



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. upon
5 agreeing in writing to conform to the rules and regulations thereof and to pay the costs incidental thereto.
6 *However under no circumstances is any individual or firm, regardless of membership status, entitled to Multiple
7 Listing Service "membership" or "participation" unless they hold a current, valid real estate broker's license and
8 offer or accept compensation to and from other Participants or are licensed or certified by an appropriate state
9 regulatory agency to engage in the appraisal of real property. ** Use of information developed by or published
10 by a Board Multiple Listing Service is strictly limited to the activities authorized under a Participant's licensure(s)
11 or certification and unauthorized uses are prohibited. Further, none of the foregoing is intended to convey
12 "participation" or "membership" or any right of access to information developed by or published by a Board
13 Multiple Listing Service where access to such information is prohibited by law. (Amended 11/08)
14

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

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

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

55 Further, none of the foregoing is intended to convey participation or membership or any right of access to
56 information developed by or published by an association multiple listing service where access to such
57 information is prohibited by law. Additionally, the foregoing does not prohibit association multiple listing
58 services, at their discretion, from categorizing non-principal brokers, sales licensees, licensed and certified

65 appraisers and others affiliated with the MLS members or participants as users or subscribers and, holding
66 such individuals personally subject to the rules and regulations and any other governing provisions of the
67 MLS and to discipline for violations thereof. MLSs may, as a matter of local determination, limit participatory
68 rights to individual principal brokers, or to their firms, and to licensed or certified appraisers, who maintain an
69 office or Internet presence from which they are available to represent real estate sellers, buyers, lessors or
70 lessees or from which they provide appraisal services.

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

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

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

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

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

91 **Section 1. Listing Procedures**

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

- 96
- 97 (a) Single-family home for sale or exchange.
 - 98 (b) Vacant lots and acreage for sale or exchange.
 - 99 (c) Multiple-family residential buildings for sale or exchange.
 - 100 (d) Condominiums for sale or exchange.
 - 101 (e) Manufactured Homes and/or Mobile Homes for sale or exchange.
 - 102 (f) Commercial and/or business property for sale or exchange.
- 103

104 **Note 1:** The Multiple Listing Service shall not require a Participant to submit listings on a form other than the
105 form the Participant individually chooses to utilize provided the listing is of a type accepted by the Service,
106 although a property data form may be required as approved by the Multiple Listing Service. However, the
107 Multiple Listing Service, through its legal counsel:

- 108
109 1. May reserve the right to refuse to accept a listing form, which fails to adequately protect the interests
110 of the public and the Participants
111 2. Assure that no listing form filed with the Multiple Listing Service establishes, directly or indirectly, any
112 contractual relationship between the Multiple Listing Service and the client (buyer or seller)
113

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

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

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

122 Current owner name must be listed in the MLS.
123

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

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

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

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

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

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

156 **Section 1.01, Clear Cooperation****

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

162 Note: Exclusive listing information for required property types must be filed and distributed to other MLS
163 Participants for cooperation under the Clear Cooperation Policy. This applies to listings filed under Section 1
164 and listings exempt from distribution under Section 1.3 of the NAR model MLS rules, and any other situation

165 where the listing broker is publicly marketing an exclusive listing that is required to be filed with the service
166 and is not currently available to other MLS Participants.

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

- 171
- 172 1. Single Family Residential
- 173 2. Manufactured Homes
- 174 3. Condominium
- 175 4. Co-op
- 176 5. Villa
- 177 6. Townhouse
- 178 7. Residential Income
- 179 8. Residential Land
- 180 9. Boat Dock
- 181 10. Commercial/Business/Agricultural Land
- 182 11. Residential Rental (incl. Duplex, Triplex, Quadraplex)
- 183 12. Improved Commercial/Industrial
- 184 13. Business Opportunity
- 185 14. Auction Properties*
- 186

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

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

199
200 A listing cannot be added into the Multiple Listing Service if other ownership requirements or additional
201 purchases are mandated unless fully disclosed and also reflected in the list price. (i.e. boat docks).

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

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

204
205 New construction properties must specify status of construction. There are three (3) status types available in
206 the MLS:

- 207 1. Pre – permit pulled no dirt moved
- 208 2. Under – dirt moved no Certificate of Occupancy
- 209 3. New – Certificate of Occupancy has been issued – never occupied.
- 210

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

212
213 **Section 1.1.1. Listings Subject to Rules and Regulations of the Service:** Any listing taken on a contract
214 to be filed with the Multiple Listing Service is subject to the rules and regulations of the Service upon signature
215 of the seller(s).

216
217 Entry of Listings into the MLS Database

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

- 219
- 220 • The listing agreement must be legally enforceable in the State of Florida, which includes the

221 signatures of all parties and a Commencement Date (Effective Date) and a Termination Date
222 (Expiration Date).
223 • The listing cannot be entered into the MLS Database before the Commencement Date (Effective
224 Date) of the listing agreement.
225

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

231 **Note 2:** The System Entry Date is the date the listing is entered into the MLS Database, which may be the
232 same as, or later than, the Listing Commencement Date.
233

234 • If the listing has been previously entered into the MLS Database by another MLS Participating
235 Office, the MLS Participating Office that is currently entering the listing into the MLS Database shall
236 not use Listing Data that is copyrightable (e.g., agent composed remarks, photos, or other images)
237 from the previously entered listing as the source of its Listing Data unless permission is obtained
238 in writing from previous Listing Agent/Broker.
239

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

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

258 **Section 1.1.1b.** It will be mandatory for all new members to attend MLS Orientation (3 Hours) offered by this
259 Multiple Listing Service within 60 days in person, or within 30 days online of their joined date.
260

261 **Section 1.1.1c.** No Programming Code in Listings: There shall be no programming code, e.g. HTML, Java
262 Script, Active X, etc., in any of the listing information (text, images, or other) entered into the MLS Database.
263

264 **Section 1.2.0, Accuracy of Listing Data.** Participants and subscribers are required to submit accurate listing
265 data and required to correct any known errors.
266

267 **Section 1.2. Detail on Listings Filed with the Service:** A listing agreement or property data form, when filed
268 with the Multiple Listing Service by the listing broker, shall be complete in every detail which is ascertainable
269 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 INFORMATION
272 section of the listing should not be agent sensitive data. (i.e. agent's name or phone number)
273

274 **Section 1.2b.** Verbiage is required if this is "Assignment of Contract" This is an Assignment of Contract, which
275 must close on _____ (insert date) at _____ (insert Closing/ Agent Company).
276
277

278 **Section 1.2.c.** 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 as
288 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 publicly
323 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 relationship
364 with the Listing Broker has been terminated, MLS may terminate the listing in the MLS Database and notify the
365 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 with
402 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 class
405 and once in the Residential property class. When the Listing Agent informs MLS which listing should be deleted
406 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 to
410 be rendered by Participants. Further, the Multiple Listing Service shall not fix, control, recommend, suggest, or
411 maintain the division of commissions or fees between cooperating Participants or between Participants and
412 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 prior
416 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 the
428 Service. (Amended 11/17)
429

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

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

453 the expelled Participant should be advised, in writing, of the intended removal so that the expelled Participant
454 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 MLS,
459 the resigned Participant should be advised, in writing, of the intended removal so that the resigned Participant
460 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 agent
463 who took the listing. The Multiple Listing Service prohibits the practice of entering any listings in an office under
464 the Broker/Manager's name unless that person actually is the listing agent who obtained the listing(s). Non-
465 participants may not enter their listings into the MLS under a participating agent's name. Failure to comply with
466 this Section may result in loss of MLS privileges.
467

468 **Section 2. Selling Procedures**

469 Showings and Negotiations: Appointments for showings and negotiations with the seller for the purchase of
470 listed property filed with the Multiple Listing Service shall be conducted through the listing broker, except under
471 the following circumstances:
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 soon
484 as possible, but no later than 24 hours, or give the cooperating broker a satisfactory reason for not doing so.
485 (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 termination
490 of an existing contract, the listing broker shall recommend that the seller obtain the advice of legal counsel prior
491 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 until
494 acceptance, and shall recommend that buyers and tenants obtain legal advice where there is a question about
495 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 been
522 funded. Status changes including final closing of sales and sale prices shall be reported to the Multiple Listing
523 Service by the listing broker within 3 Business Days after they have occurred. If negotiations were carried on
524 under Section 2(a) or (b) hereof, the cooperating broker shall report accepted offers and prices to the listing
525 broker 24 hours after occurrence and the listing broker shall report them to the MLS within 24 hours after
526 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 with
529 Contingency", Contingency Type "Third Party Approval" within twenty-four (24) hours of the time the contract
530 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 notice
534 of status changes of the listing to the MLS; and to provide sales information including selling price to the MLS
535 upon sale of the property. If deemed desirable by the MLS to publish sales information prior to final closing
536 (settlement) of a sales transaction, the listing agreement should also include a provision expressly granting the
537 listing broker the right to authorize dissemination of this information by the MLS to its Participants.
538

539 **Note 2: Florida is currently a disclosure state.** In disclosure states, if the sale price of a listed property is
540 recorded, the reporting of the sale price may be required by the MLS.

541 In states where the actual sale prices of completed transactions are not publicly accessible, failure to report
542 sale prices can result in disciplinary action only if the MLS:
543

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

627 **Division of Commissions**

628 **Section 5. Compensation Specified on Each Listing**

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

643
644 In filing a property with the Multiple Listing Service of an Association of REALTORS®, the Participant of the
645 Service is making blanket unilateral offers of compensation to the other MLS Participants, and shall therefore
646 specify on each listing filed with the Service, the compensation being offered to the other MLS Participants.
647 Specifying the compensation on each listing is necessary, because the cooperating broker has the right to know
648 what his compensation shall be prior to his endeavor to sell.* (Amended 11/96)

649
650 The listing broker retains the right to determine the amount of compensation offered to other Participants (acting
651 as subagents, buyer agents, or in other agency or non-agency capacities defined by law) which may be the
652 same or different. (Amended 11/96))

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

659
660 **Note 1:** The Association Multiple Listing Service shall not have a rule requiring the listing broker to disclose
661 the amount of total negotiated commission in his listing contract, and the Association Multiple Listing Service
662 shall not publish the total negotiated commission, on a listing, which has been submitted to the MLS by a
663 Participant. The Association Multiple Listing Service shall not disclose in any way the total commission
664 negotiated between the seller and the listing broker.

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

- 674
675 1. by showing a percentage of the gross selling price
676
677 2. by showing a definite dollar amount (Amended 5/10)
678

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

682
683 **Note 3:** The Multiple Listing Service shall make no rule on the division of commissions between Participants
684 and non-participants. This should remain solely the responsibility of the listing broker.
685

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

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

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

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

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

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

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

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

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

745 cooperating broker and a different commission if the sale/lease results through the efforts of a seller/landlord)
746 shall be disclosed by the listing broker by a key, code, or symbol as required by the MLS. The listing broker
747 shall, in response to inquiries from potential cooperating brokers, disclose the differential that would result in
748 either a cooperative transaction or, alternatively, in a sale/lease that results through the efforts of the
749 seller/landlord. If the cooperating broker is a buyer/tenant representative, the buyer/tenant representative must
750 disclose such information to their client before the client makes an offer to purchase. (Amended 01/02)

751
752 **Section 6. Service Fees and Charges**

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

755
756 **Service Charges**

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

759
760 Initial Participation Fee: An applicant for participation in the Service shall pay an application fee in accordance
761 with the current fee schedule to accompany the application. (Participation Applicant is the designated Broker)
762 (The amount charged is according to the current fee schedule)

763
764 Note: The initial participation fee shall approximate the cost of bringing the Service to the participant.

765
766 Recurring Participation Fee: The annual participation fee of each participant shall be a recurring participation
767 fee times each salesperson and licensed or certified appraiser who has access to and use of the service,
768 whether licensed as a broker, sales licensee, or licensed or certified appraiser who is employed by or affiliated
769 as an independent contractor with such participant. Payment of such fees shall be made on or before the first
770 day of the fiscal year of the Multiple Listing service. Fees shall be prorated on a monthly basis.

771
772 However, MLSs must provide participants the option of a no-cost waiver of MLS fees, dues, and charges
773 for any licensee or licensed or certified appraiser who can demonstrate subscription to a different MLS or
774 CIE where the principal broker participates. MLSs may, at their discretion, require ~~waiver recipients and~~
775 ~~their~~ that broker participants to sign a certification for nonuse of its MLS services by their licensees, which
776 can include penalties and termination of the waiver if violated.

777
778 Note 1: A Multiple Listing Service may elect to have such fees payable on a quarterly or even on a monthly
779 basis. However, added administrative services are necessitated by increased frequency of such payments.

780
781 Note 2: Multiple Listing Services that choose to include affiliated unlicensed administrative and clerical staff,
782 personal assistants, and/or individuals seeking licensure or certification as real estate appraisers among those
783 eligible for access to and use of MLS information as subscribers may, at their discretion, charge recurring fees.
784 (The amount charged is according to the current fee schedule) (Amended 11/17) **R**

785
786 Participation fees shall be payable annually in advance on or before December 31 for the following year.
787 Participation Fees received after the stated due date will be assessed a late fee according to the current fee
788 schedule. Failure to pay the late fee is considered non-payment of financial obligations.

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

791
792 **Section 7. Compliance with Rules Authority to Impose Discipline**

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

- 798 a. letter of warning
799 b. letter of reprimand
800 c. attendance at MLS orientation or other appropriate courses or seminars which the participant
801 or subscriber can reasonable attend taking into consideration cost, location, and duration
802 d. appropriate, reasonable fine not to exceed \$15,000
803 e. probation for a stated period of time not less than thirty (30) days nor more than one (1) year

- 804 e. suspension of MLS rights, privileges, and services for not less than thirty (30) days nor more
 805 than one (1) year
 806 f. termination of MLS rights, privileges, and services with no right to reapply for a specified period
 807 not to exceed three (3) years (Adopted 11/07)

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

818 **Note 2:** MLS participants and subscribers can receive no more than three (3) administrative sanctions in a
 819 calendar year before they are required to attend a hearing for their actions and potential violations of
 820 MLS rules, except that the MLS may allow more administrative sanctions for violations of listing
 821 information provided by participants and subscribers before requiring a hearing. The MLS must send a
 822 copy of all administrative sanctions against a subscriber to the subscriber's participant and the
 823 participant is required to attend the hearing of a subscriber who has received more than three (3)
 824 administrative sanctions within a calendar year. (Adopted 11/20)
 825

826
 827 **Section 7.1.** The following action may be taken for noncompliance with the rules:
 828

829 **(a)** For failure to pay any service charge or fee within one (1) month of the date due, and provided that at least
 830 ten (10) days' notice has been given, the Service shall be suspended until service charges or fees are paid in
 831 full
 832

833 **(b)** MLS Staff can correct infractions of the MLS Rules and Regulations and charge the Broker. The Broker will
 834 be notified of the infraction and given 48 hours to correct the problem. If the problem is not corrected in the
 835 time frame given, the Broker will be billed a fine. If the fine is not paid within the time allotted for bills due the
 836 Association, MLS services will be interrupted. Please see the fine schedule under Section 8)
 837

838 **(c)** For failure to comply with any other rule, the provisions of Sections 9 and 9.1 shall apply
 839

840 **Note:** Generally, warning, censure, and the imposition of a moderate fine are sufficient to constitute a deterrent
 841 to violation of the rules and regulations of the Multiple Listing Service. Suspension or termination is an extreme
 842 sanction to be used in cases of extreme or repeated violation of the rules and regulations of the Service. If the
 843 MLS desires to establish a series of moderate fines, they should be clearly specified in the rules and regulations.
 844 (Amended 11/88)
 845

846 **Section 7.2.** Applicability of Rules to Users and/or Subscribers: Non-principal brokers, sales licensees,
 847 appraisers, and others authorized to have access to information published by the MLS are subject to these
 848 rules and regulations and may be disciplined for violations thereof provided that the user or subscriber has
 849 signed an agreement acknowledging that access to and use of MLS information is contingent on compliance
 850 with the rules and regulations. Further, failure of any user or subscriber to abide by the rules and/or any sanction
 851 imposed for violations thereof can subject the Participant to the same or other discipline. This provision does
 852 not eliminate the Participant's ultimate responsibility and accountability for all users or subscribers affiliated with
 853 the Participant. (Adopted 4/92)
 854

855 Section 8 Table of Fines
 856

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</p> <p>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).

When requested by a complainant, the MLS will process a complaint without revealing the complainant's identity. If a complaint is subsequently forwarded to a hearing, and the original complainant does not consent to participating in the process, the MLS will appoint a representative to serve as the complainant. (Amended 11/20)

Section 9.1 Violations of Rules and Regulations

872 If the alleged offense is a violation of the rules and regulations of the service and does not involve a charge of
873 alleged unethical conduct or request for arbitration, it may be administratively considered and determined by
874 the board of directors of the service, and if a violation is determined, the board of directors may direct the
875 imposition of sanction, provided the recipient of such sanction may request a hearing before the professional
876 standards committee of the association in accordance with the bylaws and rules and regulations of Royal Palm
877 Coast REALTOR® Association, Inc. within twenty (20) days following receipt of the directors' decision.
878 (Amended 11/96)
879

880 If, rather than conducting an administrative review, the MLS has a procedure established to conduct hearings,
881 any appeal of the decision of the hearing tribunal may be appealed to the Board of Directors of the MLS
882 within twenty (20) days of the tribunal's decision. Alleged violations involving unethical conduct shall be
883 referred to the professional standards committee of the Royal Palm Coast REALTOR® Association, Inc. for
884 processing in accordance with the professional standards procedures of the association. If the charge alleges
885 a refusal to arbitrate, such charge shall be referred directly to the Board of Directors of the Royal Palm Coast
886 REALTOR® Association, Inc. (Amended 2/98)
887

888 **Section 9.2 Complaints of Unethical Conduct:** All other complaints of unethical conduct shall be referred to
889 the Professional Standards Administrator for appropriate action in accordance with the Professional Standards
890 procedures established in the Royal Palm Coast REALTOR® Association, Inc. Bylaws. (Amended 11/88)
891

892 **Section 10. Confidentiality of MLS Information**

893 Confidentiality of MLS Information: Any information provided by the Multiple Listing Service to the Participants
894 shall be considered official information of the Service. Such information shall be considered confidential and
895 exclusively for the use of Participants and real estate licensees affiliated with such Participants and those
896 Participants who are licensed or certified by an appropriate state regulatory agency to engage in the appraisal
897 of real property and licensed or certified appraisers affiliated with such Participants. (Amended 4/92)
898

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

904 MLSs are not required to track or report price change information other than the most recent increase or
905 decrease in the price of current listings. If such information (either with respect to a current listing or to prior
906 listings of that property) is tracked by an MLS and made available to participants and subscribers, neither it nor
907 any information from which it may be determined shall be classified as confidential nor may participants be
908 prohibited from making such information available to clients and customers pursuant to the same rules
909 governing dissemination of other non-confidential data fields. Classification as non-confidential does not
910 authorize inclusion of such information in advertisements, including IDX display, of other participants' listings.
911 (Adopted 5/10)
912

913 MLSs are not required to track or report days/time on market information (i.e., the length of time a property has
914 been listed for sale pursuant to a current listing agreement or prior listing agreements, whether with the same
915 or different listing brokers or firms). If such information is tracked by an MLS and made available to participants
916 and subscribers, neither it nor any information from which it may be determined (such as the current list date,
917 or prior list and expiration dates) shall be classified as confidential, nor may participants be prohibited from
918 making such information available to clients or customers pursuant to the same rules governing dissemination
919 of other non-confidential data fields. Classification as non-confidential inclusion of such information in
920 advertisements, including IDX display, of other participants' listings as a matter of local option. (Adopted 5/10)
921

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

923 By the act of submitting any property listing content to the MLS, the participant represents and warrants that he
924 or she is fully authorized to license the property listing content as contemplated by and in compliance with this
925 section and these rules and regulations, and also thereby does grant to the MLS license to include the property
926 listing content in its copyrighted MLS compilation and also in any statistical report on comparables. Listing
927 content includes, but is not limited to, photographs, images, graphics, audio and video recordings, virtual tours,
928 drawings, descriptions, remarks, narratives, pricing information, and other details or information related to listed
929 property. (Amended 5/06)
930

931 Each participant who submits listing content to the MLS agrees to defend and hold the MLS and every other
932 participant harmless from and against any liability or claim arising from any inaccuracy of the submitted listing
933 content or any inadequacy of ownership, license, or title to the submitted listing content.
934

935 If a MLS participant submits photographs of any format to the MLS, then the MLS participant is representing
936 that the participant has the right to authorize and is authorizing the MLS to publish the photograph anywhere
937 the MLS data is intended to appear. With becoming a participant the broker indemnifies the MLS in the event
938 of any litigation relating to the reproduction of the photograph by the MLS or other authorized entities. Copying
939 photos for valuation purposes is an authorized use. Unauthorized copying of photos is a violation subject to fine
940 and removal of pictures.
941

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

947 One safe harbor limits the liability of an OSP that hosts a system, network or website on which Internet users
948 may post user-generated content. If an OSP complies with the provisions of this DMCA safe harbor,
949 it cannot be liable for copyright infringement if a user posts infringing material on its website. This
950 protects an OSP from incurring significant sums in copyright infringement damages, as statutory
951 damages are as high as \$150,000 per work. For this reason, it is highly recommended that MLSs,
952 participants and subscribers comply with the DMCA safe harbor provisions discussed herein.
953

954 To qualify for this safe harbor, the OSP must:

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

968 Full compliance with these DMCA safe harbor criteria will mitigate an OSP’s copyright infringement liability. For
969 more information see 17 U.S.C. §512.
970

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

975 **Section 11.1.** All right, title, and interest in each copy of every Multiple Listing compilation created and
976 copyrighted by the Florida Gulf Coast Multiple Listing Service, Inc. and in the copyrights therein, shall at all
977 times remain vested in the Florida Gulf Coast Multiple Listing Service, Inc.
978

979 **Section 11.2.** Each participant shall be entitled to lease a number of copies of each MLS compilation sufficient
980 to provide the participant and each person affiliated as a licensee (including licensed or certified appraisers)
981 with such participant with one copy of such compilation. The participant shall pay for each such copy the rental
982 fee set by the association.
983

984 Participants shall acquire by such lease only the right to use the MLS compilation in accordance with these
985 rules.

986
987 **Section 12. Use of Copyrighted MLS Compilations**
988 Distribution: Participants shall, at all times, maintain control over and responsibility for each copy of any MLS
989 compilation and shall not distribute any such copies to persons other than subscribers who are affiliated with
990 such Participant as licensees, those individuals who are licensed or certified by an appropriate state regulatory
991 agency to engage in the appraisal of real property, and any other subscribers as authorized pursuant to the
992 governing documents of the MLS. Use of information developed by or published by an Association Multiple
993 Listing Service is strictly limited to the activities authorized under a Participant's licensure(s) or certification, and
994 unauthorized uses are prohibited. Further, none of the foregoing is intended to convey "Participation" or
995 "Membership" or any right of access to information developed or published by a Board Multiple Listing Service
996 where access to such information is prohibited by law. (Amended 4/92)

997
998 **Section 12.1.** Display: Participants and those persons affiliated as licensees with such Participants shall be
999 permitted to display the MLS compilation to prospective purchasers only in conjunction with their ordinary
1000 business activities of attempting to locate ready, willing, and able buyers for the properties described in said
1001 MLS compilation.

1002
1003 **Section 12.2.** Reproduction: Participants or their affiliated licensees shall not reproduce any MLS compilation
1004 or any portion thereof, except in the following limited circumstances.

1005
1006 Participants or their affiliated licensees may reproduce from the MLS compilation and distribute to prospective
1007 purchasers a reasonable* number of single copies of property listing data contained in the MLS compilation
1008 which relate to any properties in which the prospective purchasers are or may, in the judgment of the Participant
1009 or their affiliated licensees, be interested.

1010 Reproductions made in accordance with this rule shall be prepared in such a fashion that the property listing
1011 data of properties other than that in which the prospective purchaser has expressed interest, or in which the
1012 Participant or the affiliated licensees are seeking to promote interest, does not appear on such reproduction.

1013 Nothing contained herein shall be construed to preclude any Participant from utilizing, displaying, distributing,
1014 or reproducing property listing sheets or other compilations of data pertaining exclusively to properties currently
1015 listed for sale with the Participant.

1016 Any MLS information, whether provided in written or printed form, provided electronically, or provided in any
1017 other form or format, is provided for the exclusive use of the Participant and those licensees affiliated with the
1018 Participant who are authorized to have access to such information. Such information may not be transmitted,
1019 retransmitted, or provided in any manner to any unauthorized individual, office, or firm.

1020
1021 None of the foregoing shall be construed to prevent any individual legitimately in possession of current listing
1022 information, sold information, comparables, or statistical information from utilizing such information to support
1023 valuations on a particular properties for clients and customers. Any MLS content in data feeds available to
1024 participants for real estate brokerage purposes must also be available to participants for valuation purposes,
1025 including automated valuations. MLSs must either permit use of existing data feeds, or create a separate data
1026 feed, to satisfy this requirement. MLSs may require execution of a third-party license agreement where deemed
1027 appropriate by the MLS. MLSs may require participants who will use such data feeds to pay the reasonably
1028 estimated costs incurred by the MLS in adding or enhancing its downloading capacity for this purpose. may
1029 not be used as supporting documentation. Any other use of such information is unauthorized and prohibited by
1030 these rules and regulations.(Amended 05/14) M

1031
1032 *It is intended that the Participant be permitted to provide prospective purchasers with listing data relating to
1033 properties which the prospective purchaser has a bona fide interest in purchasing or in which the Participant is
1034 seeking to promote interest. The term reasonable, as used herein, should therefore be construed to permit
1035 only limited reproduction of property listing data intended to facilitate the prospective purchaser's decision-
1036 making process in the consideration of a purchase. Factors which shall be considered in deciding whether the
1037 reproductions made are consistent with this intent and thus reasonable in number, shall include, but are not
1038 limited to, the total number of listings in the MLS compilation, how closely the types of properties contained in
1039 such listings accord with the prospective purchaser's expressed desires and ability to purchase, whether the
1040 reproductions were made on a selective basis, and whether the type of properties contained in the property
1041 listing data is consistent with a normal itinerary of properties which would be shown to the prospective
1042 purchaser.

1043 **Section 13. Use of MLS Information**

1044 Limitations on Use of MLS Information: Use of information from MLS compilation of current listing information,
1045 from the Association's statistical report, or from any sold or comparable report of the Association or MLS for
1046 public mass-media advertising by an MLS Participant or in other public representations, may not be prohibited.
1047 However, any print or non-print forms of advertising or other forms of public representations based in whole or
1048 in part on information supplied by the Board or its MLS must clearly demonstrate the period of time over which
1049 such claims are based and must include the following, or substantially similar, notice:
1050

1051 Based on information from the Florida Gulf Coast Multiple Listing Service, Inc. for the period (date) through
1052 (date). (Amended 11/93)
1053

1054 **Section 14. Changes in Rules and Regulations**

1055 Amendments to the rules and regulations of the Service shall be by a majority vote of the Members of the
1056 Multiple Listing Service Committee, subject to approval by the Multiple Listing Service Board of Directors of the
1057 Association of REALTORS®.
1058

1059 **Section 15. Arbitration of Disputes**

1060 By becoming and remaining a Participant, each Participant agrees to arbitrate disputes involving contractual
1061 issues and questions, and specific non-contractual issues and questions defined in Standard of Practice 17-4
1062 of the Code of Ethics with MLS Participants in different firms arising out of their relationships as MLS
1063 Participants subject to the following qualifications. (Amended 11/97)

1064 (a) If all disputants are members of the same Association of Realtors® or have their principal place of business
1065 within the same Board's territorial jurisdiction, they shall arbitrate pursuant to the procedures of that Association
1066 of Realtors®.

1067 (b) If the disputants are members of different Associations of Realtors® or if their principal place of business is
1068 located within the territorial jurisdiction of different Associations of Realtors®, they remain obligated to arbitrate
1069 in accordance with the procedures of the Florida Realtors®.
1070

1071 Interboard Arbitration Procedures: Arbitration shall be conducted in accordance with any existing interboard
1072 agreement or, alternatively, in accordance with the Interboard Arbitration Procedures in the Code of Ethics and
1073 Arbitration Manual of the National Association of Realtors. Nothing herein shall preclude Participants from
1074 agreeing to arbitrate the dispute before a particular Association of Realtors®. (Amended 11/98)
1075

1076 Awards: The obligation to arbitrate includes the duty to either 1) pay an award to the party(ies) named in the
1077 award or 2) deposit the funds with the Professional Standards Administrator to be held in an escrow or trust
1078 account maintained for this purpose. Failure to satisfy the award or deposit the funds with the association
1079 within ten (10) days may be considered a violation of the MLS rules and may subject the Participant to
1080 disciplinary action at the sole discretion of the MLS. (amended 11/98)
1081

1082 **Section 16. Standards of Conduct for MLS Participants**

1083 **Section 16.1.** MLS Participants shall not engage in any practice or take any action inconsistent with exclusive
1084 representation or exclusive brokerage relationship agreements that other MLS Participants have with clients.
1085 (Amended 1/2004)
1086

1087 **Section 16.2.** Signs giving notice of property for sale, rent, lease, or exchange shall not be placed on property
1088 without consent of the seller/landlord.
1089

1090 **Section 16.2.1.** MLS participants' firm websites shall disclose the firm's name and state(s) of licensure in a
1091 reasonable and readily apparent manner.
1092

1093 Websites of licensees affiliated with a participant's firm shall disclose the firm's name and the licensee's
1094 state(s) of licensure in a reasonable and readily apparent manner. (Adopted 08/2008)
1095

1096 **Section 16.3.** MLS Participants acting as subagents or as buyer/tenant representatives or brokers, shall not
1097 attempt to extend a listing broker's offer of cooperation and/or compensation to other brokers without the
1098 consent of the listing broker. (Amended 1/2004)
1099

1100 **Section 16.4.** MLS Participants shall not solicit any listings currently listed exclusively with another broker.
1101 However, if the listing broker, when asked by the MLS Participant, refuses to disclose the expiration date and

1102 nature of such listing (i.e., an exclusive right to sell, an exclusive agency, open listing, or other form of
1103 contractual agreement between the listing broker and the client) the MLS Participant may contact the owner
1104 to secure such information and may discuss the terms upon which the MLS Participant might take a future
1105 listing or, alternatively, may take a listing to become effective upon expiration of any existing exclusive listing.
1106

1107 **Section 16.5.** MLS Participants shall not solicit buyer/tenant agreements from buyers/tenants who are subject
1108 to exclusive buyer/tenant agreements. However, if asked by an MLS Participant, the broker refuses to disclose
1109 the expiration date of the exclusive buyer/tenant agreement, the MLS Participant may contact the buyer/tenant
1110 to secure such information and may discuss the terms upon which the MLS Participant might enter into a future
1111 buyer/tenant agreement or, alternatively, may enter into a buyer/tenant agreement to become effective upon
1112 the expiration of any existing exclusive buyer/tenant agreement. (Amended 1/98)
1113

1114 **Section 16.6.** MLS Participants shall not use information obtained from listing brokers through offers to
1115 cooperate made through multiple listing services or through other offers of cooperation to refer listing brokers'
1116 clients to other brokers or to create buyer/tenant relationships with listing brokers' clients, unless such use is
1117 authorized by the listing brokers.
1118

1119 **Section 16.7.** The fact that an agreement has been entered into with an MLS Participant shall not preclude or
1120 inhibit any other MLS Participant from entering into a similar agreement after the expiration of the prior
1121 agreement. (Amended 1/98)
1122

1123 **Section 16.8.** The fact that a prospect has retained a MLS Participant as an exclusive representative or
1124 exclusive broker in one or more past transactions does not preclude other MLS Participants from seeking
1125 such prospect's future business. (Amended 01/04)
1126

1127 **Section 16.9.** MLS Participants are free to enter into contractual relationships or to negotiate with
1128 sellers/landlords, buyers/tenants or others who are not subject to an exclusive agreement but shall not
1129 knowingly obligate them to pay more than one commission except with their informed consent. (Amended 1/98)
1130

1131 **Section 16.10.** When MLS Participants are contacted by the client of another MLS Participant regarding the
1132 creation of an exclusive relationship to provide the same type of service, and MLS Participants have not directly
1133 or indirectly initiated such discussions, they may discuss the terms upon which they might enter into a future
1134 agreement or, alternatively, may enter into an agreement which becomes effective upon expiration of any
1135 existing exclusive agreement.
1136 (Amended 1/98)
1137

1138 **Section 16.11.** In cooperative transactions, MLS Participants shall compensate cooperating MLS Participants
1139 (principal brokers) and shall not compensate nor offer to compensate, directly or indirectly, any of the sales
1140 licensees employed by or affiliated with other MLS participants without the prior express knowledge and consent
1141 of the cooperating broker.
1142

1143 **Section 16.12.** MLS Participants are not precluded from making general announcements to prospects
1144 describing their services and the terms of their availability even though some recipients may have entered into
1145 agency agreements or other exclusive relationships with another MLS Participant. A general telephone
1146 canvass, general mailing or distribution addressed to all prospects in a given geographical area or in a given
1147 profession, business, club, or organization, or other classification or group is deemed "general" for purposes
1148 of this standard. (Amended 1/04)
1149

1150 The following types of solicitations are prohibited:
1151

1152 Telephone or personal solicitations of property owners who have been identified by a real estate sign, multiple
1153 listing compilation, or other information service as having exclusively listed their property with another MLS
1154 Participant; and mail or other forms of written solicitations of prospects whose properties are exclusively listed
1155 with another MLS Participant when such solicitations are not part of a general mailing but are directed
1156 specifically to property owners identified through compilations of current listings, "for sale" or "for rent" signs,
1157 or other sources of information intended to foster cooperation with MLS Participants.
1158

1159 **Section 16.13.** MLS Participants, prior to entering into a representation agreement, have an affirmative
1160 obligation to make reasonable efforts to determine whether the prospect is subject to a current, valid

1161 exclusive agreement to provide the same type of real estate service. (Amended 2004)
1162
1163 **Section 16.14.** MLS Participants, acting as buyer or tenant, representatives or brokers, shall disclose that
1164 relationship to the seller/landlord's representative or broker at first contact and shall provide written
1165 confirmation of that disclosure to the seller/landlord's representative or broker not later than execution of a
1166 purchase agreement or lease. (Amended 2004)
1167
1168 **Section 16.15.** On unlisted property, MLS Participants acting as buyer/tenant representatives or brokers shall
1169 disclose that relationship to the seller/landlord at first contact for that buyer/tenant and shall provide written
1170 confirmation of such disclosure to the seller/landlord not later than execution of any purchase or lease
1171 agreement.
1172 MLS Participants shall make any request for anticipated compensation from the seller/landlord at first contact.
1173 (Amended 2004)
1174
1175 **Section 16.16.** MLS Participants, acting as representatives or brokers of sellers/landlords or as subagents of
1176 listing brokers, shall disclose that relationship to buyers/tenants as soon as practicable and shall provide
1177 written confirmation of such disclosure to buyers/tenants not later than execution of any purchase or lease
1178 agreement. (Amended 2004)
1179
1180 **Section 16.17.** MLS Participants are not precluded from contacting the client of another broker for the
1181 purpose of offering to provide, or entering into a contract to provide, a different type of real estate service
1182 unrelated to the type of service currently being provided (e.g., property management as opposed to
1183 brokerage) or from offering the same type of service for property not subject to other brokers' exclusive
1184 agreements. However, information received through a Multiple Listing Service or any other offer of
1185 cooperation may not be used to target clients of other MLS Participants to whom such offers to provide
1186 services may be made. (Amended 2004)
1187
1188 **Section 16.18.** MLS Participants acting as subagents or buyer/tenant representatives or brokers, shall not
1189 use the terms of an offer to purchase/lease to attempt to modify the listing broker's offer of compensation to
1190 subagents or buyer tenant representatives or brokers nor make the submission of an executed offer to
1191 purchase/lease contingent on the listing broker's agreement to modify the offer of compensation. (Amended
1192 2004)
1193
1194 **Section 16.19.** All dealings concerning property exclusively listed, or with buyer/tenants who are subject to an
1195 exclusive agreement shall be carried on with the client's representative or broker, and not with the client,
1196 except with the consent of the client's representative or broker or except where such dealings are initiated by
1197 the client.
1198 Before providing substantive services (such as writing a purchase offer or presenting a CMA) to MLS
1199 Participants shall ask prospects whether they are a party to any exclusive representation agreement. MLS
1200 Participants shall not knowingly provide substantive services concerning a prospective transaction to
1201 prospects who are parties to exclusive representation agreements, except with the consent of the prospects'
1202 exclusive representatives or at the direction of prospects. (Amended 2004)
1203
1204 **Section 16.20.** Participants, users, and subscribers, prior to or after their relationship with their current firm is
1205 terminated, shall not induce clients of their current firm to cancel exclusive contractual agreements between
1206 the client and that firm. This does not preclude Participants from establishing agreements with their
1207 associated licensees governing assignability of exclusive agreements. (Adopted 1/98, Amended 01/10)
1208
1209
1210 **Section 16.21.** These rules are not intended to prohibit ethical, albeit aggressive or innovative business
1211 practices, and do not prohibit disagreements with other MLS Participants involving commission, fees,
1212 compensation, or other forms of payment or expenses.
1213
1214 **Section 16.22.** MLS Participants shall not knowingly or recklessly make false or misleading statements about
1215 other real estate professionals, their businesses, or their business practices.
1216
1217 **Section 16.23.** MLS participants' firm websites shall disclose the firm's name and state(s) of licensure in a
1218 reasonable and readily apparent manner.
1219

1220 Websites of licensees affiliated with a participant's firm shall disclose the firm's name and the licensee's state(s)
1221 of licensure in a reasonable and readily apparent manner. (Adopted 11/07)
1222

1223 **Section 16.24.** MLS participants shall present a true picture in their advertising and representations to the
1224 public, including the URLs and domain names they use, and participants may not:

- 1225
- 1226 a. engage in deceptive or unauthorized framing of real estate brokerage websites;
- 1227 b. manipulate (e.g., presenting content developed by others) listing content in any way that
1228 produces a deceptive or misleading result; or
- 1229 c. deceptively uses meta tags, keywords or other devices/methods to direct, drive, or divert
1230 Internet traffic.
- 1231 d. present content developed by others without either attribution or without permission; or
1232 otherwise mislead consumers. (Amended 01/13)
1233

1234 **Section 16.25.** Participants shall not deliberately mislead property owners/buyers as to the market value of the
1235 property.
1236

1237 The services which MLS participants provide to their clients and customers shall conform to the standards of
1238 practice and competence which are reasonable expected in the specific real estate disciplines in which they
1239 engage; specifically, residential real estate brokerage, real property management, commercial and industrial
1240 real estate brokerage, land brokerage, real estate appraisal, real estate counseling, real estate syndication, real
1241 estate auction, and international real estate.

1242 MLS participants shall not undertake to provide specialized professional services concerning a type of property
1243 or service that is outside their field of competence unless they engage the assistance of one who is competent
1244 on such types of property or service, or unless the facts are fully disclosed to the client. Any persons engaged
1245 to provide such assistance shall be so identified to the client and their contribution to the assignment should be
1246 set forth. (Adopted 11/09)
1247

1248 Section 16.26 & Meetings

1249 The meetings of the participants in the service or the Board of Directors of the Multiple Listing Service for the
1250 transaction of business of the service shall be held in accordance with the provisions of Article 7, Bylaws of the
1251 Service
1252

1253 **Section 17. Orientation**

1254 It will be mandatory for all new members to attend MLS orientation (3 Hours) offered by this Multiple Listing
1255 Service within 60 days in person or 30 days online of their joined date.

1256 Any applicant for MLS Participation and any licensee affiliated with an MLS Participant who has access to and
1257 use of MLS-generated information shall complete an orientation program devoted to the MLS rules and
1258 regulations and/or computer training related to MLS information entry and retrieval and the operation of the
1259 MLS. Classes are offered online and in person. (Amended 11/18)
1260

1261 Any applicant for MLS Participation and any licensee affiliated with an MLS Participant who has access to and
1262 use of MLS-generated information shall complete a MLS Basic Class within 90 days of joining or their MLS
1263 access will be suspended. (Amended 03/08)
1264

1265 Participants and subscribers may be required, at the discretion of the MLS, to complete additional training of
1266 not more than four (4) classroom hours in any twelve (12) month period when deemed necessary by the MLS
1267 to familiarize participants and subscribers with system changes or enhancement and/or changes to MLS rules
1268 or policies.

1269 Participants and subscribers must be given the opportunity to complete any mandated additional training
1270 remotely. (Amended 02/10)
1271

1272 **Internet Data Exchange ("IDX")**

1273 The IDX policy gives MLS participants the ability to authorize limited electronic display of their listings by other
1274 participants. (Adopted 05/12)
1275

1276 Associations of Realtors® and their multiple listing services must enable MLS participants to display aggregated
1277 MLS listing information by specified electronic means in accordance with this policy. Requests for IDX
1278 feeds/downloads must be acted on by the MLS within five (5) business days from receipt, barring extenuating

1279 circumstances related to an individual's qualification for MLS Participation, and review of the participant's and
1280 vendor's use of the IDX information consistent with the MLS rules, in which case an estimated time of approval
1281 or denial must be issued. Electronic display subject to this policy means displays on participants' public websites
1282 and displays using applications for mobile devices that participants control. For purposes of this policy "control"
1283 means participants must have the ability to add, delete, modify and update information as required by this
1284 policy. All displays of IDX listings must also be under the actual and apparent control of the participant, and
1285 must be presented to the public as being the participant's display. Actual control requires that the participant
1286 has developed the display, or caused the display to be developed for the participant pursuant to an agreement
1287 giving the participant authority to determine what listings will be displayed, and how those listings will be
1288 displayed. Apparent control requires that a reasonable consumer viewing the participant's display will
1289 understand the display is the participant's, and that the display is controlled by the participant. Factors
1290 evidencing control include, but are not limited to, clear identification of the name of the brokerage firm under
1291 which the participant operates in a readily visible color and typeface, except as otherwise provided for in this
1292 policy (e.g., displays of minimal information). All electronic display of IDX information conducted pursuant to
1293 this policy must comply with state law and regulations, and MLS rules. Any display of IDX information must be
1294 controlled by the participant, including the ability to comply with this policy and applicable MLS rules. (Amended
1295 05/15)

1296
1297 To comply with this requirement MLSs must, if requested by a participant, promptly provide basic downloading
1298 of all active listings, a minimum of three (3) years sold* listing data, non-confidential pending sale listing data,
1299 and other listings authorized under applicable MLS rules and may not exclude any listings from the information
1300 which can be downloaded or displayed under IDX except those listings for which a participant has withheld
1301 consent, or listings for which the seller has prohibited Internet display. Associations and MLSs can also offer
1302 alternative display options including framing of board, MLS, or other publicly-accessible sites displaying
1303 participants' listings (with permission of the framed site). For purposes of this policy, "downloading" means
1304 electronic transmission of data from MLS servers to participants' servers on a persistent or transient basis, at
1305 the discretion of the MLS. The MLS's IDX download must be refreshed to accurately reflect all updates and
1306 status changes no less frequently than every twelve (12) hours. Data transmitted must exclude the listing or
1307 property address, respectively, of any seller who affirmatively directs that the listing or the property address not
1308 appear on the Internet or other electronic forms of display or distribution. (Amended 11/15)

1309
1310 ***Note:** If "sold" information is not publicly accessible, sold listings can be removed from the MLSs' IDX
1311 feeds/downloads. "Publicly accessible" sold information as used in IDX policy and rules, means data that is
1312 available electronically or in hard copy to the public from city, county, state and other government records.
1313 MLSs must provide for its Participants' IDX displays publicly accessible sold information maintained by the MLS
1314 for at least the last three (3) years. (Amended 05/15)

1315
1316 MLSs that allow persistent downloading of the MLS database by participants for display or distribution on the
1317 Internet or by other electronic means may require that participants' websites (1) utilize appropriate security
1318 protection, such as firewalls, provided that any security obligations imposed on participants may not be greater
1319 than those employed concurrently by the MLS, and/or (2) maintain an audit trail of consumer activity on
1320 participants' websites and make that information available to the MLS if the MLS has reason to believe that a
1321 participant's IDX website has caused or permitted a breach in the security of the data or a violation of MLS rules
1322 related to use by consumers. This policy does not require associations or MLSs to establish publicly accessible
1323 sites displaying participants' listings. (Amended 05/12)

1324
1325 Unless state law requires prior written consent from listing brokers, listing brokers' consent for IDX display may
1326 be presumed unless a listing broker affirmatively notifies the MLS that the listing broker refuses to permit display
1327 (either on a blanket or on a listing-by-listing basis). If a participant refuses on a blanket basis to permit IDX
1328 display of that participant's listings, then that participant may not display the aggregated MLS data of other
1329 participants on an IDX site.

1329
1330 Alternatively, MLSs may require that participants' consent for IDX display of their listings by other participants
1331 be affirmatively established in writing. Even where participants have given blanket authority for other
1332 participants' IDX display of their listings, such consent may be withdrawn on a listing-by-listing basis as
1333 instructed by the seller. (Amended 05/12)

1334
1335 Access to MLS databases, or any part of such databases, may not be provided to any person or entity not
1336 expressly authorized such access under the MLS rules. (Amended 11/09)

1337 Participants' Internet websites and other authorized display mechanisms may also provide other features,
1338 information, or services in addition to IDX information (including Virtual Office Website ["VOW"] functions) which
1339 are not subject to this policy. (Amended 05/12)
1340

1341 **Policies Applicable to Participants' IDX Websites and Displays**
1342

1343 **1.** Participants must notify the MLS of their intention to display IDX information and give the MLS direct access
1344 for purposes of monitoring/ensuring compliance with applicable rules and policies. (Amended 05/12)
1345

1346 **2.** MLS participants may not use IDX-provided listings for any purpose other than IDX display. This does not
1347 require participants to prevent indexing of IDX listings by recognized search engines. (Amended 05/12)
1348

1349 **3.** Listings or property addresses of sellers who have directed their listing brokers to withhold their listing or
1350 property address from display on the Internet (including, but not limited to, publicly accessible websites or
1351 VOWs) shall not be accessible via IDX display (Amended 05/12)
1352

1353 **4.** Participants may select the IDX listings they choose to display based only on objective criteria including,
1354 but not limited to, factors such as geography or location ("uptown", "downtown", etc.), list price, type of
1355 property (e.g. condominiums, cooperatives, single family detached, multi-family), cooperative compensation
1356 offered by listing brokers, type of listing (e.g. exclusive right-to-sell or exclusive agency), or the level of service
1357 provided by the listing firm. Selection of IDX listings to be displayed must be independently made by each
1358 participant. (Amended 05/12)
1359

1360 **5.** Participants must refresh all MLS downloads and displays automatically fed by those downloads not less
1361 frequently than every twelve (12) hours. (Amended 11/14)
1362

1363 **6.** Except as provided elsewhere in this policy or elsewhere in an MLS's rules and regulations, an IDX display
1364 or participant engaging in IDX display may not distribute, provide, or make any portion of the MLS database
1365 available to any person or entity. (Amended 05/12)
1366

1367 **7.** When displaying listing content, a participant's or user's IDX display must clearly identify the name of the
1368 brokerage firm under which they operate in a readily visible color and typeface. This policy acknowledges
1369 that certain required disclosures may not be possible in displays of minimal information (e.g., "thumbnails,"
1370 text messages, "tweets," etc., of 200 characters or less). Such displays are exempt from the disclosure
1371 requirements established in this policy but only when linked directly to a display that includes all required
1372 disclosures. (Amended 05/12)
1373

1374 **8.** With respect to any participant's IDX display that
1375

1376 a. allows third-parties to write comments or reviews about particular listings or displays a hyperlink to such
1377 comments or reviews in immediate conjunction with particular listings, or
1378

1379 b. displays an automated estimate of the market value of the listing (or hyperlink to such estimate) in
1380 immediate conjunction with the listing, either or both of those features shall be disabled or discontinued with
1381 respect to the seller's listing at the request of the seller. The listing broker or agent shall communicate to the
1382 MLS that the seller has elected to have one or both of these features disabled or discontinued by all
1383 participants Except for the foregoing and subject to paragraph 9, a participant's IDX display may
1384 communicate the participant's professional judgment concerning any listing. Nothing shall prevent an IDX
1385 display from notifying customers that a particular feature has been disabled at the request of the
1386 seller. (Amended 05/12)
1387

1388 **9.** Participants shall maintain a means (e.g. e-mail address, telephone number) to receive comments about the
1389 accuracy of any data or information that is added by or on behalf of the participant beyond that supplied by the
1390 MLS and that relates to a specific property. The participant shall correct or remove any false data or information
1391 relating to a specific property upon receipt of a communication from the listing broker or listing agent for that
1392 property explaining why the data or information is false. However, the participant shall not be obligated to
1393 remove or correct any data or information that simply reflects good faith opinion, advice, or professional
1394 judgment. (Amended 05/12)

1395 10. An MLS Participant (or where permitted locally, an MLS subscriber) may co-mingle the listings of other
1396 brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays are
1397 consistent with the IDX rules, and the MLS Participant (or MLS subscriber) holds participatory rights in those
1398 MLSs. As used in this policy, “co-mingling” means that consumers are able to execute a single property search
1399 of multiple IDX data feeds resulting in the display of IDX information from each of the MLSs on a single search
1400 results page; and that Participants may display listings from each IDX feed on a single webpage or display.
1401 (Adopted 11/14)

1402
1403 **Section 18. IDX Defined**
1404 IDX affords MLS Participants the ability to authorize limited electronic display of their listings by other
1405 participants via the following authorized mediums under the participant’s control: websites, mobile apps, and
1406 audio devices. As used throughout these rules, “display” includes “delivery” of such listing. **M** (Amended 5/17).
1407 (Amended 05/17)

1408
1409 **Section 18.1.**
1410 Participants' consent for display of their listings by other Participants pursuant to these rules and regulations is
1411 presumed unless a Participant affirmatively notifies the MLS that the Participant refuses to permit display (either
1412 on a blanket or on a listing-by-listing basis). If a Participant refuses on a blanket basis to permit the display of
1413 that Participant's listings, that Participant may not download, frame or display the aggregated MLS data of other
1414 Participants. Even where participants have given blanket authority for other participants to display their listings
1415 on IDX sites, such consent may be withdrawn on a listing-by-listing basis where the seller has prohibited all
1416 Internet display *or other electronic forms of display or distribution*. **M** (Amended 05/17)

1417
1418 **Section 18.2.** Participation in IDX is available to all MLS participants who consent to display of their listings
1419 by other participants.

1420
1421 **Section 18.2.1.** Participants must notify the MLS of their intention to display IDX information and must give
1422 the MLS direct access for purposes of monitoring/ensuring compliance with applicable rules and policies.
1423 (Amended 05/12)

1424
1425 **Section 18.2.2.** MLS participants may not use IDX-provided listings for any purpose other than display as
1426 provided for in these rules. This does not require participants to prevent indexing of IDX listings by
1427 recognized search engines. (Amended 05/12)

1428
1429 **Section 18.2.3.** Listings, including property addresses, can be included in IDX displays except where a sellers
1430 has directed their listing brokers to withhold their listing or the listing’s property address from all display on the
1431 Internet (including, but not limited to, publicly-accessible websites or VOWs, or other forms of electronic display
1432 or distribution. (Amended 11/17)

1433 **Section 18.2.4.** Participants may select the listings they chose display on their IDX sites based only on objective
1434 criteria including, but not limited to, factors such as geography or location (“uptown”, “downtown”, etc.), list price,
1435 type of property, (e.g., condominiums, cooperatives, single-family detached, multi-family), cooperative
1436 compensation offered by listing brokers, type of listing (e.g., exclusive right to sell, or exclusive agency), or the
1437 level of service being provided by the listing firm. Selection of listings displayed through IDX sites must be
1438 independently made by each Participant. (Amended 11/17)

1439
1440 **Section 18.2.5.** Participants must refresh all MLS downloads and IDX displays automatically fed by those
1441 downloads not less frequently than every 12 hours. (Amended 11/14)

1442
1443 **Section 18.2.6.** Except as provided in the IDX policy and these rules, an IDX site or a participant or user
1444 operating an IDX site or displaying IDX information as otherwise permitted may not distribute, provide, or make
1445 any portion of the MLS database available to any person or entity. (Amended 05/12)

1446
1447 **Section 18.2.7.** Any IDX display controlled by a participant must clearly identify the name of the brokerage firm
1448 under which they operate in a readily visible color and typeface. For purposes of the IDX policy and these rules,
1449 “control” means the ability to add, delete, modify and update information as required by the IDX policy and MLS
rules. (Amended 05/12)

1450 **Section 18.2.8.** Any IDX display controlled by a participant or subscriber that

- 1451 a. allows third-parties to write comments or reviews about particular listings or displays a hyperlink to such
1452 comments or reviews in immediate conjunction with particular listings, or
1453 b. displays an automated estimate of the market value of the listing (or hyperlink to such estimate) in
1454 immediate conjunction with the listing,

1455 either or both of those features shall be disabled or discontinued the seller's listings at the request of the
1456 seller. The listing broker or agent shall communicate to the MLS that the seller has elected to have one or both
1457 of these features disabled or discontinued on all displays controlled by participants. Except for the foregoing
1458 and subject to Section 18.2.9, a participant's IDX display may communicate the participant's professional
1459 judgment concerning any listing. Nothing shall prevent an IDX display from notifying its customers that a
1460 particular feature has been disabled at the request of the seller. (Amended 05/12)

1461 **Section 18.2.9.** Participants shall maintain a means (e.g., e-mail address, telephone number) to receive
1462 comments about the accuracy of any data or information that is added by or on behalf of the participant beyond
1463 that supplied by the MLS and that relates to a specific property Participants shall correct or remove any false
1464 data or information relating to a specific property upon receipt of a communication from the listing broker or
1465 listing agent for the property explaining why the data or information is false. However, participants shall not be
1466 obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or
1467 professional judgment. (Amended 05/12)
1468

1469 **Section 18.2.10.**

1470 An MLS Participant (or where permitted locally, an MLS Subscriber) may co-mingle the listings of other brokers
1471 received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays are
1472 consistent with the IDX rules, and the MLS Participant (or MLS Subscriber) holds participatory rights in those
1473 MLSs. As used in this policy, "co-mingling" means that consumers are able to execute a single property search
1474 of multiple IDX data feeds resulting in the display of IDX information from each of the MLSs on a single search
1475 results page; and that Participants may display listings from each IDX feed on a single webpage or display.
1476 (Adopted 11/14)
1477

1478 **Section 18.2.11**

1479 Participants shall not modify or manipulate information relating to other participants listings. MLS Participants
1480 may augment their IDX display of MLS data with applicable property information from other sources to appear
1481 on the same webpage or display, clearly separated by the data supplied by the MLS. The source(s) of the
1482 information must be clearly identified in the immediate proximity to such data. This requirement does not
1483 restrict the format of MLS data display or display of fewer than all of the available listings or fewer authorized
1484 fields.
1485

1486 **Section 18.2.12**

1487 All listings displayed pursuant to IDX shall identify the listing firm in a reasonably prominent location and in a
1488 readily visible color and typeface not smaller than the median used in the display of listing data.* (Amended
1489 05/17)

1490 **Displays of minimal information (e.g., "thumbnails", text messages, "tweets", etc., of two hundred [200]
1491 characters or less) are exempt from this requirement but only when linked directly to a display that includes all
1492 required disclosures. For audio delivery of listing content, all required disclosures must be subsequently
1493 delivered electronically to the registered consumer performing the property search or linked to through the
1494 device's application. (Amended 5/17)*

1495 **Section 18.3.** Display of listing information pursuant to IDX is subject to the following rules:
1496

1497 **Section 18.3.1.** Listings displayed pursuant to IDX shall contain only those fields of data designated by the
1498 MLS. Display of all other fields (as determined by the MLS) is prohibited. Confidential fields intended only for
1499 other MLS participants and users (e.g., cooperative compensation offers, showing instructions, property
1500 security information, etc.) may not be displayed. (Amended 05/12)
1501

1502 **Section 18.3.1.1.** The type of listing agreement (e.g., exclusive right to sell, exclusive agency, etc.) may not
1503 be displayed (Amended 05/12)
1504

1505 ~~**Section 18.3.2.** NAR Deletion 11/15~~
1506

1507 **Section 18.3.3.**
1508 Deleted May 2017; moved to 18.2.12 May 2017.
1509

1510 **Section 18.3.4.** All listings displayed pursuant to IDX shall identify the listing agent
1511

1512 **Section 18.3.5.** Non-principal brokers and sales licensees affiliated with IDX Participants may display
1513 information available through IDX on their own websites subject to their Participant's consent and control and
1514 the requirements of state law and/or regulation.
1515

1516 Section 18.3.6 – Deleted by NAR in 2006
1517 Section 18.3.7 – Optional – Not adopted
1518

1519 **Section 18.3.8.** Participants (and their affiliated licensees, if applicable) shall indicate on their websites that
1520 IDX information is provided exclusively for consumers' personal, non-commercial use, that it may not be used
1521 for any purpose other than to identify prospective properties consumers may be interested in purchasing, and
1522 that data is deemed reliable but is not guaranteed accurate by the MLS. The MLS may, at its discretion,
1523 require use of other disclaimers as necessary to protect participants and/or the MLS from liability.
1524 Displays of minimal information (e.g., “thumbnails,” text messages, “tweets,” etc., of two hundred [200]
1525 characters or less) are exempt from this requirement but only when linked directly to a display that includes all
1526 required disclosures. (Amended 05/17)
1527

1528 **Section 18.3.9.** The data consumers can retrieve or download in response to an inquiry shall be determined
1529 by the MLS but in no instance shall be limited to fewer than one hundred (100) listings or five percent (5%) of
1530 the listings available for IDX display, whichever is fewer. (Amended 11/09)
1531

1532 **Section 18.3.10.** The right to display other Participants' listings pursuant to IDX shall be limited to a
1533 Participant's office(s) holding participatory rights in this MLS.IDX Policy amended by NAR
1534

1535 **Section 18.3.11 of the Internet Data Exchange (“IDX”) Rules be amended (all types)**
1536 Listings obtained through IDX feeds from REALTOR® Association MLSs where the MLS Participant holds
1537 participatory rights must be displayed separately from listings obtained from other sources. Listings obtained
1538 from other sources (e.g., from other MLSs, from non-participating brokers, etc.) must display the source from
1539 which each such listing was obtained.
1540 Displays of minimal information (e.g., “thumbnails”, text messages, “tweets”, etc., of two hundred [200]
1541 characters or less) are exempt from this requirement but only when linked directly to a display that includes all
1542 required disclosures. (Amended 11/14)
1543

1544 Note: An MLS Participant (or where permitted locally, an MLS Subscriber) may co-mingle the listings of other
1545 brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays
1546 are consistent with the IDX rules, and the MLS Participant (or MLS Subscriber) holds participatory rights in
1547 those MLSs. As used in this policy, “co-mingling” means that consumers are able to execute a single
1548 property search of multiple IDX data feeds resulting in the display of IDX information from each of the MLSs
1549 on a single search results page; and that Participants may display listings from each IDX feed on a single
1550 webpage or display. (Adopted 11/14)
1551

1552 **Section 18.3.12.** Display of expired, withdrawn, and sold listings* is prohibited. (Amended 11/14)
1553 * Note: If “sold” information is publicly accessible, display of “sold” listings may not be prohibited. (Adopted
1554 11/14)
1555 **Note: If “sold” information is publicly accessible, display of “sold” listings may not be prohibited.*
1556

1557 **Section 18.3.13.** Display of seller's(s') and/or occupant's(s') name(s), phone number(s), and email
1558 address(es) is prohibited.

1559 **Section 18.3.14.** Participants are required to employ appropriate security protection such as firewalls, on their
1560 websites and displays, provided that any security measures required may not be greater than those employed
1561 by the MLS. (Amended 05/12)
1562

1563 **Section 18.3.15.** Participants must maintain an audit trail of consumer activity on their website and make that
1564 information available to the MLS if the MLS believes the IDX site has caused or permitted a breach in the
1565 security of the data or a violation of MLS rules related to use by consumers. (Amended 05/12)

1566 **Section 18.3.16.** Advertising (including co-branding) on pages displaying IDX-provided listings are prohibited.
1567

1568 **Section 18.4.** Service Fees and Charges: Service fees and charges for participation in IDX shall be as
1569 established annually by the Board of Directors. (Adopted 11/01, Amended 5/05)
1570

1571 **Section 18.5. Electronic Display of Other Participant’s Listings, was added as follows:**

1572 MLSs may but are not required to give participants the ability to authorize electronic display of their listings by
1573 other participants outside the context of the Internet Data Exchange (“IDX”) policy and rules and the Virtual
1574 Office Website (“VOW”) policy and rules.

1575 Participants may not be required to consent to display or distribution of their listings through non-IDX and non-
1576 VOW channels as a condition of participation in MLS or as a condition of participation in IDX. Electronic display
1577 and distribution pursuant to this policy contemplates, but is not limited to, Short Message Services
1578 (“SMS”)/texting technologies, and interactive “social media”. All electronic displays and/or distribution of other
1579 participants’ listings conducted pursuant to this policy must comply with state law and regulations and applicable
1580 rules.

1581 Displays addressed by this policy may be subject to technological limitations on disabling/discontinuing third-
1582 party comments/reviews, disabling/discontinuing automated displays of market value, “refreshing” displays on
1583 a periodic basis, and possibly other issues which should be taken into consideration when developing rules and
1584 policies governing such displays. (Adopted 11/12)
1585

1586 **Section 18.6. MLS Policy Statement 7.90, Real Estate Transaction Standards (RETS) NAR Policy**
1587 **Handbook**

1588 The integrity of data is a foundation to the orderly real estate market. The Real Estate Transaction Standards
1589 (RETS) provide a vendor neutral, secure approach to exchanging listing information between the broker and
1590 the MLS. In order to ensure that the goal of maintaining an orderly marketplace is maintained, and to further
1591 establish REALTOR® information as the trusted data source, MLS organizations owned and operated by
1592 associations of REALTORS® will implement the RESO Standards including: the RESO Data Dictionary by
1593 January 1, 2016; the RESO Web API by June 30, 2016 and will keep current by implementing new releases
1594 of RESO Standards within one (1) year from ratification. Compliance with this requirement can be
1595 demonstrated using the Real Estate Standards Organization (RESO) compliance Certification Process.
1596 (Amended 11/09/14)
1597

1598 **Section 19. Model Virtual Office Website (VOW) Rules**
1599

1600 **Section 19.1.**

1601 **(a)** A Virtual Office Website (“VOW”) is a Participant’s Internet website, or a feature of a Participant’s website,
1602 through which the Participant is capable of providing real estate brokerage services to consumers with whom
1603 the Participant has first established a broker-consumer relationship (as defined by state law) where the
1604 consumer has the opportunity to search MLS Listing Information, subject to the Participant’s oversight,
1605 supervision, and accountability. A non-principal broker or sales licensee affiliated with a Participant may, with
1606 his or her Participant’s consent, operate a VOW. Any VOW of a non-principal broker or sales licensee is subject
1607 to the Participant’s oversight, supervision, and accountability.
1608

1609 **(b)** As used in Section 19 of these Rules, the term “Participant” includes a Participant’s affiliated non-principal
1610 brokers and sales licensees – except when the term is used in the phrases “Participant’s consent” and
1611 “Participant’s oversight, supervision, and accountability”. References to “VOW” and “VOWs” include all VOWs,
1612 whether operated by a Participant, by a non-principal broker or sales licensee, or by an Affiliated VOW Partner
1613 (“AVP”) on behalf of a Participant.
1614

1615 (c) "Affiliated VOW Partner" ("AVP") refers to an entity or person designated by a Participant to operate a VOW
1616 on behalf of the Participant, subject to the Participant's supervision, accountability and compliance with the
1617 VOW Policy. No AVP has independent participation rights in the MLS by virtue of its right to receive information
1618 on behalf of a Participant. No AVP has the right to use MLS Listing Information except in connection with
1619 operation of a VOW on behalf of one or more Participants. Access by an AVP to MLS Listing Information is
1620 derivative of the rights of the Participant on whose behalf the AVP operates a VOW.
1621

1622 (d) As used in Section 19 of these Rules, the term "MLS Listing Information" refers to active listing information
1623 and sold data provided by Participants to the MLS and aggregated and distributed by the MLS to Participants.

1624 **Section 19.2.**

1625 (a) The right of a Participant's VOW to display MLS Listing Information is limited to that supplied by the MLS(s)
1626 in which the Participant has participatory rights. However, a Participant with offices participating in different
1627 MLSs may operate a master website with links to the VOWs of the other offices.
1628

1629 (b) Subject to the provisions of the VOW Policy and these Rules, a Participant's VOW, including any VOW
1630 operated on behalf of a Participant by an AVP, may provide other features, information, or functions, e.g.
1631 Internet Data Exchange ("IDX").
1632

1633 (c) Except as otherwise provided in the VOW Policy or in these Rules, a Participant need not obtain separate
1634 permission from other MLS Participants whose listings will be displayed on the Participant's VOW.
1635

1636 **Section 19.3.**

1637 (a): Before permitting any consumer to search for or retrieve any MLS Listing Information on his or her VOW,
1638 the Participant must take each of the following steps:

1639 (i) The Participant must first establish with that consumer a lawful broker-consumer relationship (as defined by
1640 state law), including completion of all actions required by state law in connection with providing real estate
1641 brokerage services to clients and customers (hereinafter "Registrants"). Such actions shall include, but are not
1642 limited to, satisfying all applicable agency, non-agency, and other disclosure obligations, and execution of any
1643 required agreements.
1644

1645 (ii) The Participant must obtain the name of, and a valid email address for, each Registrant. The Participant
1646 must send an email to the address provided by the Registrant confirming that the Registrant has agreed to the
1647 Terms of Use (described in subsection (d) below). The Participant must verify that the email address provided
1648 by the Registrant is valid and that the Registrant has agreed to the Terms of Use.

1649 (iii) The Participant must require each Registrant to have a user name and a password, the combination of
1650 which is different from those of all other Registrants on the VOW. The Participant may, at his or her option,
1651 supply the user name and password or may allow the Registrant to establish its user name and password. The
1652 Participant must also assure that any email address is associated with only one user name and password.

1653 (b) The Participant must assure that each Registrant's password expires on a date certain but may provide for
1654 renewal of the password. The Participant must at all times maintain a record of the name, email address, user
1655 name, and current password of each Registrant. The Participant must keep such records for not less than 180
1656 days after the expiration of the validity of the Registrant's password.

1657 (c) If the MLS has reason to believe that a Participant's VOW has caused or permitted a breach in the security
1658 of MLS Listing Information or a violation of MLS rules, the Participant shall, upon request of the MLS, provide
1659 the name, email address, user name, and current password, of any Registrant suspected of involvement in the
1660 breach or violation. The Participant shall also, if requested by the MLS, provide an audit trail of activity by any
1661 such Registrant.

1662 (d) The Participant shall require each Registrant to review, and affirmatively to express agreement (by mouse
1663 click or otherwise) to, a "Terms of Use" provision that provides at least the following:

1664 i. That the Registrant acknowledges entering into a lawful consumer-broker relationship with the Participant;
1665
1666

- 1667 ii. That all information obtained by the Registrant from the VOW is intended only for the Registrant's
1668 personal, non-commercial use;
1669
1670 iii. That the Registrant has a bona fide interest in the purchase, sale, or lease of real estate of the type being
1671 offered through the VOW;
1672 iv. That the Registrant will not copy, redistribute, or retransmit any of the information provided except in
1673 connection with the Registrant's consideration of the purchase or sale of an individual property;
1674 v. That the Registrant acknowledges the MLS's ownership of, and the validity of the MLS's copyright in, the
1675 MLS database.

1676 (e) The Terms of Use Agreement may not impose a financial obligation on the Registrant or create any
1677 representation agreement between the Registrant and the Participant. Any agreement entered into at any time
1678 between the Participant and Registrant imposing a financial obligation on the Registrant or creating
1679 representation of the Registrant by the Participant must be established separately from the Terms of Use, must
1680 be prominently labeled as such, and may not be accepted solely by mouse click.
1681 (f) The Terms of Use Agreement shall also expressly authorize the MLS, and other MLS Participants or their
1682 duly authorized representatives, to access the VOW for the purposes of verifying compliance with MLS rules
1683 and monitoring display of Participants' listings by the VOW. The Agreement may also include such other
1684 provisions as may be agreed to between the Participant and the Registrant.

1685 **Section 19.4.** A Participant's VOW must prominently display an e-mail address, telephone number, or specific
1686 identification of another mode of communication (e.g., live chat) by which a consumer can contact the
1687 Participant to ask questions, or get more information, about any property displayed on the VOW. The
1688 Participant, or a non-principal broker or sales licensee licensed with the Participant, must be willing and able to
1689 respond knowledgeably to inquiries from Registrants about properties within the market area served by that
1690 Participant and displayed on the VOW.

1691 **Section 19.5.** A Participant's VOW must employ reasonable efforts to monitor for, and prevent,
1692 misappropriation, "scraping", and other unauthorized use of MLS Listing Information. A Participant's VOW shall
1693 utilize appropriate security protection such as firewalls as long as this requirement does not impose security
1694 obligations greater than those employed concurrently by the MLS.

1695 (NOTE: MLSs may adopt rules requiring Participants to employ specific security measures, provided that any
1696 security measure required does not impose obligations greater than those employed by the MLS.)
1697

1698 **Section 19.6.**

1699 (a) A Participant's VOW shall not display listings or property addresses of any seller who has affirmatively
1700 directed the listing broker to withhold the seller's listing or property address from display on the Internet. The
1701 listing broker shall communicate to the MLS that the seller has elected not to permit display of the listing or
1702 property address on the Internet. Notwithstanding the foregoing, a Participant who operates a VOW may
1703 provide to consumers via other delivery mechanisms, such as email, fax, or otherwise, the listings of sellers
1704 who have determined not to have the listing for their property displayed on the Internet.

1705 (b) A Participant who lists a property for a seller who has elected not to have the property listing or the property
1706 address displayed on the Internet shall cause the seller to execute a document that includes the following (or a
1707 substantially similar) provision:

1708 **Seller Opt-Out Form**

1709
1710 1. Please check either Option a or Option b

1711
1712 a. I have advised my broker or sales agent that I do not want the listed property to be displayed on the
1713 Internet.

1714
1715 OR

1716
1717 b. I have advised my broker or sales agent that I do not want the address of the listed property to be
1718 displayed on the Internet.

1719
1720
1721 2. I understand and acknowledge that, if I have selected option a, consumers who conduct searches for listings
1722 on the Internet will not see information about the listed property in response to their search.
1723
1724 _____
1725 initials of seller

1726 (c) The Participant shall retain such forms for at least one year from the date they are signed, or one year from
1727 the date the listing goes off the market, whichever is greater.

1728 **Section 19.7.**
1729 (a) Subject to subsection (b), a Participant's VOW may allow third-parties (i) to write comments or reviews about
1730 particular listings or display a hyperlink to such comments or reviews in immediate conjunction with particular
1731 listings, or (ii)
1732 display an automated estimate of the market value of the listing (or hyperlink to such estimate) in immediate
1733 conjunction with the listing
1734
1735 (b) Notwithstanding the foregoing, at the request of a seller the Participant shall disable or discontinue either or
1736 both of those features described in subsection (a) as to any listing of the seller. The listing broker or agent shall
1737 communicate to the MLS that the seller has elected to have one or both of these features disabled or
1738 discontinued on all Participants' websites. Subject to the foregoing and to Section 19.8, a Participant's VOW
1739 may communicate the Participant's professional judgment concerning any listing. A Participant's VOW may
1740 notify its customers that a particular feature has been disabled "at the request of the seller."
1741

1742 **Section 19.8.** A Participant's VOW shall maintain a means (e.g., e-mail address, telephone number) to receive
1743 comments from the listing broker about the accuracy of any information that is added by or on behalf of the
1744 Participant beyond that supplied by the MLS and that relates to a specific property displayed on the VOW. The
1745 Participant shall correct or remove any false information relating to a specific property within 48 hours following
1746 receipt of a communication from the listing broker explaining why the data or information is false. The Participant
1747 shall not, however, be obligated to correct or remove any data or information that simply reflects good faith
1748 opinion, advice, or professional judgment.

1749 **Section 19.9.** A Participant shall cause the MLS Listing Information available on its VOW to be refreshed at
1750 least once every three (3) days.
1751

1752 **Section 19.10.** Except as provided in these rules, the NATIONAL ASSOCIATION OF REALTORS® VOW Policy, or
1753 any other applicable MLS rules or policies, no Participant shall distribute, provide, or make accessible any
1754 portion of the MLS Listing Information to any person or entity.
1755

1756 **Section 19.11.** A Participant's VOW must display the Participant's privacy policy informing Registrants of all
1757 of the ways in which information that they provide may be used.
1758

1759 **Section 19.12.** A Participant's VOW may exclude listings from display based only on objective criteria,
1760 including, but not limited to, factors such as geography, list price, type of property, cooperative compensation
1761 offered by listing broker, and whether the listing broker is a REALTOR®.
1762

1763 **Section 19.13.** A Participant who intends to operate a VOW to display MLS Listing Information must notify the
1764 MLS of its intention to establish a VOW and must make the VOW readily accessible to the MLS and to all MLS
1765 Participants for purposes of verifying compliance with these Rules, the VOW Policy, and any other applicable
1766 MLS rules or policies.
1767

1768 **Section 19.14.** A Participant may operate more than one VOW himself or herself or through an AVP. A
1769 Participant who operates his or her own VOW may contract with an AVP to have the AVP operate other VOWs
1770 on his or her behalf. However, any VOW operated on behalf of a Participant by an AVP is subject to the
1771 supervision and accountability of the Participant.
1772

1773 **Section 19.15**

1774 A participant's VOW may not make available for search by or display to Registrants any of the following
1775 information:

1776 a. expired and withdrawn listings

1777 **Note:** *Due to the 2015 changes in IDX policy and the requirement that participants are allowed to use MLS*
1778 *listing information through all delivery mechanisms when providing brokerage services, MLSs can no longer*
1779 *prohibit the display of pending ("under contract") listings to the Registrants of a participant's VOW*

1780 b. the compensation offered to other MLS participants

1781 c. the type of listing agreement, i.e., exclusive right-to-sell or exclusive agency

1782 d. the seller's and occupant's name(s), phone number(s), or e-mail address(es)

1783 e. instructions or remarks intended for cooperating brokers only, such as those regarding showings or
1784 security of listed property

1785 f. sold information

1786 **Note:** If sold information is publicly accessible in the jurisdiction of the MLS, Subsection 19.15f. must be
1787 omitted.

1788 **Section 19.16.** A Participant shall not change the content of any MLS Listing Information that is displayed on a
1789 VOW from the content as it is provided in the MLS. The Participant may, however, augment MLS Listing
1790 Information with additional information not otherwise prohibited by these Rules or by other applicable MLS rules
1791 or policies as long as the source of such other information is clearly identified. This rule does not restrict the
1792 format of display of MLS Listing Information on VOWs or the display on VOWs of fewer than all of the listings
1793 or fewer than all of the authorized information fields

1794 **Section 19.17.** A Participant shall cause to be placed on his or her VOW a notice indicating that the MLS
1795 Listing Information displayed on the VOW is deemed reliable but is not guaranteed accurate by the MLS. A
1796 Participant's VOW may include other appropriate disclaimers necessary to protect the Participant and/or the
1797 MLS from liability.
1798

1799 **Section 19.18.** Participants and the AVPs operating VOWs on their behalf must execute the license agreement
1800 required by the MLS. (NAR section 19.24)

1801 **Section 19.19.** Where a seller affirmatively directs their listing broker to withhold either the seller's listing or the
1802 address of the seller's listing from display on the Internet, a copy of the seller's affirmative direction shall be
1803 provided to the MLS within 48 hours. (NAR Section 19.25)
1804
1805

1806 **Section 20. (Policy Statement 7.31) NAR Policy Handbook Lock Box Security Requirements**

1807 Eligibility for coverage under NAR's blanket errors and omissions insurance program is contingent on
1808 compliance with the following security measures whether the system is operated by the association, its MLS,
1809 or on behalf of an association by a recognized lock box vendor:

1810
1811 **1.** Any key, programmer, or other device (hereinafter referred to as key) by which a lock box can be opened
1812 shall be nonduplicative. By nonduplicative it is not meant that the key is necessarily covered by a current
1813 patent but that it cannot be readily copied in the manner that other types of keys ordinarily are.
1814

1815 **2.** Keys must be obtained from the original manufacturer, from a recognized vendor of lock box systems or
1816 from any other legitimate source. Prior to utilizing previously used keys, lids, or boxes, information shall be
1817 obtained from the original manufacturer to determine whether the key's pattern, code, or configuration is
1818 already in use by other associations, multiple listing services, or other users in the vicinity. Surrounding
1819 associations and multiple listing services shall also be contacted to determine whether the key's pattern,
1820 code, or configuration is currently in use.
1821

1822 3. Any lock box system shall be designated as either an activity of an association of REALTORS® or an
1823 association-owned and operated MLS. The Florida Gulf Coast MLS, Inc. operates the Lockbox Service.
1824
1825 If the lock box system is an activity of an association of REALTORS®, then every REALTOR® and REALTOR-
1826 ASSOCIATE® and every non-principal broker, sales licensee and licensed or certified appraiser affiliated with
1827 a REALTOR®, shall be eligible to hold a key subject to their execution of a lease agreement with the
1828 association. *(Amended 11/96)*
1829
1830 If the lock box system is an activity of an association-owned and operated multiple listing service, then every
1831 MLS participant and every non-principal broker, sales licensee and licensed or certified appraiser who is
1832 affiliated with an MLS participant and who is legally eligible for MLS access shall be eligible to hold a key
1833 subject to their execution of a lease agreement with the MLS.
1834
1835 Associations and multiple listing services may require, as a matter of local determination, that key lease
1836 agreements executed by non-principal brokers, sales licensees, and licensed or certified appraisers will be
1837 cosigned by the designated REALTOR® or the office's broker of record. Lease agreements shall spell out the
1838 responsibilities of the parties and shall incorporate by reference any applicable rules or regulations or other
1839 governing provisions of the association or MLS that relate to the operation of the lock box system. The lease
1840 agreement shall also provide that keys may not be used under any circumstances by anyone other than the
1841 keyholder except as provided elsewhere in this statement of policy. *(Amended 2/98)*
1842
1843 Associations and multiple listing services may, at their discretion, authorize unlicensed personal
1844 assistants, administrative and clerical staff, and individuals seeking licensure as real estate appraisers, who
1845 are under the direct supervision of a designated REALTOR®, or MLS participant, or their licensed designee,
1846 to hold a lock box key on the same terms and conditions as non-principal brokers and sales licensees.
1847 *(Adopted 11/93)*
1848
1849 Associations and multiple listing services may refuse to sell or lease lock box keys, may terminate existing
1850 key lease agreements, and may refuse to activate or reactivate any key held by an individual convicted of a
1851 felony or misdemeanor if the crime, in the determination of the association or MLS, relates to the real estate
1852 business or puts clients, customers, or other real estate professionals at risk.
1853 Associations or multiple listing services may suspend the right of lock box keyholders to use lock box keys
1854 following their arrest and prior to their conviction for any felony or misdemeanor which, in the determination
1855 of the association or MLS, relates to the real estate business or which puts clients, customers, or other real
1856 estate professionals at risk.
1857
1858 Factors that can be considered in making such determinations include, but are not limited to:
1859 the nature and seriousness of the crime
1860 the relationship of the crime to the purposes for limiting lock box access
1861 the extent to which access (or continued access) might afford opportunities to engage in similar criminal
1862 activity
1863 the extent and nature of past criminal activity
1864 time since criminal activity was engaged in
1865 evidence of rehabilitation while incarcerated or following release and
1866 evidence of present fitness *(Adopted 11/99)*
1867
1868 Administration of a lock box system as an activity of an association of REALTORS® may, at the discretion of
1869 the association, be delegated to its multiple listing service.
1870
1871 No one shall be required to lease a key from the association except on a voluntary basis.
1872
1873 Associations and multiple listing services may, at their discretion, lease keys to affiliate members of
1874 associations who are actively engaged in a recognized field of real estate practice or in related fields. In such
1875 instances, the lease agreement shall be signed by the keyholder and by a principal, partner, or corporate
1876 officer of the key holder's firm. *(Amended 11/97)*
1877
1878 Key lease agreements may contain a liquidated damages provision to offset some or all of the costs in
1879 reestablishing the security of the system if it is determined that the security has been compromised through
1880 the negligence or fault of the key holder. *(Amended 11/97)*

1881
1882 MLSs may, as a matter of local option, require placement of an MLS approved lock box on listed properties
1883 if any device giving access to real estate professionals and/or service providers is authorized by the seller
1884 and occupant and is placed on the property. The purpose of this requirement, if adopted by an MLS, is to
1885 ensure cooperating participants and subscribers have timely access to listed properties. Requiring that a
1886 lock box or other access device be “MLS-approved” does not limit the devices that satisfy the requirement
1887 to lock boxes leased or sold by an association or MLS. The MLS may require that the devices be submitted
1888 in advance for approval, and the access device may be any lock box or other access device that provides
1889 reasonable, timely access to listed property. The MLS also may revoke the approval and/or subject the
1890 participant to discipline if the device is used in a manner that fails to continue to satisfy this requirement.
1891
1892 **4.** Associations shall maintain current records as to all keys issued and in inventory. There shall be an audit,
1893 at least annually, of all keys, whether issued or in inventory. This requirement may be satisfied by a physical
1894 inventory or, alternatively, by receipt of a statement signed by the keyholder and the designated REALTOR®,
1895 broker of record, or, in the case of an affiliate member, by a principal, partner, or corporate officer of the
1896 keyholder’s firm, attesting that the key is currently in possession of the keyholder. This audit requirement
1897 does not apply to electronic lock box programmers or keypads which are sold or leased provided such
1898 devices may be deactivated within thirty (30) days. (*Amended 5/99*)
1899
1900 **5.** Associations shall require a substantial deposit from each key holder in an amount that will establish an
1901 awareness of personal liability for such key. The initial deposit shall not be less than \$25 nor more than
1902 \$300. Deposits for a first replacement key lost or stolen shall be not less than two (2) times nor more than
1903 three (3) times the amount of the initial deposit and not less than three (3) times nor more than four (4) times
1904 the amount of the initial deposit for second or additional replacement keys. Deposits for keys shall be kept
1905 in a special account for refund upon return of the key unless forfeited upon loss of the key. Notwithstanding
1906 the foregoing, deposits charged affiliate members may be no more than twice the amounts established
1907 above.
1908
1909 If, at the time of inventory, a key is unaccounted for, or if a keyholder refuses or is unable to demonstrate
1910 that the key is within their physical control, then the key will be considered unaccounted for and any funds
1911 on deposit will be forfeited to the association.
1912
1913 Deposits for electronic programmers or electronic keycards which are leased but which can be deactivated
1914 within thirty (30) days may be required as a matter of local determination. (*Adopted 11/95*)
1915
1916 **6.** Lock boxes may not be placed on a property without written authority from the seller. This authority may be
1917 established in the listing contract or in a separate document created specifically for the purpose.
1918
1919 **7.** Associations shall charge key holders and their cosignatories with the joint obligation of immediately
1920 reporting lost, stolen, or otherwise unaccountable for keys to the association. Upon receipt of notice, the
1921 association shall take any steps deemed necessary to re-secure the system.
1922
1923 **8.** Associations shall adopt written, reasonable, and appropriate rules and procedures for administration of lock
1924 box systems, which may include appropriate fines, not to exceed \$15,000. Any issuing fees, recurring fees,
1925 or other administrative costs shall be established at the discretion of the association and set forth in the rules
1926 and procedures. All keyholders, whether association members or not, shall agree, as a condition of the key
1927 lease agreement, to be bound by the rules and procedures governing the operation of the lock box system.
1928
1929 **9.** Notwithstanding the foregoing, associations and multiple listing services may sell electronic lock box
1930 programmers or keypads to MLS participants and others eligible to hold lock box keys pursuant to these
1931 requirements provided that such devices may be deactivated, if necessary, within a reasonable period not
1932 to exceed thirty (30) days and that the participant has authorized the sale in writing. In the event electronic
1933 lock box programmers or keypads are sold or leased, a designated REALTOR® principal or an office’s broker
1934 of record may purchase or lease additional programmers or keypads to be issued on a temporary basis to
1935 other key holders in the same office in the event their programmer or keypad becomes non-functional outside
1936 normal business hours or under circumstances where a replacement programmer or keypad is not
1937 reasonably available from the issuing association or MLS. When a programmer or keypad is issued on a
1938 temporary basis, it shall be the responsibility of the REALTOR® principal or the broker of record to advise the
1939 association or MLS in writing that the programmer or keypad has been issued, to whom, and the date and

1940 time of issuance within forty-eight (48) hours. It shall also be the responsibility of the REALTOR® principal or
1941 the broker of record to advise the association or MLS in writing within forty-eight (48) hours after possession
1942 of the previously issued programmer or keypad has been reassumed. (Adopted 4/95)
1943

1944 **Section 21. Supra Keys – Security of Equipment**

1945 It is necessary to maintain the security of each Key and Personal Identification Number (PIN) of each Key to
1946 prevent the use of the Key by unauthorized persons. Each party in possession of a Key, whether such Key is
1947 being actively used or not, shall abide by the following conditions:

- 1948 a. Keep the Supra Key in such party's possession or in a safe place at all times;
- 1949 b. Not to allow the PIN for the Supra Key to be displayed on or attached to the Supra Key for any purpose
1950 whatsoever or to be disclosed to any third party;
- 1951 c. Not to lend the Supra Key to any other person or entity, or permit any other person or entity to use the
1952 Supra Key for any purpose whatsoever, whether or not such other person or entity is a real estate
1953 broker or salesperson;
- 1954 d. Not to duplicate OR remove the Key to the property or allow any other person to do so;
- 1955 e. Not to assign, transfer, or pledge the Supra Key;
- 1956 f. Not to destroy, alter, modify, disassemble or tamper with the Supra Key, or property Key or knowingly
1957 or unknowingly allow anyone else to do so;
- 1958 g. To the notify the ADMINISTRATOR immediately in writing, and in any event within 48 hours, of a loss
1959 or theft of the Supra Key, or any Lockboxes, and of all circumstances surrounding such theft;
- 1960 h. Complete and deliver to the ADMINISTRATOR a stolen Supra Key affidavit prior to and as a condition
1961 of the issuance of a replacement Supra Key;
- 1962 i. Follow all additional security procedures as specified, and;
- 1963 j. Safeguard the code for each Lockbox from all other individuals and entities, whether or not they are
1964 authorized users of the Service.
- 1965 k. A SupraKey holder may not use the Supra Key to access an Electronic Lockbox without first calling the
1966 listing office to ascertain the availability of the property, schedule a showing, and obtain specific
1967 showing instruction from the listing office, unless instructed otherwise in writing by the listing broker.
1968 An appointment must be made whether the property is occupied or not. NOTE: One appointment
1969 grants you one entrance. If you return to the property, you must have another appointment.
- 1970 l. A fine of up to \$15,000.00 can be imposed and/or suspension of key.

1971
1972 Adopted and amended in compliance with mandatory policies established by the National Association of
1973 REALTORS® Board of Directors and coverage under the National Association's master professional liability
1974 insurance policy.

1975 The Handbook on Multiple Listing Policy and Code of Ethics and Arbitration Manual is available on
1976 www.realtor.org the National Association of REALTORS® website.