any other MLS governance provision. The MLS may, through the
799 administrative and hearing procedures established in these rules, impose discipline for violations of the rules
800 and other MLS governance provisions. Discipline that may be imposed may only consist of one or more of the
801 following:

- 802 a. letter of warning
- 803 b. letter of reprimand
- 804 c. attendance at MLS orientation or other appropriate courses or seminars which the participant
805 or subscriber can reasonably attend taking into consideration cost, location, and duration

- 806 d. appropriate, reasonable fine not to exceed \$15,000
- 807 e. probation for a stated period of time not less than thirty (30) days nor more than one (1) year
- 808 e. suspension of MLS rights, privileges, and services for not less than thirty (30) days nor
- 809 more than one (1) year
- 810 f. termination of MLS rights, privileges, and services with no right to reapply for a specified
- 811 period not to exceed three (3) years (Adopted 11/07)

812 Note: A participant (or user/subscriber, where appropriate) can be placed on probation. Probation is not a
 813 form of discipline. When a participant (or user/subscriber, where appropriate) is placed on probation the
 814 discipline is held in abeyance for a stipulated period of time not longer than one (1) year. Any subsequent
 815 finding of a violation of the MLS rules during the probationary period may, at the discretion of the Board of
 816 Directors, result in the imposition of the suspended discipline. Absent any subsequent findings of a violation
 817 during the probationary period, both the probationary status and the suspended discipline are considered
 818 fulfilled, and the individual's record will reflect the fulfillment. The fact that one or more forms of discipline are
 819 held in abeyance during the probationary period does not bar imposition of other forms of discipline which will
 820 not be held in abeyance. (Revised 05/14)

821
 822 **Section 7.1.** The following action may be taken for noncompliance with the rules:

823
 824 **(a)** For failure to pay any service charge or fee within one (1) month of the date due, and provided that at least
 825 ten (10) days' notice has been given, the Service shall be suspended until service charges or fees are paid in
 826 full

827
 828 **(b)** MLS Staff can correct infractions of the MLS Rules and Regulations and charge the Broker. The Broker
 829 will be notified of the infraction and given 48 hours to correct the problem. If the problem is not corrected in
 830 the time frame given, the Broker will be billed a fine. If the fine is not paid within the time allotted for bills due
 831 the Association, MLS services will be interrupted. Please see the fine schedule under Section 8)

832
 833 **(c)** For failure to comply with any other rule, the provisions of Sections 9 and 9.1 shall apply

834
 835 **Note:** Generally, warning, censure, and the imposition of a moderate fine are sufficient to constitute a
 836 deterrent to violation of the rules and regulations of the Multiple Listing Service. Suspension or termination is
 837 an extreme sanction to be used in cases of extreme or repeated violation of the rules and regulations of the
 838 Service. If the MLS desires to establish a series of moderate fines, they should be clearly specified in the
 839 rules and regulations. (Amended 11/88)

840
 841 **Section 7.2.** Applicability of Rules to Users and/or Subscribers: Non-principal brokers, sales licensees,
 842 appraisers, and others authorized to have access to information published by the MLS are subject to these
 843 rules and regulations and may be disciplined for violations thereof provided that the user or subscriber has
 844 signed an agreement acknowledging that access to and use of MLS information is contingent on compliance
 845 with the rules and regulations. Further, failure of any user or subscriber to abide by the rules and/or any
 846 sanction imposed for violations thereof can subject the Participant to the same or other discipline. This
 847 provision does not eliminate the Participant's ultimate responsibility and accountability for all users or
 848 subscribers affiliated with the Participant. (Adopted 4/92)

849
 850 Section 8 Table of Fines

851

Agent/Subscriber and Broker/Participant	May be called Subscriber/Participant when both are being referred to.
Violation	A requirement of an MLS rule has not been met. Each individual act or omission is a separate Violation.
Fine Period	The prior 12 months.
Notifications	All Violations will be sent to the Subscriber/Participant via Data Checker. All further notifications will be sent from MLS staff. All Notifications, including bills, will be sent to both the Agent/Subscriber and Broker/Participant.
Grace Period	If the Subscriber/Participant corrects the Violation in 3 business days of the written notification there will be no fine. The first business day starts the day after the date of the written notification (via email) to the Subscriber/Participant.

Fines	<p>1. Violation not corrected in allotted timeframe; and/or 2. Repeat Violation of the same MLS rule</p> <p>Fining Schedule: 1st Violation – Corrected within 3 days - \$0 2nd Violation - \$25 3rd Violation - \$100 4th Violation - \$200</p> <p>Note: If a violation is the result of not correcting a previous violation, the fine will be immediate and then a 3-day grace period is given to correct it prior to violation progression for the same instance.</p>
Referral to MLS BOD	Per NAR recommendation, subsequent violations will be referred to the MLS Board of Directors for assessment of an increased fine/penalty not to exceed \$15,000 but at the discretion of the Board.
Payment of All Fines	If an Agent/Subscriber fails to make payment in 30 days (Payment Due Date), the Broker/Participant will be held responsible for the payment to be made within 3 days after payment due date.
Additional Consequences	<ul style="list-style-type: none"> • If a Subscriber/Participant does not pay fines by the Payment Due Date the MLS Board of Directors may suspend access to the MLS Database and the use of the lockbox service until fines are paid in full. • At any time, the MLS Board of Directors reserves the right to review ALL violations committed by any Subscriber/Participant and reserves the right to suspend access to the MLS Database and the use of the lockbox service. • A courtesy phone call will be made to the affected parties, no less than 3 days prior to suspending MLS service or lockbox service.
<p>A member can pay two (2) fines. For the third occurrence the member must attend the next scheduled MLS 1 class or pay the current fine, established by the governing Board of Directors. MLS Staff can correct infractions of the MLS Rules and Regulations and charge the Broker a fine established by the governing Board of Directors is imposed for infractions of the MLS Rules and Regulations. In the event a participant or Subscriber wishes to challenge the fine, the procedures in Section 9 will be followed.</p>	

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Section 9. Enforcement of Rules or Disputes

The Committee (Board of Directors) shall give consideration to all written complaints having to do with violations of the rules and regulations. By becoming and remaining a participant, each participant agrees to be subject to these rules and regulations, the enforcement of which are at the sole discretion of the Committee (Board of Directors).

Section 9.1 Violations of Rules and Regulations

If the alleged offense is a violation of the rules and regulations of the service and does not involve a charge of alleged unethical conduct or request for arbitration, it may be administratively considered and determined by the board of directors of the service, and if a violation is determined, the board of directors may direct the imposition of sanction, provided the recipient of such sanction may request a hearing before the professional standards committee of the association in accordance with the bylaws and rules and regulations of Royal Palm Coast REALTOR® Association, Inc. within twenty (20) days following receipt of the directors' decision. (Amended 11/96)

If, rather than conducting an administrative review, the MLS has a procedure established to conduct hearings, any appeal of the decision of the hearing tribunal may be appealed to the Board of Directors of the MLS within twenty (20) days of the tribunal's decision. Alleged violations involving unethical conduct shall be referred to the professional standards committee of the Royal Palm Coast REALTOR® Association, Inc. for processing in accordance with the professional standards procedures of the

873 association. If the charge alleges a refusal to arbitrate, such charge shall be referred directly to the Board
874 of Directors of the Royal Palm Coast REALTOR® Association, Inc. (Amended 2/98)
875

876 **Section 9.2 Complaints of Unethical Conduct:** All other complaints of unethical conduct shall be referred
877 to the Professional Standards Administrator for appropriate action in accordance with the Professional
878 Standards procedures established in the Royal Palm Coast REALTOR® Association, Inc. Bylaws. (Amended
879 11/88)

880
881 **Section 10. Confidentiality of MLS Information**

882 Confidentiality of MLS Information: Any information provided by the Multiple Listing Service to the
883 Participants shall be considered official information of the Service. Such information shall be considered
884 confidential and exclusively for the use of Participants and real estate licensees affiliated with such
885 Participants and those Participants who are licensed or certified by an appropriate state regulatory agency to
886 engage in the appraisal of real property and licensed or certified appraisers affiliated with such Participants.
887 (Amended 4/92)
888

889 **Section 10.1. MLS is not responsible for accuracy of information:** The information published and
890 disseminated by the Service is communicated verbatim, without change by the Service, as filed with the
891 Service by the Participant. The Service does not verify such information provided and disclaims any
892 responsibility for its accuracy. Each Participant agrees to hold the Service harmless against any liability
893 arising from any inaccuracy or inadequacy of the information such Participant provides.

894 MLSs are not required to track or report price change information other than the most recent increase or
895 decrease in the price of current listings. If such information (either with respect to a current listing or to prior
896 listings of that property) is tracked by an MLS and made available to participants and subscribers, neither it
897 nor any information from which it may be determined shall be classified as confidential nor may participants
898 be prohibited from making such information available to clients and customers pursuant to the same rules
899 governing dissemination of other non-confidential data fields. Classification as non-confidential does not
900 authorize inclusion of such information in advertisements, including IDX display, of other participants' listings.
901 (Adopted 5/10)
902

903 MLSs are not required to track or report days/time on market information (i.e., the length of time a property
904 has been listed for sale pursuant to a current listing agreement or prior listing agreements, whether with the
905 same or different listing brokers or firms). If such information is tracked by an MLS and made available to
906 participants and subscribers, neither it nor any information from which it may be determined (such as the
907 current list date, or prior list and expiration dates) shall be classified as confidential, nor may participants be
908 prohibited from making such information available to clients or customers pursuant to the same rules
909 governing dissemination of other non-confidential data fields. Classification as non-confidential inclusion of
910 such information in advertisements, including IDX display, of other participants' listings as a matter of local
911 option. (Adopted 5/10)
912

913 **Section 11. Ownership of MLS Compilations and Copyrights**

914 By the act of submitting any property listing content to the MLS, the participant represents and warrants that
915 he or she is fully authorized to license the property listing content as contemplated by and in compliance with
916 this section and these rules and regulations, and also thereby does grant to the MLS license to include the
917 property listing content in its copyrighted MLS compilation and also in any statistical report on comparables.
918 Listing content includes, but is not limited to, photographs, images, graphics, audio and video recordings,
919 virtual tours, drawings, descriptions, remarks, narratives, pricing information, and other details or information
920 related to listed property. (Amended 5/06)
921

922 Each participant who submits listing content to the MLS agrees to defend and hold the MLS and every other
923 participant harmless from and against any liability or claim arising from any inaccuracy of the submitted listing
924 content or any inadequacy of ownership, license, or title to the submitted listing content.
925

926 If a MLS participant submits photographs of any format to the MLS, then the MLS participant is representing
927 that the participant has the right to authorize and is authorizing the MLS to publish the photograph anywhere
928 the MLS data is intended to appear. With becoming a participant the broker indemnifies the MLS in the event
929 of any litigation relating to the reproduction of the photograph by the MLS or other authorized entities.
930 Copying photos for valuation purposes is an authorized use. Unauthorized copying of photos is a violation
931 subject to fine and removal of pictures.

932
933 **Note:** The Digital Millennium Copyright Act (DMCA) is a federal copyright law that enhances the penalties
934 for copyright infringement occurring on the Internet. The law provides exemptions or “safe harbors”
935 from copyright infringement liability for online service providers (OSP) that satisfy certain criteria.
936 Courts construe the definition of “online service provider” broadly, which would likely include MLSs
937 as well as participants and subscribers hosting an IDX display.

938 One safe harbor limits the liability of an OSP that hosts a system, network or website on which Internet users
939 may post user-generated content. If an OSP complies with the provisions of this DMCA safe harbor,
940 it cannot be liable for copyright infringement if a user posts infringing material on its website. This
941 protects an OSP from incurring significant sums in copyright infringement damages, as statutory
942 damages are as high as \$150,000 per work. For this reason, it is highly recommended that MLSs,
943 participants and subscribers comply with the DMCA safe harbor provisions discussed herein.

944
945 To qualify for this safe harbor, the OSP must:

- 946
947 (1) Designate on its website and register with the Copyright Office an agent to receive takedown requests.
948 The agent could be the MLS, participant, subscriber, or other individual or entity.
949 (2) Develop and post a DMCA-compliant website policy that addresses repeat offenders.
950 (3) Comply with the DMCA takedown procedure. If a copyright owner submits a takedown notice to the OSP,
951 which alleges infringement of its copyright at a certain location, then the OSP must promptly
952 remove allegedly infringing material. The alleged infringer may submit a counter-notice that the
953 OSP must share with the copyright owner. If the copyright owner fails to initiate a copyright lawsuit
954 within ten (10) days, then the OSP may restore the removed material.
955 (4) Have no actual knowledge of any complained-of infringing activity.
956 (5) Not be aware of facts or circumstances from which complained-of infringing activity is apparent.
957 (6) Not receive a financial benefit attributable to complained-of infringing activity when the OSP is capable of
958 controlling such activity.

959 Full compliance with these DMCA safe harbor criteria will mitigate an OSP’s copyright infringement liability.
960 For more information see 17 U.S.C. §512.

961
962 **The term MLS compilation, as used in Sections 11 and 12 herein, shall be construed to include any*
963 *format in which property listing data is collected and disseminated to the participants, including but*
964 *not limited to bound book, loose-leaf binder, computer database, card file, or any other format*
965 *whatsoever.*

966 **Section 11.1.** All right, title, and interest in each copy of every Multiple Listing compilation created and
967 copyrighted by the Florida Gulf Coast Multiple Listing Service, Inc. and in the copyrights therein, shall at all
968 times remain vested in the Florida Gulf Coast Multiple Listing Service, Inc.
969

970 **Section 11.2.** Each participant shall be entitled to lease a number of copies of each MLS compilation
971 sufficient to provide the participant and each person affiliated as a licensee (including licensed or certified
972 appraisers) with such participant with one copy of such compilation. The participant shall pay for each such
973 copy the rental fee set by the association.

974 Participants shall acquire by such lease only the right to use the MLS compilation in accordance with these
975 rules.
976

977
978 **Section 12. Use of Copyrighted MLS Compilations**

979 Distribution: Participants shall, at all times, maintain control over and responsibility for each copy of any MLS
980 compilation and shall not distribute any such copies to persons other than subscribers who are affiliated with
981 such Participant as licensees, those individuals who are licensed or certified by an appropriate state
982 regulatory agency to engage in the appraisal of real property, and any other subscribers as authorized
983 pursuant to the governing documents of the MLS. Use of information developed by or published by an
984 Association Multiple Listing Service is strictly limited to the activities authorized under a Participant’s
985 licensure(s) or certification, and unauthorized uses are prohibited. Further, none of the foregoing is intended

986 to convey "Participation" or "Membership" or any right of access to information developed or published by a
987 Board Multiple Listing Service where access to such information is prohibited by law. (Amended 4/92)
988

989 **Section 12.1.** Display: Participants and those persons affiliated as licensees with such Participants shall be
990 permitted to display the MLS compilation to prospective purchasers only in conjunction with their ordinary
991 business activities of attempting to locate ready, willing, and able buyers for the properties described in said
992 MLS compilation.
993

994 **Section 12.2.** Reproduction: Participants or their affiliated licensees shall not reproduce any MLS compilation
995 or any portion thereof, except in the following limited circumstances.
996

997 Participants or their affiliated licensees may reproduce from the MLS compilation and distribute to prospective
998 purchasers a reasonable* number of single copies of property listing data contained in the MLS compilation
999 which relate to any properties in which the prospective purchasers are or may, in the judgment of the
1000 Participant or their affiliated licensees, be interested.

1001 Reproductions made in accordance with this rule shall be prepared in such a fashion that the property listing
1002 data of properties other than that in which the prospective purchaser has expressed interest, or in which the
1003 Participant or the affiliated licensees are seeking to promote interest, does not appear on such reproduction.

1004 Nothing contained herein shall be construed to preclude any Participant from utilizing, displaying, distributing,
1005 or reproducing property listing sheets or other compilations of data pertaining exclusively to properties
1006 currently listed for sale with the Participant.

1007 Any MLS information, whether provided in written or printed form, provided electronically, or provided in any
1008 other form or format, is provided for the exclusive use of the Participant and those licensees affiliated with the
1009 Participant who are authorized to have access to such information. Such information may not be transmitted,
1010 retransmitted, or provided in any manner to any unauthorized individual, office, or firm.
1011

1012 None of the foregoing shall be construed to prevent any individual legitimately in possession of current listing
1013 information, sold information, comparables, or statistical information from utilizing such information to support
1014 valuations on a particular properties for clients and customers. Any MLS content in data feeds available to
1015 participants for real estate brokerage purposes must also be available to participants for valuation purposes,
1016 including automated valuations. MLSs must either permit use of existing data feeds, or create a separate
1017 data feed, to satisfy this requirement. MLSs may require execution of a third-party license agreement where
1018 deemed appropriate by the MLS. MLSs may require participants who will use such data feeds to pay the
1019 reasonably estimated costs incurred by the MLS in adding or enhancing its downloading capacity for this
1020 purpose. may not used as supporting documentation. Any other use of such information is unauthorized
1021 and prohibited by these rules and regulations.(Amended 05/14) M
1022

1023 *It is intended that the Participant be permitted to provide prospective purchasers with listing data relating to
1024 properties which the prospective purchaser has a bona fide interest in purchasing or in which the Participant
1025 is seeking to promote interest. The term reasonable, as used herein, should therefore be construed to permit
1026 only limited reproduction of property listing data intended to facilitate the prospective purchaser's decision-
1027 making process in the consideration of a purchase. Factors which shall be considered in deciding whether
1028 the reproductions made are consistent with this intent and thus reasonable in number, shall include, but are
1029 not limited to, the total number of listings in the MLS compilation, how closely the types of properties
1030 contained in such listings accord with the prospective purchaser's expressed desires and ability to purchase,
1031 whether the reproductions were made on a selective basis, and whether the type of properties contained in
1032 the property listing data is consistent with a normal itinerary of properties which would be shown to the
1033 prospective purchaser.

1034 **Section 13. Use of MLS Information**

1035 **Limitations on Use of MLS Information:** Use of information from MLS compilation of current listing
1036 information, from the Association's statistical report, or from any sold or comparable report of the Association
1037 or MLS for public mass-media advertising by an MLS Participant or in other public representations, may not
1038 be prohibited.

1039 However, any print or non-print forms of advertising or other forms of public representations based in whole or
1040 in part on information supplied by the Board or its MLS must clearly demonstrate the period of time over
1041 which such claims are based and must include the following, or substantially similar, notice:
1042

1043 Based on information from the Florida Gulf Coast Multiple Listing Service, Inc. for the period (date) through
1044 (date). (Amended 11/93)
1045
1046 **Section 14. Changes in Rules and Regulations**
1047 Amendments to the rules and regulations of the Service shall be by a majority vote of the Members of the
1048 Multiple Listing Service Committee, subject to approval by the Multiple Listing Service Board of Directors of
1049 the Association of REALTORS®.
1050
1051 **Section 15. Arbitration of Disputes**
1052 By becoming and remaining a Participant, each Participant agrees to arbitrate disputes involving contractual
1053 issues and questions, and specific non-contractual issues and questions defined in Standard of Practice 17-4
1054 of the Code of Ethics with MLS Participants in different firms arising out of their relationships as MLS
1055 Participants subject to the following qualifications. (Amended 11/97)
1056 (a) If all disputants are members of the same Association of Realtors® or have their principal place of
1057 business within the same Board's territorial jurisdiction, they shall arbitrate pursuant to the procedures of that
1058 Association of Realtors®.
1059 (b) If the disputants are members of different Associations of Realtors® or if their principal place of business
1060 is located within the territorial jurisdiction of different Associations of Realtors®, they remain obligated to
1061 arbitrate in accordance with the procedures of the Florida Realtors®.
1062
1063 Interboard Arbitration Procedures: Arbitration shall be conducted in accordance with any existing interboard
1064 agreement or, alternatively, in accordance with the Interboard Arbitration Procedures in the Code of Ethics
1065 and Arbitration Manual of the National Association of Realtors. Nothing herein shall preclude Participants
1066 from agreeing to arbitrate the dispute before a particular Association of Realtors®. (Amended 11/98)
1067
1068 Awards: The obligation to arbitrate includes the duty to either 1) pay an award to the party(ies) named in the
1069 award or 2) deposit the funds with the Professional Standards Administrator to be held in an escrow or trust
1070 account maintained for this purpose. Failure to satisfy the award or deposit the funds with the association
1071 within ten (10) days may be considered a violation of the MLS rules and may subject the Participant to
1072 disciplinary action at the sole discretion of the MLS. (amended 11/98)
1073
1074 **Section 16. Standards of Conduct for MLS Participants**
1075
1076 **Section 16.1.** MLS Participants shall not engage in any practice or take any action inconsistent with exclusive
1077 representation or exclusive brokerage relationship agreements that other MLS Participants have with clients.
1078 (Amended 1/2004)
1079
1080 **Section 16.2.** Signs giving notice of property for sale, rent, lease, or exchange shall not be placed on property
1081 without consent of the seller/landlord.
1082
1083 **Section 16.2.1.** MLS participants' firm websites shall disclose the firm's name and state(s) of licensure in a
1084 reasonable and readily apparent manner.
1085 Websites of licensees affiliated with a participant's firm shall disclose the firm's name and the licensee's
1086 state(s) of licensure in a reasonable and readily apparent manner. (Adopted 08/2008)
1087
1088 **Section 16.3.** MLS Participants acting as subagents or as buyer/tenant representatives or brokers, shall not
1089 attempt to extend a listing broker's offer of cooperation and/or compensation to other brokers without the
1090 consent of the listing broker. (Amended 1/2004)
1091
1092 **Section 16.4.** MLS Participants shall not solicit any listings currently listed exclusively with another broker.
1093 However, if the listing broker, when asked by the MLS Participant, refuses to disclose the expiration date and
1094 nature of such listing (i.e., an exclusive right to sell, an exclusive agency, open listing, or other form of
1095 contractual agreement between the listing broker and the client) the MLS Participant may contact the owner
1096 to secure such information and may discuss the terms upon which the MLS Participant might take a future
1097 listing or, alternatively, may take a listing to become effective upon expiration of any existing exclusive listing.
1098
1099 **Section 16.5.** MLS Participants shall not solicit buyer/tenant agreements from buyers/tenants who are subject
1100 to exclusive buyer/tenant agreements. However, if asked by an MLS Participant, the broker refuses to

1101 disclose the expiration date of the exclusive buyer/tenant agreement, the MLS Participant may contact the
1102 buyer/tenant to secure such information and may discuss the terms upon which the MLS Participant might
1103 enter into a future buyer/tenant agreement or, alternatively, may enter into a buyer/tenant agreement to
1104 become effective upon the expiration of any existing exclusive buyer/tenant agreement. (Amended 1/98)
1105

1106 **Section 16.6.** MLS Participants shall not use information obtained from listing brokers through offers to
1107 cooperate made through multiple listing services or through other offers of cooperation to refer listing brokers'
1108 clients to other brokers or to create buyer/tenant relationships with listing brokers' clients, unless such use is
1109 authorized by the listing brokers.
1110

1111 **Section 16.7.** The fact that an agreement has been entered into with an MLS Participant shall not preclude or
1112 inhibit any other MLS Participant from entering into a similar agreement after the expiration of the prior
1113 agreement. (Amended 1/98)
1114

1115 **Section 16.8.** The fact that a prospect has retained a MLS Participant as an exclusive representative or
1116 exclusive broker in one or more past transactions does not preclude other MLS Participants from seeking
1117 such prospect's future business. (Amended 01/04)
1118

1119 **Section 16.9.** MLS Participants are free to enter into contractual relationships or to negotiate with
1120 sellers/landlords, buyers/tenants or others who are not subject to an exclusive agreement but shall not
1121 knowingly obligate them to pay more than one commission except with their informed consent. (Amended
1122 1/98)
1123

1124 **Section 16.10.** When MLS Participants are contacted by the client of another MLS Participant regarding the
1125 creation of an exclusive relationship to provide the same type of service, and MLS Participants have not
1126 directly or indirectly initiated such discussions, they may discuss the terms upon which they might enter into a
1127 future agreement or, alternatively, may enter into an agreement which becomes effective upon expiration of
1128 any existing exclusive agreement.
1129 (Amended 1/98)
1130

1131 **Section 16.11.** In cooperative transactions, MLS Participants shall compensate cooperating MLS Participants
1132 (principal brokers) and shall not compensate nor offer to compensate, directly or indirectly, any of the sales
1133 licensees employed by or affiliated with other MLS participants without the prior express knowledge and
1134 consent of the cooperating broker.
1135

1136 **Section 16.12.** MLS Participants are not precluded from making general announcements to prospects
1137 describing their services and the terms of their availability even though some recipients may have entered into
1138 agency agreements or other exclusive relationships with another MLS Participant. A general telephone
1139 canvass, general mailing or distribution addressed to all prospects in a given geographical area or in a given
1140 profession, business, club, or organization, or other classification or group is deemed "general" for purposes
1141 of this standard. (Amended 1/04)
1142

1143 The following types of solicitations are prohibited:
1144

1145 Telephone or personal solicitations of property owners who have been identified by a real estate sign, multiple
1146 listing compilation, or other information service as having exclusively listed their property with another MLS
1147 Participant; and mail or other forms of written solicitations of prospects whose properties are exclusively listed
1148 with another MLS Participant when such solicitations are not part of a general mailing but are directed
1149 specifically to property owners identified through compilations of current listings, "for sale" or "for rent" signs,
1150 or other sources of information intended to foster cooperation with MLS Participants.
1151

1152 **Section 16.13.** MLS Participants, prior to entering into a representation agreement, have an affirmative
1153 obligation to make reasonable efforts to determine whether the prospect is subject to a current, valid
1154 exclusive agreement to provide the same type of real estate service. (Amended 2004)
1155

1156 **Section 16.14.** MLS Participants, acting as buyer or tenant, representatives or brokers, shall disclose that
1157 relationship to the seller/landlord's representative or broker at first contact and shall provide written
1158 confirmation of that disclosure to the seller/landlord's representative or broker not later than execution of a
1159 purchase agreement or lease. (Amended 2004)

1160
1161 **Section 16.15.** On unlisted property, MLS Participants acting as buyer/tenant representatives or brokers shall
1162 disclose that relationship to the seller/landlord at first contact for that buyer/tenant and shall provide written
1163 confirmation of such disclosure to the seller/landlord not later than execution of any purchase or lease
1164 agreement.
1165 MLS Participants shall make any request for anticipated compensation from the seller/landlord at first contact.
1166 (Amended 2004)
1167
1168 **Section 16.16.** MLS Participants, acting as representatives or brokers of sellers/landlords or as subagents of
1169 listing brokers, shall disclose that relationship to buyers/tenants as soon as practicable and shall provide
1170 written confirmation of such disclosure to buyers/tenants not later than execution of any purchase or lease
1171 agreement. (Amended 2004)
1172
1173 **Section 16.17.** MLS Participants are not precluded from contacting the client of another broker for the
1174 purpose of offering to provide, or entering into a contract to provide, a different type of real estate service
1175 unrelated to the type of service currently being provided (e.g., property management as opposed to
1176 brokerage) or from offering the same type of service for property not subject to other brokers' exclusive
1177 agreements. However, information received through a Multiple Listing Service or any other offer of
1178 cooperation may not be used to target clients of other MLS Participants to whom such offers to provide
1179 services may be made. (Amended 2004)
1180
1181 **Section 16.18.** MLS Participants acting as subagents or buyer/tenant representatives or brokers, shall not
1182 use the terms of an offer to purchase/lease to attempt to modify the listing broker's offer of compensation to
1183 subagents or buyer tenant representatives or brokers nor make the submission of an executed offer to
1184 purchase/lease contingent on the listing broker's agreement to modify the offer of compensation. (Amended
1185 2004)
1186
1187 **Section 16.19.** All dealings concerning property exclusively listed, or with buyer/tenants who are subject to an
1188 exclusive agreement shall be carried on with the client's representative or broker, and not with the client,
1189 except with the consent of the client's representative or broker or except where such dealings are initiated by
1190 the client.
1191 Before providing substantive services (such as writing a purchase offer or presenting a CMA) to MLS
1192 Participants shall ask prospects whether they are a party to any exclusive representation agreement. MLS
1193 Participants shall not knowingly provide substantive services concerning a prospective transaction to
1194 prospects who are parties to exclusive representation agreements, except with the consent of the prospects'
1195 exclusive representatives or at the direction of prospects. (Amended 2004)
1196
1197 **Section 16.20.** Participants, users, and subscribers, prior to or after their relationship with their current firm is
1198 terminated, shall not induce clients of their current firm to cancel exclusive contractual agreements between
1199 the client and that firm. This does not preclude Participants from establishing agreements with their
1200 associated licensees governing assignability of exclusive agreements. (Adopted 1/98, Amended 01/10)
1201
1202
1203 **Section 16.21.** These rules are not intended to prohibit ethical, albeit aggressive or innovative business
1204 practices, and do not prohibit disagreements with other MLS Participants involving commission, fees,
1205 compensation, or other forms of payment or expenses.
1206
1207 **Section 16.22.** MLS Participants shall not knowingly or recklessly make false or misleading statements about
1208 other real estate professionals, their businesses, or their business practices.
1209
1210 **Section 16.23.** MLS participants' firm websites shall disclose the firm's name and state(s) of licensure in a
1211 reasonable and readily apparent manner.
1212
1213 Websites of licensees affiliated with a participant's firm shall disclose the firm's name and the licensee's
1214 state(s) of licensure in a reasonable and readily apparent manner. (Adopted 11/07)
1215
1216 **Section 16.24.** MLS participants shall present a true picture in their advertising and representations to the
1217 public, including the URLs and domain names they use, and participants may not:
1218

- 1219 a. engage in deceptive or unauthorized framing of real estate brokerage websites;
1220 b. manipulate (e.g., presenting content developed by others) listing content in any way that
1221 produces a deceptive or misleading result; or
1222 c. deceptively uses meta tags, keywords or other devices/methods to direct, drive, or divert
1223 Internet traffic.
1224 d. present content developed by others without either attribution or without permission; or
1225 otherwise mislead consumers. (Amended 01/13)
1226

1227 **Section 16.25.** Participants shall not deliberately mislead property owners/buyers as to the market value of
1228 the property.
1229

1230 The services which MLS participants provide to their clients and customers shall conform to the standards of
1231 practice and competence which are reasonable expected in the specific real estate disciplines in which they
1232 engage; specifically, residential real estate brokerage, real property management, commercial and industrial
1233 real estate brokerage, land brokerage, real estate appraisal, real estate counseling, real estate syndication,
1234 real estate auction, and international real estate.

1235 MLS participants shall not undertake to provide specialized professional services concerning a type of
1236 property or service that is outside their field of competence unless they engage the assistance of one who is
1237 competent on such types of property or service, or unless the facts are fully disclosed to the client. Any
1238 persons engaged to provide such assistance shall be so identified to the client and their contribution to the
1239 assignment should be set forth. (Adopted 11/09)
1240

1241 Section 16.26 & Meetings

1242 The meetings of the participants in the service or the Board of Directors of the Multiple Listing Service for the
1243 transaction of business of the service shall be held in accordance with the provisions of Article 7, Bylaws of
1244 the Service
1245

1246 **Section 17. Orientation**

1247 It will be mandatory for all new members to attend MLS orientation (3 Hours) offered by this Multiple Listing
1248 Service within 60 days in person or 30 days online of their joined date.

1249 Any applicant for MLS Participation and any licensee affiliated with an MLS Participant who has access to and
1250 use of MLS-generated information shall complete an orientation program devoted to the MLS rules and
1251 regulations and/or computer training related to MLS information entry and retrieval and the operation of the
1252 MLS. Classes are offered online and in person. (Amended 11/18)
1253

1254 Any applicant for MLS Participation and any licensee affiliated with an MLS Participant who has access to and
1255 use of MLS-generated information shall complete a MLS Basic Class within 90 days of joining or their MLS
1256 access will be suspended. (Amended 03/08)
1257

1258 Participants and subscribers may be required, at the discretion of the MLS, to complete additional training of
1259 not more than four (4) classroom hours in any twelve (12) month period when deemed necessary by the MLS
1260 to familiarize participants and subscribers with system changes or enhancement and/or changes to MLS rules
1261 or policies.

1262 Participants and subscribers must be given the opportunity to complete any mandated additional training
1263 remotely. (Amended 02/10)
1264

1265 **Internet Data Exchange (“IDX”)**

1266 The IDX policy gives MLS participants the ability to authorize limited electronic display of their listings by other
1267 participants. (Adopted 05/12)
1268

1269 Associations of Realtors® and their multiple listing services must enable MLS participants to display
1270 aggregated MLS listing information by specified electronic means in accordance with this policy. Requests for
1271 IDX feeds/downloads must be acted on by the MLS within five (5) business days from receipt, barring
1272 extenuating circumstances related to an individual’s qualification for MLS Participation, and review of the
1273 participant’s and vendor’s use of the IDX information consistent with the MLS rules, in which case an
1274 estimated time of approval or denial must be issued. Electronic display subject to this policy means displays
1275 on participants’ public websites and displays using applications for mobile devices that participants control.
1276 For purposes of this policy “control” means participants must have the ability to add, delete, modify and
1277 update information as required by this policy. All displays of IDX listings must also be under the actual and

1278 apparent control of the participant, and must be presented to the public as being the participant's display.
1279 Actual control requires that the participant has developed the display, or caused the display to be developed
1280 for the participant pursuant to an agreement giving the participant authority to determine what listings will be
1281 displayed, and how those listings will be displayed. Apparent control requires that a reasonable consumer
1282 viewing the participant's display will understand the display is the participant's, and that the display is
1283 controlled by the participant. Factors evidencing control include, but are not limited to, clear identification of
1284 the name of the brokerage firm under which the participant operates in a readily visible color and typeface,
1285 except as otherwise provided for in this policy (e.g., displays of minimal information). All electronic display of
1286 IDX information conducted pursuant to this policy must comply with state law and regulations, and MLS rules.
1287 Any display of IDX information must be controlled by the participant, including the ability to comply with this
1288 policy and applicable MLS rules. (Amended 05/15)

1289
1290 To comply with this requirement MLSs must, if requested by a participant, promptly provide basic
1291 downloading of all active listings, a minimum of three (3) years sold* listing data, non-confidential pending
1292 sale listing data, and other listings authorized under applicable MLS rules and may not exclude any listings
1293 from the information which can be downloaded or displayed under IDX except those listings for which a
1294 participant has withheld consent, or listings for which the seller has prohibited Internet display. Associations
1295 and MLSs can also offer alternative display options including framing of board, MLS, or other publicly-
1296 accessible sites displaying participants' listings (with permission of the framed site). For purposes of this
1297 policy, "downloading" means electronic transmission of data from MLS servers to participants' servers on a
1298 persistent or transient basis, at the discretion of the MLS. The MLS's IDX download must be refreshed to
1299 accurately reflect all updates and status changes no less frequently than every twelve (12) hours. Data
1300 transmitted must exclude the listing or property address, respectively, of any seller who affirmatively directs
1301 that the listing or the property address not appear on the Internet or other electronic forms of display or
1302 distribution. (Amended 11/15)

1303
1304 ***Note:** If "sold" information is not publicly accessible, sold listings can be removed from the MLSs' IDX
1305 feeds/downloads. "Publicly accessible" sold information as used in IDX policy and rules, means data that is
1306 available electronically or in hard copy to the public from city, county, state and other government records.
1307 MLSs must provide for its Participants' IDX displays publicly accessible sold information maintained by the
1308 MLS for at least the last three (3) years. (Amended 05/15)

1309
1310 MLSs that allow persistent downloading of the MLS database by participants for display or distribution on the
1311 Internet or by other electronic means may require that participants' websites (1) utilize appropriate security
1312 protection, such as firewalls, provided that any security obligations imposed on participants may not be
1313 greater than those employed concurrently by the MLS, and/or (2) maintain an audit trail of consumer activity
1314 on participants' websites and make that information available to the MLS if the MLS has reason to believe that
1315 a participant's IDX website has caused or permitted a breach in the security of the data or a violation of MLS
1316 rules related to use by consumers. This policy does not require associations or MLSs to establish publicly
1317 accessible sites displaying participants' listings. (Amended 05/12)

1318
1319 Unless state law requires prior written consent from listing brokers, listing brokers' consent for IDX display
1320 may be presumed unless a listing broker affirmatively notifies the MLS that the listing broker refuses to permit
1321 display (either on a blanket or on a listing-by-listing basis). If a participant refuses on a blanket basis to permit
1322 IDX display of that participant's listings, then that participant may not display the aggregated MLS data of
1323 other participants on an IDX site.

1324 Alternatively, MLSs may require that participants' consent for IDX display of their listings by other participants
1325 be affirmatively established in writing. Even where participants have given blanket authority for other
1326 participants' IDX display of their listings, such consent may be withdrawn on a listing-by-listing basis as
1327 instructed by the seller. (Amended 05/12)

1328
1329 Access to MLS databases, or any part of such databases, may not be provided to any person or entity not
1330 expressly authorized such access under the MLS rules. (Amended 11/09)

1331
1332 Participants' Internet websites and other authorized display mechanisms may also provide other features,
1333 information, or services in addition to IDX information (including Virtual Office Website ["VOW"] functions)
1334 which are not subject to this policy. (Amended 05/12)

1335
Policies Applicable to Participants' IDX Websites and Displays

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1393
1. Participants must notify the MLS of their intention to display IDX information and give the MLS direct access for purposes of monitoring/ensuring compliance with applicable rules and policies. (Amended 05/12)
 2. MLS participants may not use IDX-provided listings for any purpose other than IDX display. This does not require participants to prevent indexing of IDX listings by recognized search engines. (Amended 05/12)
 3. Listings or property addresses of sellers who have directed their listing brokers to withhold their listing or property address from display on the Internet (including, but not limited to, publicly accessible websites or VOWs) shall not be accessible via IDX display (Amended 05/12)
 4. Participants may select the IDX listings they choose to display based only on objective criteria including, but not limited to, factors such as geography or location (“uptown”, “downtown”, etc.), list price, type of property (e.g. condominiums, cooperatives, single family detached, multi-family), cooperative compensation offered by listing brokers, type of listing (e.g. exclusive right-to-sell or exclusive agency), or the level of service provided by the listing firm. Selection of IDX listings to be displayed must be independently made by each participant. (Amended 05/12)
 5. Participants must refresh all MLS downloads and displays automatically fed by those downloads not less frequently than every twelve (12) hours. (Amended 11/14)
 6. Except as provided elsewhere in this policy or elsewhere in an MLS’s rules and regulations, an IDX display or participant engaging in IDX display may not distribute, provide, or make any portion of the MLS database available to any person or entity. (Amended 05/12)
 7. When displaying listing content, a participant’s or user’s IDX display must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface. This policy acknowledges that certain required disclosures may not be possible in displays of minimal information (e.g., “thumbnails,” text messages, “tweets,” etc., of 200 characters or less). Such displays are exempt from the disclosure requirements established in this policy but only when linked directly to a display that includes all required disclosures. (Amended 05/12)
 8. With respect to any participant’s IDX display that
 - a. allows third-parties to write comments or reviews about particular listings or displays a hyperlink to such comments or reviews in immediate conjunction with particular listings, or
 - b. displays an automated estimate of the market value of the listing (or hyperlink to such estimate) in immediate conjunction with the listing, either or both of those features shall be disabled or discontinued with respect to the seller’s listing at the request of the seller. The listing broker or agent shall communicate to the MLS that the seller has elected to have one or both of these features disabled or discontinued by all participants Except for the foregoing and subject to paragraph 9, a participant’s IDX display may communicate the participant’s professional judgment concerning any listing. Nothing shall prevent an IDX display from notifying customers that a particular feature has been disabled at the request of the seller. (Amended 05/12)
 9. Participants shall maintain a means (e.g. e-mail address, telephone number) to receive comments about the accuracy of any data or information that is added by or on behalf of the participant beyond that supplied by the MLS and that relates to a specific property. The participant shall correct or remove any false data or information relating to a specific property upon receipt of a communication from the listing broker or listing agent for that property explaining why the data or information is false. However, the participant shall not be obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or professional judgment. (Amended 05/12)
 10. An MLS Participant (or where permitted locally, an MLS subscriber) may co-mingle the listings of other brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays are consistent with the IDX rules, and the MLS Participant (or MLS subscriber) holds participatory rights in those MLSs. As used in this policy, “co-mingling” means that consumers are able to execute a single property search of multiple IDX data feeds resulting in the display of IDX information from each of the MLSs

1394 on a single search results page; and that Participants may display listings from each IDX feed on a single
1395 webpage or display. (Adopted 11/14)
1396
1397 **Section 18. IDX Defined**
1398 IDX affords MLS Participants the ability to authorize limited electronic display of their listings by other
1399 participants via the following authorized mediums under the participant's control: websites, mobile apps, and
1400 audio devices. As used throughout these rules, "display" includes "delivery" of such listing. **M** (Amended
1401 5/17). (Amended 05/17)
1402
1403 **Section 18.1.**
1404 Participants' consent for display of their listings by other Participants pursuant to these rules and regulations
1405 is presumed unless a Participant affirmatively notifies the MLS that the Participant refuses to permit display
1406 (either on a blanket or on a listing-by-listing basis). If a Participant refuses on a blanket basis to permit the
1407 display of that Participant's listings, that Participant may not download, frame or display the aggregated MLS
1408 data of other Participants. Even where participants have given blanket authority for other participants to
1409 display their listings on IDX sites, such consent may be withdrawn on a listing-by-listing basis where the seller
1410 has prohibited all Internet display *or other electronic forms of display or distribution*. **M** (Amended 05/17)
1411
1412 **Section 18.2.** Participation in IDX is available to all MLS participants who consent to display of their listings
1413 by other participants.
1414
1415 **Section 18.2.1.** Participants must notify the MLS of their intention to display IDX information and must give
1416 the MLS direct access for purposes of monitoring/ensuring compliance with applicable rules and policies.
1417 (Amended 05/12)
1418
1419 **Section 18.2.2.** MLS participants may not use IDX-provided listings for any purpose other than display as
1420 provided for in these rules. This does not require participants to prevent indexing of IDX listings by
1421 recognized search engines. (Amended 05/12)
1422
1423 **Section 18.2.3.** Listings, including property addresses, can be included in IDX displays except where a
1424 seller has directed their listing brokers to withhold their listing or the listing's property address from all display
1425 on the Internet (including, but not limited to, publicly-accessible websites or VOWs, or other forms of
1426 electronic display or distribution. (Amended 11/17)
1427 **Section 18.2.4.** Participants may select the listings they chose display on their IDX sites based only on
1428 objective criteria including, but not limited to, factors such as geography or location ("uptown", "downtown",
1429 etc.), list price, type of property, (e.g., condominiums, cooperatives, single-family detached, multi-family),
1430 cooperative compensation offered by listing brokers, type of listing (e.g., exclusive right to sell, or exclusive
1431 agency), or the level of service being provided by the listing firm. Selection of listings displayed through IDX
1432 sites must be independently made by each Participant. (Amended 11/17)
1433
1434 **Section 18.2.5.** Participants must refresh all MLS downloads and IDX displays automatically fed by those
1435 downloads not less frequently than every 12 hours. (Amended 11/14)
1436
1437 **Section 18.2.6.** Except as provided in the IDX policy and these rules, an IDX site or a participant or user
1438 operating an IDX site or displaying IDX information as otherwise permitted may not distribute, provide, or
1439 make any portion of the MLS database available to any person or entity. (Amended 05/12)

1440 **Section 18.2.7.** Any IDX display controlled by a participant must clearly identify the name of the brokerage
1441 firm under which they operate in a readily visible color and typeface. For purposes of the IDX policy and
1442 these rules, "control" means the ability to add, delete, modify and update information as required by the IDX
1443 policy and MLS rules. (Amended 05/12)

1444 **Section 18.2.8.** Any IDX display controlled by a participant or subscriber that

1445 a. allows third-parties to write comments or reviews about particular listings or displays a hyperlink to
1446 such comments or reviews in immediate conjunction with particular listings, or
1447 b. displays an automated estimate of the market value of the listing (or hyperlink to such estimate) in
1448 immediate conjunction with the listing,

1449 either or both of those features shall be disabled or discontinued the seller's listings at the request of the
1450 seller. The listing broker or agent shall communicate to the MLS that the seller has elected to have one or
1451 both of these features disabled or discontinued on all displays controlled by participants. Except for the
1452 foregoing and subject to Section 18.2.9, a participant's IDX display may communicate the participant's
1453 professional judgment concerning any listing. Nothing shall prevent an IDX display from notifying its
1454 customers that a particular feature has been disabled at the request of the seller. (Amended 05/12)

1455 **Section 18.2.9.** Participants shall maintain a means (e.g., e-mail address, telephone number) to receive
1456 comments about the accuracy of any data or information that is added by or on behalf of the participant
1457 beyond that supplied by the MLS and that relates to a specific property Participants shall correct or remove
1458 any false data or information relating to a specific property upon receipt of a communication from the listing
1459 broker or listing agent for the property explaining why the data or information is false. However, participants
1460 shall not be obligated to remove or correct any data or information that simply reflects good faith opinion,
1461 advice, or professional judgment. (Amended 05/12)

1462 **Section 18.2.10.**
1463 An MLS Participant (or where permitted locally, an MLS Subscriber) may co-mingle the listings of other
1464 brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays
1465 are consistent with the IDX rules, and the MLS Participant (or MLS Subscriber) holds participatory rights in
1466 those MLSs. As used in this policy, "co-mingling" means that consumers are able to execute a single
1467 property search of multiple IDX data feeds resulting in the display of IDX information from each of the MLSs
1468 on a single search results page; and that Participants may display listings from each IDX feed on a single
1469 webpage or display. (Adopted 11/14)

1470 **Section 18.2.11**
1471 Participants shall not modify or manipulate information relating to other participants listings. MLS Participants
1472 may augment their IDX display of MLS data with applicable property information from other sources to appear
1473 on the same webpage or display, clearly separated by the data supplied by the MLS. The source(s) of the
1474 information must be clearly identified in the immediate proximity to such data. This requirement does not
1475 restrict the format of MLS data display or display of fewer than all of the available listings or fewer authorized
1476 fields.
1477
1478

1479 **Section 18.2.12**
1480
1481 All listings displayed pursuant to IDX shall identify the listing firm in a reasonably prominent location and in a
1482 readily visible color and typeface not smaller than the median used in the display of listing data.* (Amended
1483 05/17)

1484 **Displays of minimal information (e.g., "thumbnails", text messages, "tweets", etc., of two hundred [200]
1485 characters or less) are exempt from this requirement but only when linked directly to a display that includes all
1486 required disclosures. For audio delivery of listing content, all required disclosures must be subsequently
1487 delivered electronically to the registered consumer performing the property search or linked to through the
1488 device's application. (Amended 5/17)*

1489 **Section 18.3.** Display of listing information pursuant to IDX is subject to the following rules:

1490 **Section 18.3.1.** Listings displayed pursuant to IDX shall contain only those fields of data designated by the
1491 MLS. Display of all other fields (as determined by the MLS) is prohibited. Confidential fields intended only for
1492 other MLS participants and users (e.g., cooperative compensation offers, showing instructions, property
1493 security information, etc.) may not be displayed. (Amended 05/12)

1494 **Section 18.3.1.1.** The type of listing agreement (e.g., exclusive right to sell, exclusive agency, etc.) may not
1495 be displayed (Amended 05/12)

1496 **Section 18.3.2.** NAR Deletion 11/15

1497 **Section 18.3.3.**

1502 Deleted May 2017; moved to 18.2.12 May 2017.

1503

1504 **Section 18.3.4.** All listings displayed pursuant to IDX shall identify the listing agent

1505

1506 **Section 18.3.5.** Non-principal brokers and sales licensees affiliated with IDX Participants may display
1507 information available through IDX on their own websites subject to their Participant's consent and control and
1508 the requirements of state law and/or regulation.

1509

1510 Section 18.3.6 – Deleted by NAR in 2006

1511 Section 18.3.7 – Optional – Not adopted

1512

1513 **Section 18.3.8.** Participants (and their affiliated licensees, if applicable) shall indicate on their websites that
1514 IDX information is provided exclusively for consumers' personal, non-commercial use, that it may not be used
1515 for any purpose other than to identify prospective properties consumers may be interested in purchasing, and
1516 that data is deemed reliable but is not guaranteed accurate by the MLS. The MLS may, at its discretion,
1517 require use of other disclaimers as necessary to protect participants and/or the MLS from liability.
1518 Displays of minimal information (e.g., "thumbnails," text messages, "tweets," etc., of two hundred [200]
1519 characters or less) are exempt from this requirement but only when linked directly to a display that includes all
1520 required disclosures. (Amended 05/17)

1521

1522 **Section 18.3.9.** The data consumers can retrieve or download in response to an inquiry shall be determined
1523 by the MLS but in no instance shall be limited to fewer than one hundred (100) listings or five percent (5%) of
1524 the listings available for IDX display, whichever is fewer. (Amended 11/09)

1525

1526 **Section 18.3.10.** The right to display other Participants' listings pursuant to IDX shall be limited to a
1527 Participant's office(s) holding participatory rights in this MLS.IDX Policy amended by NAR

1528

1529 **Section 18.3.11 of the Internet Data Exchange ("IDX") Rules be amended (all types)**

1530 Listings obtained through IDX feeds from REALTOR® Association MLSs where the MLS Participant holds
1531 participatory rights must be displayed separately from listings obtained from other sources. Listings obtained
1532 from other sources (e.g., from other MLSs, from non-participating brokers, etc.) must display the source from
1533 which each such listing was obtained.

1534 Displays of minimal information (e.g., "thumbnails", text messages, "tweets", etc., of two hundred [200]
1535 characters or less) are exempt from this requirement but only when linked directly to a display that includes all
1536 required disclosures. (Amended 11/14)

1537

1538 Note: An MLS Participant (or where permitted locally, an MLS Subscriber) may co-mingle the listings of other
1539 brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays
1540 are consistent with the IDX rules, and the MLS Participant (or MLS Subscriber) holds participatory rights in
1541 those MLSs. As used in this policy, "co-mingling" means that consumers are able to execute a single
1542 property search of multiple IDX data feeds resulting in the display of IDX information from each of the MLSs
1543 on a single search results page; and that Participants may display listings from each IDX feed on a single
1544 webpage or display. (Adopted 11/14)

1545

1546 **Section 18.3.12.** Display of expired, withdrawn, and sold listings* is prohibited. (Amended 11/14)

1547 * Note: If "sold" information is publicly accessible, display of "sold" listings may not be prohibited. (Adopted
1548 11/14)

1549 **Note: If "sold" information is publicly accessible, display of "sold" listings may not be prohibited.*

1550

1551 **Section 18.3.13.** Display of seller's(s') and/or occupant's(s') name(s), phone number(s), and email
1552 address(es) is prohibited.

1553 **Section 18.3.14.** Participants are required to employ appropriate security protection such as firewalls, on their
1554 websites and displays, provided that any security measures required may not be greater than those employed
1555 by the MLS. (Amended 05/12)

1556

1557 **Section 18.3.15.** Participants must maintain an audit trail of consumer activity on their website and make that

1558 information available to the MLS if the MLS believes the IDX site has caused or permitted a breach in the
1559 security of the data or a violation of MLS rules related to use by consumers. (Amended 05/12)

1560 **Section 18.3.16.** Advertising (including co-branding) on pages displaying IDX-provided listings are prohibited.

1561
1562 **Section 18.4.** Service Fees and Charges: Service fees and charges for participation in IDX shall be as
1563 established annually by the Board of Directors. (Adopted 11/01, Amended 5/05)
1564

1565 **Section 18.5. Electronic Display of Other Participant’s Listings, was added as follows:**

1566 MLSs may but are not required to give participants the ability to authorize electronic display of their listings by
1567 other participants outside the context of the Internet Data Exchange (“IDX”) policy and rules and the Virtual
1568 Office Website (“VOW”) policy and rules.

1569 Participants may not be required to consent to display or distribution of their listings through non-IDX and non-
1570 VOW channels as a condition of participation in MLS or as a condition of participation in IDX. Electronic
1571 display and distribution pursuant to this policy contemplates, but is not limited to, Short Message Services
1572 (“SMS”)/texting technologies, and interactive “social media”. All electronic displays and/or distribution of other
1573 participants’ listings conducted pursuant to this policy must comply with state law and regulations and
1574 applicable rules.

1575 Displays addressed by this policy may be subject to technological limitations on disabling/discontinuing third-
1576 party comments/reviews, disabling/discontinuing automated displays of market value, “refreshing” displays on
1577 a periodic basis, and possibly other issues which should be taken into consideration when developing rules
1578 and policies governing such displays. (Adopted 11/12)
1579

1580 **Section 18.6. MLS Policy Statement 7.90, Real Estate Transaction Standards (RETS) NAR Policy**
1581 **Handbook**

1582 The integrity of data is a foundation to the orderly real estate market. The Real Estate Transaction Standards
1583 (RETS) provide a vendor neutral, secure approach to exchanging listing information between the broker and
1584 the MLS. In order to ensure that the goal of maintaining an orderly marketplace is maintained, and to further
1585 establish REALTOR® information as the trusted data source, MLS organizations owned and operated by
1586 associations of REALTORS® will implement the RESO Standards including: the RESO Data Dictionary by
1587 January 1, 2016; the RESO Web API by June 30, 2016 and will keep current by implementing new releases
1588 of RESO Standards within one (1) year from ratification. Compliance with this requirement can be
1589 demonstrated using the Real Estate Standards Organization (RESO) compliance Certification Process.
1590 (Amended 11/09/14)
1591

1592 **Section 19. Model Virtual Office Website (VOW) Rules**
1593

1594 **Section 19.1.**

1595 **(a)** A Virtual Office Website (“VOW”) is a Participant’s Internet website, or a feature of a Participant’s website,
1596 through which the Participant is capable of providing real estate brokerage services to consumers with whom
1597 the Participant has first established a broker-consumer relationship (as defined by state law) where the
1598 consumer has the opportunity to search MLS Listing Information, subject to the Participant’s oversight,
1599 supervision, and accountability. A non-principal broker or sales licensee affiliated with a Participant may, with
1600 his or her Participant’s consent, operate a VOW. Any VOW of a non-principal broker or sales licensee is
1601 subject to the Participant’s oversight, supervision, and accountability.
1602

1603 **(b)** As used in Section 19 of these Rules, the term “Participant” includes a Participant’s affiliated non-principal
1604 brokers and sales licensees – except when the term is used in the phrases “Participant’s consent” and
1605 “Participant’s oversight, supervision, and accountability”. References to “VOW” and “VOWs” include all
1606 VOWs, whether operated by a Participant, by a non-principal broker or sales licensee, or by an Affiliated
1607 VOW Partner (“AVP”) on behalf of a Participant.
1608

1609 **(c)** “Affiliated VOW Partner” (“AVP”) refers to an entity or person designated by a Participant to operate a
1610 VOW on behalf of the Participant, subject to the Participant’s supervision, accountability and compliance with
1611 the VOW Policy. No AVP has independent participation rights in the MLS by virtue of its right to receive
1612 information on behalf of a Participant. No AVP has the right to use MLS Listing Information except in
1613 connection with operation of a VOW on behalf of one or more Participants. Access by an AVP to MLS Listing
1614 Information is derivative of the rights of the Participant on whose behalf the AVP operates a VOW.

1615

1616 **(d)** As used in Section 19 of these Rules, the term “MLS Listing Information” refers to active listing
1617 information and sold data provided by Participants to the MLS and aggregated and distributed by the MLS to
1618 Participants.

1619 **Section 19.2.**

1620 **(a)** The right of a Participant’s VOW to display MLS Listing Information is limited to that supplied by the
1621 MLS(s) in which the Participant has participatory rights. However, a Participant with offices participating in
1622 different MLSs may operate a master website with links to the VOWs of the other offices.

1623

1624 **(b)** Subject to the provisions of the VOW Policy and these Rules, a Participant’s VOW, including any VOW
1625 operated on behalf of a Participant by an AVP, may provide other features, information, or functions, e.g.
1626 Internet Data Exchange (“IDX”).

1627

1628 **(c)** Except as otherwise provided in the VOW Policy or in these Rules, a Participant need not obtain separate
1629 permission from other MLS Participants whose listings will be displayed on the Participant’s VOW.

1630

1631 **Section 19.3.**

1632 **(a):** Before permitting any consumer to search for or retrieve any MLS Listing Information on his or her VOW,
1633 the Participant must take each of the following steps:

1634 **(i)** The Participant must first establish with that consumer a lawful broker-consumer relationship (as defined
1635 by state law), including completion of all actions required by state law in connection with providing real estate
1636 brokerage services to clients and customers (hereinafter “Registrants”). Such actions shall include, but are
1637 not limited to, satisfying all applicable agency, non-agency, and other disclosure obligations, and execution of
1638 any required agreements.

1639

1640 **(ii)** The Participant must obtain the name of, and a valid email address for, each Registrant. The Participant
1641 must send an email to the address provided by the Registrant confirming that the Registrant has agreed to
1642 the Terms of Use (described in subsection (d) below). The Participant must verify that the email address
1643 provided by the Registrant is valid and that the Registrant has agreed to the Terms of Use.

1644

1645 **(iii)** The Participant must require each Registrant to have a user name and a password, the combination of
1646 which is different from those of all other Registrants on the VOW. The Participant may, at his or her option,
1647 supply the user name and password or may allow the Registrant to establish its user name and password.
1648 The Participant must also assure that any email address is associated with only one user name and
password.

1649

1650 **(b)** The Participant must assure that each Registrant’s password expires on a date certain but may provide
1651 for renewal of the password. The Participant must at all times maintain a record of the name, email address,
1652 user name, and current password of each Registrant. The Participant must keep such records for not less
than 180 days after the expiration of the validity of the Registrant’s password.

1653

1654 **(c)** If the MLS has reason to believe that a Participant’s VOW has caused or permitted a breach in the
1655 security of MLS Listing Information or a violation of MLS rules, the Participant shall, upon request of the MLS,
1656 provide the name, email address, user name, and current password, of any Registrant suspected of
1657 involvement in the breach or violation. The Participant shall also, if requested by the MLS, provide an audit
trail of activity by any such Registrant.

1658

1659 **(d)** The Participant shall require each Registrant to review, and affirmatively to express agreement (by mouse
1660 click or otherwise) to, a “Terms of Use” provision that provides at least the following:

1661

1662 **i.** That the Registrant acknowledges entering into a lawful consumer-broker relationship with the Participant;

1663

1664 **ii.** That all information obtained by the Registrant from the VOW is intended only for the Registrant’s
1665 personal, non-commercial use;

1666

1666 **iii.** That the Registrant has a bona fide interest in the purchase, sale, or lease of real estate of the type being

1667 offered through the VOW;
1668 **iv.** That the Registrant will not copy, redistribute, or retransmit any of the information provided except in
1669 connection with the Registrant's consideration of the purchase or sale of an individual property;
1670 **v.** That the Registrant acknowledges the MLS's ownership of, and the validity of the MLS's copyright in, the
1671 MLS database.

1672 **(e)** The Terms of Use Agreement may not impose a financial obligation on the Registrant or create any
1673 representation agreement between the Registrant and the Participant. Any agreement entered into at any
1674 time between the Participant and Registrant imposing a financial obligation on the Registrant or creating
1675 representation of the Registrant by the Participant must be established separately from the Terms of Use,
1676 must be prominently labeled as such, and may not be accepted solely by mouse click.
1677 **(f)** The Terms of Use Agreement shall also expressly authorize the MLS, and other MLS Participants or their
1678 duly authorized representatives, to access the VOW for the purposes of verifying compliance with MLS rules
1679 and monitoring display of Participants' listings by the VOW. The Agreement may also include such other
1680 provisions as may be agreed to between the Participant and the Registrant.

1681 **Section 19.4.** A Participant's VOW must prominently display an e-mail address, telephone number, or
1682 specific identification of another mode of communication (e.g., live chat) by which a consumer can contact the
1683 Participant to ask questions, or get more information, about any property displayed on the VOW. The
1684 Participant, or a non-principal broker or sales licensee licensed with the Participant, must be willing and able
1685 to respond knowledgeably to inquiries from Registrants about properties within the market area served by that
1686 Participant and displayed on the VOW.

1687 **Section 19.5.** A Participant's VOW must employ reasonable efforts to monitor for, and prevent,
1688 misappropriation, "scraping", and other unauthorized use of MLS Listing Information. A Participant's VOW
1689 shall utilize appropriate security protection such as firewalls as long as this requirement does not impose
1690 security obligations greater than those employed concurrently by the MLS.

1691 (NOTE: MLSs may adopt rules requiring Participants to employ specific security measures, provided that any
1692 security measure required does not impose obligations greater than those employed by the MLS.)

1693
1694 **Section 19.6.**

1695 **(a)** A Participant's VOW shall not display listings or property addresses of any seller who has affirmatively
1696 directed the listing broker to withhold the seller's listing or property address from display on the Internet. The
1697 listing broker shall communicate to the MLS that the seller has elected not to permit display of the listing or
1698 property address on the Internet. Notwithstanding the foregoing, a Participant who operates a VOW may
1699 provide to consumers via other delivery mechanisms, such as email, fax, or otherwise, the listings of sellers
1700 who have determined not to have the listing for their property displayed on the Internet.

1701 **(b)** A Participant who lists a property for a seller who has elected not to have the property listing or the
1702 property address displayed on the Internet shall cause the seller to execute a document that includes the
1703 following (or a substantially similar) provision:

1704 **Seller Opt-Out Form**

1705
1706 1. Please check either Option a or Option b

1707
1708 a. I have advised my broker or sales agent that I do not want the listed property to be displayed on the
1709 Internet.

1710
1711 OR

1712
1713 b. I have advised my broker or sales agent that I do not want the address of the listed property to be
1714 displayed on the Internet.

1715
1716
1717 2. I understand and acknowledge that, if I have selected option a, consumers who conduct searches for
1718 listings on the Internet will not see information about the listed property in response to their search.

1719
1720
1721 _____
initials of seller

1722 (c) The Participant shall retain such forms for at least one year from the date they are signed, or one year
1723 from the date the listing goes off the market, whichever is greater.

1724 **Section 19.7.**

1725 (a) Subject to subsection (b), a Participant's VOW may allow third-parties (i) to write comments or reviews
1726 about particular listings or display a hyperlink to such comments or reviews in immediate conjunction with
1727 particular listings, or (ii)
1728 display an automated estimate of the market value of the listing (or hyperlink to such estimate) in immediate
1729 conjunction with the listing

1730
1731 (b) Notwithstanding the foregoing, at the request of a seller the Participant shall disable or discontinue either
1732 or both of those features described in subsection (a) as to any listing of the seller. The listing broker or agent
1733 shall communicate to the MLS that the seller has elected to have one or both of these features disabled or
1734 discontinued on all Participants' websites. Subject to the foregoing and to Section 19.8, a Participant's VOW
1735 may communicate the Participant's professional judgment concerning any listing. A Participant's VOW may
1736 notify its customers that a particular feature has been disabled "at the request of the seller."
1737

1738 **Section 19.8.** A Participant's VOW shall maintain a means (e.g., e-mail address, telephone number) to
1739 receive comments from the listing broker about the accuracy of any information that is added by or on behalf
1740 of the Participant beyond that supplied by the MLS and that relates to a specific property displayed on the
1741 VOW. The Participant shall correct or remove any false information relating to a specific property within 48
1742 hours following receipt of a communication from the listing broker explaining why the data or information is
1743 false. The Participant shall not, however, be obligated to correct or remove any data or information that simply
1744 reflects good faith opinion, advice, or professional judgment.

1745 **Section 19.9.** A Participant shall cause the MLS Listing Information available on its VOW to be refreshed at
1746 least once every three (3) days.
1747

1748 **Section 19.10.** Except as provided in these rules, the NATIONAL ASSOCIATION OF REALTORS® VOW Policy, or
1749 any other applicable MLS rules or policies, no Participant shall distribute, provide, or make accessible any
1750 portion of the MLS Listing Information to any person or entity.
1751

1752 **Section 19.11.** A Participant's VOW must display the Participant's privacy policy informing Registrants of all
1753 of the ways in which information that they provide may be used.
1754

1755 **Section 19.12.** A Participant's VOW may exclude listings from display based only on objective criteria,
1756 including, but not limited to, factors such as geography, list price, type of property, cooperative compensation
1757 offered by listing broker, and whether the listing broker is a REALTOR®.
1758

1759 **Section 19.13.** A Participant who intends to operate a VOW to display MLS Listing Information must notify
1760 the MLS of its intention to establish a VOW and must make the VOW readily accessible to the MLS and to all
1761 MLS Participants for purposes of verifying compliance with these Rules, the VOW Policy, and any other
1762 applicable MLS rules or policies.
1763

1764 **Section 19.14.** A Participant may operate more than one VOW himself or herself or through an AVP. A
1765 Participant who operates his or her own VOW may contract with an AVP to have the AVP operate other
1766 VOWs on his or her behalf. However, any VOW operated on behalf of a Participant by an AVP is subject to
1767 the supervision and accountability of the Participant.
1768

1769 **Section 19.15**

1770 A participant's VOW may not make available for search by or display to Registrants any of the following
1771 information:

1772 a. expired and withdrawn listings

1773 **Note:** Due to the 2015 changes in IDX policy and the requirement that participants are allowed to use MLS
1774 listing information through all delivery mechanisms when providing brokerage services, MLSs can no longer
1775 prohibit the display of pending (“under contract”) listings to the Registrants of a participant’s VOW

1776 b. the compensation offered to other MLS participants

1777 c. the type of listing agreement, i.e., exclusive right-to-sell or exclusive agency

1778 d. the seller’s and occupant’s name(s), phone number(s), or e-mail address(es)

1779 e. instructions or remarks intended for cooperating brokers only, such as those regarding showings or
1780 security of listed property

1781 f. sold information

1782 **Note:** If sold information is publicly accessible in the jurisdiction of the MLS, Subsection 19.15f. must be
1783 omitted.

1784 **Section 19.16.** A Participant shall not change the content of any MLS Listing Information that is displayed on
1785 a VOW from the content as it is provided in the MLS. The Participant may, however, augment MLS Listing
1786 Information with additional information not otherwise prohibited by these Rules or by other applicable MLS
1787 rules or policies as long as the source of such other information is clearly identified. This rule does not restrict
1788 the format of display of MLS Listing Information on VOWs or the display on VOWs of fewer than all of the
1789 listings or fewer than all of the authorized information fields

1790 **Section 19.17.** A Participant shall cause to be placed on his or her VOW a notice indicating that the MLS
1791 Listing Information displayed on the VOW is deemed reliable but is not guaranteed accurate by the MLS. A
1792 Participant’s VOW may include other appropriate disclaimers necessary to protect the Participant and/or the
1793 MLS from liability.
1794

1795 **Section 19.18.** Participants and the AVPs operating VOWs on their behalf must execute the license
1796 agreement required by the MLS. (NAR section 19.24)
1797

1798 **Section 19.19.** Where a seller affirmatively directs their listing broker to withhold either the seller’s listing or
1799 the address of the seller’s listing from display on the Internet, a copy of the seller’s affirmative direction shall
1800 be provided to the MLS within 48 hours. (NAR Section 19.25)
1801

1802 **Section 20. (Policy Statement 7.31) NAR Policy Handbook Lock Box Security Requirements**

1803 Eligibility for coverage under NAR’s blanket errors and omissions insurance program is contingent on
1804 compliance with the following security measures whether the system is operated by the association, its MLS,
1805 or on behalf of an association by a recognized lock box vendor:
1806

1807 1. Any key, programmer, or other device (hereinafter referred to as key) by which a lock box can be opened
1808 shall be nonduplicative. By nonduplicative it is not meant that the key is necessarily covered by a current
1809 patent but that it cannot be readily copied in the manner that other types of keys ordinarily are.
1810

1811 2. Keys must be obtained from the original manufacturer, from a recognized vendor of lock box systems or
1812 from any other legitimate source. Prior to utilizing previously used keys, lids, or boxes, information shall be
1813 obtained from the original manufacturer to determine whether the key’s pattern, code, or configuration is
1814 already in use by other associations, multiple listing services, or other users in the vicinity. Surrounding
1815 associations and multiple listing services shall also be contacted to determine whether the key’s pattern,
1816 code, or configuration is currently in use.
1817

1818 3. Any lock box system shall be designated as either an activity of an association of REALTORS® or an
1819 association-owned and operated MLS. The Florida Gulf Coast MLS, Inc. operates the Lockbox Service.
1820

1821 If the lock box system is an activity of an association of REALTORS®, then every REALTOR® and REALTOR-
1822 ASSOCIATE® and every non-principal broker, sales licensee and licensed or certified appraiser affiliated with
1823 a REALTOR®, shall be eligible to hold a key subject to their execution of a lease agreement with the
1824 association. (Amended 11/96)

1825
1826 If the lock box system is an activity of an association-owned and operated multiple listing service, then
1827 every MLS participant and every non-principal broker, sales licensee and licensed or certified appraiser
1828 who is affiliated with an MLS participant and who is legally eligible for MLS access shall be eligible to hold
1829 a key subject to their execution of a lease agreement with the MLS.

1830
1831 Associations and multiple listing services may require, as a matter of local determination, that key lease
1832 agreements executed by non-principal brokers, sales licensees, and licensed or certified appraisers will be
1833 cosigned by the designated REALTOR® or the office's broker of record. Lease agreements shall spell out the
1834 responsibilities of the parties and shall incorporate by reference any applicable rules or regulations or other
1835 governing provisions of the association or MLS that relate to the operation of the lock box system. The
1836 lease agreement shall also provide that keys may not be used under any circumstances by anyone other
1837 than the keyholder except as provided elsewhere in this statement of policy. *(Amended 2/98)*

1838
1839 Associations and multiple listing services may, at their discretion, authorize unlicensed personal
1840 assistants, administrative and clerical staff, and individuals seeking licensure as real estate appraisers,
1841 who are under the direct supervision of a designated REALTOR®, or MLS participant, or their licensed
1842 designee, to hold a lock box key on the same terms and conditions as non-principal brokers and sales
1843 licensees. *(Adopted 11/93)*

1844
1845 Associations and multiple listing services may refuse to sell or lease lock box keys, may terminate existing
1846 key lease agreements, and may refuse to activate or reactivate any key held by an individual convicted of a
1847 felony or misdemeanor if the crime, in the determination of the association or MLS, relates to the real
1848 estate business or puts clients, customers, or other real estate professionals at risk.

1849 Associations or multiple listing services may suspend the right of lock box keyholders to use lock box keys
1850 following their arrest and prior to their conviction for any felony or misdemeanor which, in the determination
1851 of the association or MLS, relates to the real estate business or which puts clients, customers, or other real
1852 estate professionals at risk.

1853
1854 Factors that can be considered in making such determinations include, but are not limited to:
1855 the nature and seriousness of the crime
1856 the relationship of the crime to the purposes for limiting lock box access
1857 the extent to which access (or continued access) might afford opportunities to engage in similar
1858 criminal activity
1859 the extent and nature of past criminal activity
1860 time since criminal activity was engaged in
1861 evidence of rehabilitation while incarcerated or following release and
1862 evidence of present fitness *(Adopted 11/99)*

1863
1864 Administration of a lock box system as an activity of an association of REALTORS® may, at the discretion of
1865 the association, be delegated to its multiple listing service.

1866
1867 No one shall be required to lease a key from the association except on a voluntary basis.

1868
1869 Associations and multiple listing services may, at their discretion, lease keys to affiliate members of
1870 associations who are actively engaged in a recognized field of real estate practice or in related fields. In
1871 such instances, the lease agreement shall be signed by the keyholder and by a principal, partner, or
1872 corporate officer of the key holder's firm. *(Amended 11/97)*

1873
1874 Key lease agreements may contain a liquidated damages provision to offset some or all of the costs in
1875 reestablishing the security of the system if it is determined that the security has been compromised through
1876 the negligence or fault of the key holder. *(Amended 11/97)*

1877
1878 MLSs may, as a matter of local option, require placement of an MLS approved lock box on listed properties
1879 if any device giving access to real estate professionals and/or service providers is authorized by the seller
1880 and occupant and is placed on the property. The purpose of this requirement, if adopted by an MLS, is to
1881 ensure cooperating participants and subscribers have timely access to listed properties. Requiring that a
1882 lock box or other access device be "MLS-approved" does not limit the devices that satisfy the requirement
1883 to lock boxes leased or sold by an association or MLS. The MLS may require that the devices be submitted

1884 in advance for approval, and the access device may be any lock box or other access device that provides
1885 reasonable, timely access to listed property. The MLS also may revoke the approval and/or subject the
1886 participant to discipline if the device is used in a manner that fails to continue to satisfy this requirement.
1887

1888 4. Associations shall maintain current records as to all keys issued and in inventory. There shall be an audit,
1889 at least annually, of all keys, whether issued or in inventory. This requirement may be satisfied by a
1890 physical inventory or, alternatively, by receipt of a statement signed by the keyholder and the designated
1891 REALTOR®, broker of record, or, in the case of an affiliate member, by a principal, partner, or corporate
1892 officer of the keyholder's firm, attesting that the key is currently in possession of the keyholder. This audit
1893 requirement does not apply to electronic lock box programmers or keypads which are sold or leased
1894 provided such devices may be deactivated within thirty (30) days. (*Amended 5/99*)
1895

1896 5. Associations shall require a substantial deposit from each key holder in an amount that will establish an
1897 awareness of personal liability for such key. The initial deposit shall not be less than \$25 nor more than
1898 \$300. Deposits for a first replacement key lost or stolen shall be not less than two (2) times nor more than
1899 three (3) times the amount of the initial deposit and not less than three (3) times nor more than four (4)
1900 times the amount of the initial deposit for second or additional replacement keys. Deposits for keys shall
1901 be kept in a special account for refund upon return of the key unless forfeited upon loss of the key.
1902 Notwithstanding the foregoing, deposits charged affiliate members may be no more than twice the
1903 amounts established above.
1904

1905 If, at the time of inventory, a key is unaccounted for, or if a keyholder refuses or is unable to demonstrate
1906 that the key is within their physical control, then the key will be considered unaccounted for and any funds
1907 on deposit will be forfeited to the association.
1908

1909 Deposits for electronic programmers or electronic keycards which are leased but which can be deactivated
1910 within thirty (30) days may be required as a matter of local determination. (*Adopted 11/95*)
1911

1912 6. Lock boxes may not be placed on a property without written authority from the seller. This authority may
1913 be established in the listing contract or in a separate document created specifically for the purpose.
1914

1915 7. Associations shall charge key holders and their cosignatories with the joint obligation of immediately
1916 reporting lost, stolen, or otherwise unaccountable for keys to the association. Upon receipt of notice, the
1917 association shall take any steps deemed necessary to re-secure the system.
1918

1919 8. Associations shall adopt written, reasonable, and appropriate rules and procedures for administration of
1920 lock box systems, which may include appropriate fines, not to exceed \$15,000. Any issuing fees, recurring
1921 fees, or other administrative costs shall be established at the discretion of the association and set forth in
1922 the rules and procedures. All keyholders, whether association members or not, shall agree, as a condition
1923 of the key lease agreement, to be bound by the rules and procedures governing the operation of the lock
1924 box system.
1925

1926 9. Notwithstanding the foregoing, associations and multiple listing services may sell electronic lock box
1927 programmers or keypads to MLS participants and others eligible to hold lock box keys pursuant to these
1928 requirements provided that such devices may be deactivated, if necessary, within a reasonable period not
1929 to exceed thirty (30) days and that the participant has authorized the sale in writing. In the event electronic
1930 lock box programmers or keypads are sold or leased, a designated REALTOR® principal or an office's
1931 broker of record may purchase or lease additional programmers or keypads to be issued on a temporary
1932 basis to other key holders in the same office in the event their programmer or keypad becomes non-
1933 functional outside normal business hours or under circumstances where a replacement programmer or
1934 keypad is not reasonably available from the issuing association or MLS. When a programmer or keypad is
1935 issued on a temporary basis, it shall be the responsibility of the REALTOR® principal or the broker of record
1936 to advise the association or MLS in writing that the programmer or keypad has been issued, to whom, and
1937 the date and time of issuance within forty-eight (48) hours. It shall also be the responsibility of the
1938 REALTOR® principal or the broker of record to advise the association or MLS in writing within forty-eight (48)
1939 hours after possession of the previously issued programmer or keypad has been reassumed. (*Adopted*
1940 *4/95*)

1941
1942 **Section 21. Supra Keys – Security of Equipment**
1943 It is necessary to maintain the security of each Key and Personal Identification Number (PIN) of each Key to
1944 prevent the use of the Key by unauthorized persons. Each party in possession of a Key, whether such Key is
1945 being actively used or not, shall abide by the following conditions:
1946 a. Keep the Supra Key in such party's possession or in a safe place at all times;
1947 b. Not to allow the PIN for the Supra Key to be displayed on or attached to the Supra Key for any
1948 purpose whatsoever or to be disclosed to any third party;
1949 c. Not to lend the Supra Key to any other person or entity, or permit any other person or entity to use the
1950 Supra Key for any purpose whatsoever, whether or not such other person or entity is a real estate
1951 broker or salesperson;
1952 d. Not to duplicate OR remove the Key to the property or allow any other person to do so;
1953 e. Not to assign, transfer, or pledge the Supra Key;
1954 f. Not to destroy, alter, modify, disassemble or tamper with the Supra Key, or property Key or knowingly
1955 or unknowingly allow anyone else to do so;
1956 g. To the notify the ADMINISTRATOR immediately in writing, and in any event within 48 hours, of a loss
1957 or theft of the Supra Key, or any Lockboxes, and of all circumstances surrounding such theft;
1958 h. Complete and deliver to the ADMINISTRATOR a stolen Supra Key affidavit prior to and as a
1959 condition of the issuance of a replacement Supra Key;
1960 i. Follow all additional security procedures as specified, and;
1961 j. Safeguard the code for each Lockbox from all other individuals and entities, whether or not they are
1962 authorized users of the Service.
1963 k. A SupraKey holder may not use the Supra Key to access an Electronic Lockbox without first calling
1964 the listing office to ascertain the availability of the property, schedule a showing, and obtain specific
1965 showing instruction from the listing office, unless instructed otherwise in writing by the listing broker.
1966 An appointment must be made whether the property is occupied or not. NOTE: One appointment
1967 grants you one entrance. If you return to the property, you must have another appointment.
1968 l. A fine of up to \$15,000.00 can be imposed and/or suspension of key.
1969
1970 Adopted and amended in compliance with mandatory policies established by the National Association of
1971 REALTORS® Board of Directors and coverage under the National Association's master professional liability
1972 insurance policy.
1973 The Handbook on Multiple Listing Policy and Code of Ethics and Arbitration Manual is available on
1974 www.realtor.org the National Association of REALTORS® website.