



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

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## Definition of MLS Participant

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

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

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

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

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

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

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

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

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

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

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

### 93 **Section 1. Listing Procedures**

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

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

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

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

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

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

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

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

124 Current owner name must be listed in the MLS.  
125

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

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

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

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

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

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

158 **Section 1.01, Clear Cooperation**

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

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

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

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

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

190 **Auction Properties** that may be entered into the MLS database are those properties that meet the following  
191 four requirements: (1) the property must be available for sale prior to the Auction at the full gross listing price  
192 entered into the MLS Database in the Listing Price Field, which must be the same full gross listing price at  
193 which the Seller has agreed to sell the property prior to the Auction and which is stated in the exclusive right  
194 to sell or exclusive agency listing contract for which the property is offered for sale prior to the Auction; (2) An  
195 entry must be made to the Public Information Section that includes the date, time, and location of the auction,  
196 and whether or not there is a reserve; and any buyer premiums.(3) There must be an offer of compensation  
197 to cooperating Brokers, and if the sale of the property occurs at Auction, those different offers must clearly be  
198 stated in the appropriate fields. Any and all cooperative broker terms and fees must be listed in the  
199 confidential remarks.

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

201

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

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

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

206

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

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

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

214

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

218

219 Entry of Listings into the MLS Database

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

221

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

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

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

- 236           • If the listing has been previously entered into the MLS Database by another MLS Participating  
237 Office, the MLS Participating Office that is currently entering the listing into the MLS Database  
238 shall not use Listing Data that is copyrightable (e.g., agent composed remarks, photos, or other  
239 images) from the previously entered listing as the source of its Listing Data unless permission is  
240 obtained in writing from previous Listing Agent/Broker.  
241

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

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

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

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

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

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

273  
274 **Section 1.2b.** Verbiage is required if this is "Assignment of Contract" This is an Assignment of Contract,  
275 which must close on \_\_\_\_\_ (insert date) at \_\_\_\_\_ (insert Closing/ Agent Company).  
276

277 **Section 1.2c.** Highest and Best offer verbiage must go into Property Remarks and must have an ending date  
278 for the Highest & Best period. Verbiage must be removed within 24hrs from Property Remarks after the  
279 Highest and Best time period has lapsed.  
280

**Section 1.2d.** All fields shall be used as intended. Willful misuse of any field will be fineable.



281  
282 **Section 1.2e.** Listing entry must be submitted in English.  
283

284 **Section 1.2f.** Any additional fees the seller requires the buyer to pay above and beyond the list price, (such  
285 as short sale negotiating fees, transaction fees, auction fees) must be disclosed in the public remarks.  
286 (Adopted 10/11)  
287

288 **Section 1.2g.** Any additional fees the seller requires the cooperating broker to pay, must be disclosed in the  
289 confidential remarks.  
290

291 **Section 1.2.1. Procedures for Limited Service Listings:**

292 Limited Service Listings will be identified with an appropriate code or symbol (e.g., LR or LS) in MLS  
293 compilations so potential cooperating brokers will be aware of the extent of the services the listing broker will  
294 provide to the seller(s), and any potential for cooperating brokers being asked to provide some or all of these  
295 services to listing brokers' clients, prior to initiating efforts to show or sell the property. (Adopted 5/01)

296 Limited Service Listings must be designated in the MLS by using the code LS under listing type preceded by  
297 the type of listing being taken (Exclusive Right or Exclusive Agency) (ER/LS) or (EA/LS).  
298

299 Listing agreements under which the listing broker will not provide one, or more, of the following services:

- 300 a. arrange appointments for cooperating brokers to show listed property to potential purchasers but  
301 instead gives cooperating brokers authority to make such appointments directly with the seller(s)
- 302 b. accept and present to the seller(s) offers to purchase procured by cooperating brokers but instead  
303 gives cooperating brokers authority to present offers to purchase directly to the seller(s)
- 304 c. advise the seller(s) as to the merits of offers to purchase
- 305 d. assists the seller(s) in developing, communicating, or presenting counter-offers
- 306 e. participate on the seller's(s') behalf in negotiations leading to the sale of the listed property  
307

308 All listings submitted to MLS must have a Broker Disclosure available to cooperating Brokers containing the  
309 following items as a minimum requirement. Said disclosure will be delivered by fax, e-mail or other hard copy  
310 method upon request by any member of MLS wishing to cooperate with the listing Broker.  
311

- 312 a. Signage on the property with Seller contact information y/n
  - 313 b. Contact Seller for showing y/n
  - 314 c. Listing Broker will be available on contract presentation y/n
  - 315 d. Listing Broker will perform post contract services. y/n
- 316  
317

318 **Section 1.3. Exempted Listings:** If the seller refuses to permit the listing to be disseminated by the Service,  
319 the Participant may then take the listing ("office exclusive") and such listing shall be filed with the Service but  
320 not disseminated to the Participants. Filing of the listing shall be accompanied by certification signed by the  
321 seller that he does not desire the listing to be disseminated by the Service.  
322

323 Note 2: MLS Participants must distribute exempt listings within (1) one business day once the listing is  
324 publicly marketed. See Section 1.01, Clear Cooperation  
325

326 **Section 1.3a.** No Member of the Service may advertise any property for sale or lease that is not listed in the  
327 MLS in any print or electronic medium, unless they have first provided the Service with a Non-Participation  
328 Agreement, signed by the Owner of the property, stating Owner does not wish their property be listed in the  
329 MLS. When a property cannot be found in the MLS and is being advertised in other venues (sign, written or  
330 electronic advertisement) the MLS service must be notified in writing. The notification must include property  
331 address and brokerage information along with the date of the inquiry. The MLS reserves the right to request a  
332 copy of the listing agreement and any other marketing agreement with the seller to verify whether it's an office  
333 exclusive or non-participation listing. (Amended 08/15)  
334

335 **Section 1.3b.** All listings must be in the MLS, or brokers must provide documentation via the non-participation  
336 agreement that the seller does not wish to have their listing in the MLS. They have 1 business day to comply,  
337 or be fined per Section 8 Table of fines. If the fines are not paid Section 7.1(a) applies. A notification will be



338 sent to brokers who are not entering listings in the MLS telling them that they must abide by the MLS rules.  
339 (Amended 06/12)

340  
341 **Section 1.4. Change of Status of Listing:** Any change in listed price or other change in the original listing  
342 agreement shall be made only when authorized in writing by the seller and shall be entered into the MLS  
343 Database replaced with the Service within 48 hours.

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

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

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

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

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

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

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

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

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

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

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

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

389  
390 Property identification fields or photos, cannot be altered on any listings that are going off market.  
391 Listings shall not be active in the MLS until there is a photo uploaded. One of the photos displayed on an MLS  
392 listing must portray the front elevation photo of the listing. This rule is applicable to all residential improved  
393 properties.  
394

395 Multiple Listing Services may, as a matter of local discretion, require submission of a reasonable number of  
396 photographs or other graphic representations that accurately depict listed property. Any virtual staging must  
397 be disclosed in the public remarks.  
398

399 **Section 1.8.1. Same Listing filed in the MLS Database more than once**

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

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

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

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

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

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

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

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

454  
455 **Section 1.15. Listings of Resigned Participants:** When a Participant resigns from the MLS, the MLS is not  
456 obligated to provide services, including continued inclusion of the resigned Participant's listings in the MLS  
457 compilation of current listing information. Prior to any removal of a resigned Participant's listings from the  
458 MLS, the resigned Participant should be advised, in writing, of the intended removal so that the resigned  
459 Participant may advise his clients.

460  
461 **Section 1.16. Listing Agent:** All listings entered into the MLS must be entered showing the name of the  
462 agent who took the listing. The Multiple Listing Service prohibits the practice of entering any listings in an  
463 office under the Broker/Manager's name unless that person actually is the listing agent who obtained the  
464 listing(s). Non-participants may not enter their listings into the MLS under a participating agent's name.  
465 Failure to comply with this Section may result in loss of MLS privileges.

466  
467 **Section 2. Selling Procedures**  
468 Showings and Negotiations: Appointments for showings and negotiations with the seller for the purchase of  
469 listed property filed with the Multiple Listing Service shall be conducted through the listing broker, except  
470 under the following circumstances:

- 471  
472 (a) The listing broker gives the cooperating broker specific authority to show and/or negotiate directly, or  
473  
474 (b) After reasonable effort, the cooperating broker cannot contact the listing broker or his representative;  
475 however, the listing broker, at his option, may preclude such direct negotiations by cooperating brokers.  
476 (Amended 4/92)

477  
478 Multiple Listing Services may, as a matter of local discretion, require submission of all legally-required seller  
479 disclosure information except where sellers expressly direct that such disclosure documents not be  
480 disseminated through MLS. (Adopted 5/10)

481  
482 **Section 2.1. Presentation of Offers:** The listing broker must make arrangements to present the offer as  
483 soon as possible, but no later than 24 hours, or give the cooperating broker a satisfactory reason for not doing  
484 so. (Amended 4/92)

485  
486 **Section 2.2. Submission of Written Offers and Counter Offers:** The listing broker shall submit to the seller  
487 all written offers until closing unless precluded by law, government rule, regulation, or agreed otherwise in  
488 writing between the seller and the listing broker. Unless the subsequent offer is contingent upon the  
489 termination of an existing contract, the listing broker shall recommend that the seller obtain the advice of legal  
490 counsel prior to acceptance of the subsequent offer. (Approved 11/87)

491  
492 Participants representing buyers or tenants shall submit to the buyer or tenant all offers and counter-offers  
493 until acceptance, and shall recommend that buyers and tenants obtain legal advice where there is a question  
494 about whether a pre-existing contract has been terminated.

495  
496 **Section 2.2.a.** If there are Seller Concessions involved in a Transaction, the Listing Agent must record  
497 amount of the concession in the appropriate field.

498  
499 **Section 2.3. Right of Cooperating Broker in Presentation of Offer:** The cooperating broker or his  
500 representative has the right to participate in the presentation to the seller or lessor of any offer he secures to  
501 purchase or lease. He/She does not have the right to be present at any discussion or evaluation of that offer  
502 by the seller or lessor and the listing broker. However, if the seller or lessor gives written instructions to the  
503 listing broker that the cooperating broker not be present when an offer the cooperating broker secured is  
504 presented, the cooperating broker has the right to a copy of the seller's written instructions. None of the  
505 foregoing diminishes the listing broker's right to control the establishment of appointments for such  
506 presentations. (Amended 4/92)

507  
508 Where the cooperating broker is not present during the presentation of the offer, the cooperating  
509 broker can request in writing, and the listing broker must provide, as soon as practical, written  
510 affirmation stating that the offer has been submitted to the seller, or written notification that the seller  
511 has waived the obligation to have the offer presented. (Adopted 11/19)

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

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

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

531 **Note 1:** The listing agreement of a property filed with the MLS by the listing broker should include a provision  
532 expressly granting the listing broker authority to advertise; to file the listing with the MLS; to provide timely  
533 notice of status changes of the listing to the MLS; and to provide sales information including selling price to  
534 the MLS upon sale of the property. If deemed desirable by the MLS to publish sales information prior to final  
535 closing (settlement) of a sales transaction, the listing agreement should also include a provision expressly  
536 granting the listing broker the right to authorize dissemination of this information by the MLS to its  
537 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  
564 fulfilled 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  
570 Multiple 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  
584 satisfying the terms and conditions stated in the listing, such fact shall be transmitted immediately to the  
585 Service and to 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  
589 broker 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  
599 Ethics, 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  
606 to MLS databases, or that consumers or others are able to search MLS databases available only to  
607 participants and subscribers. This does not prohibit participants and subscribers from representing that any  
608 information they are authorized under MLS rules to provide to clients or customers is available on their  
609 websites or otherwise. (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  
634 excused if it is determined through arbitration that, through no fault of the listing broker and in the exercise of  
635 good faith and reasonable care, it was impossible or financially unfeasible for the listing broker to collect a  
636 commission pursuant to the listing agreement. In such instances, entitlement to cooperative compensation  
637 offered through MLS would be a question to be determined by an arbitration hearing panel based on all  
638 relevant facts and circumstances including, but not limited to, why it was impossible or financially unfeasible  
639 for the listing broker to collect some or all of the commission established in the listing agreement; at what  
640 point in the transaction did the listing broker know (or should have known) that some or all of the commission  
641 established in the listing agreement might not be paid; and how promptly had the listing broker communicated  
642 to cooperating brokers that the commission established in the listing agreement might not be paid. (Amended  
643 11/98)

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

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

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

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

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

- 675  
676 1. by showing a percentage of the gross selling price  
677  
678 2. by showing a definite dollar amount (Amended 5/10)  
679

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

683  
684 **Note 3:** The Multiple Listing Service shall make no rule on the division of commissions between Participants  
685 and non-participants. This should remain solely the responsibility of the listing broker.  
686

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

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

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

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

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

726 When disclosed, participants may, at their discretion, advise other participants whether and how any  
727 reduction in the gross commission established in the listing contract, required by the lender as a condition of  
728 approving the sale, will be apportioned between listing and cooperating participants. (Adopted 05/09)  
729  
730

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

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

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



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

## 754 755 **Section 6. Service Fees and Charges**

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

### 758 759 Service Charges

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

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

766  
767 Note: The initial participation fee shall approximate the cost of bringing the Service to the participant.

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

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

780  
781 Note 1: A Multiple Listing Service may elect to have such fees payable on a quarterly or even on a monthly  
782 basis. However, added administrative services are necessitated by increased frequency of such payments.

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

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

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

## 794 795 **Section 7. Compliance with Rules Authority to Impose Discipline**

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

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

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

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

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

823  
824 **(a)** Failure to pay any service charge, fee, or fine shall be subject to penalties as per section 8 Table of Fines.  
825 If the Participant does not pay the outstanding invoice, the Broker must collect and pay the fee to the MLS or  
826 service will be suspended.

827  
828 **(b)** MLS Staff can correct infractions of the MLS Rules and Regulations and charge the Broker

829  
830 **(c)** For failure to comply with any other rule, the provisions of Sections 9 and 9.1 shall apply

831  
832 **Note:** Generally, warning, censure, and the imposition of a fine are sufficient to constitute a deterrent to  
833 violation of the rules and regulations of the Multiple Listing Service. Suspension or termination is an sanction  
834 to be used in cases of extreme or repeated violation of the rules and regulations of the Service.

835  
836 **Section 7.2.** Applicability of Rules to Users and/or Subscribers: Non-principal brokers, sales licensees,  
837 appraisers, and others authorized to have access to information published by the MLS are subject to these  
838 rules and regulations and may be disciplined for violations thereof provided that the user or subscriber has  
839 signed an agreement acknowledging that access to and use of MLS information is contingent on compliance  
840 with the rules and regulations. Further, failure of any user or subscriber to abide by the rules and/or any  
841 sanction imposed for violations thereof can subject the Participant to the same or other discipline. This  
842 provision does not eliminate the Participant's ultimate responsibility and accountability for all users or  
843 subscribers affiliated with the Participant. (Adopted 4/92) The sharing of passwords or unauthorized  
844 disclosure of login credentials is strictly prohibited and subject to penalties that can include, but not be limited  
845 to account suspension or levy of MLS fine for account sharing.

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<b>Agent/Subscriber and Broker/Participant</b>	May be called Subscriber/Participant when both are being referred to.
<b>Violation</b>	A requirement of an MLS rule has not been met. Each individual act or omission is a separate Violation.
<b>Fine/Fee Period</b>	The prior 12 months.
<b>Notifications</b>	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.
<b>Grace Period</b>	If the Subscriber/Participant corrects the Violation in 1 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.
<b>Fines/Fees</b>	1. Violation not corrected in allotted timeframe; and/or 2. Repeat Violation of the same MLS rule  <b>Fining Schedule:</b> 1 <sup>st</sup> Violation – \$25 2 <sup>nd</sup> Violation - \$100 3 <sup>rd</sup> Violation - \$200
<b>Clear Cooperation Violations</b>	1 <sup>st</sup> Violation - \$750 2 <sup>nd</sup> Violation - \$1000 3 <sup>rd</sup> Violation - \$1500 4 <sup>th</sup> Violation – 30 day suspension
<b>Referral to MLS BOD</b>	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.
<b>Payment of All Fines</b>	If an Agent/Subscriber fails to make payment in 14 days (Payment Due Date), the Broker/Participant will be held responsible for the payment to be made within 3 days after payment due date.
<b>Additional Consequences</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• A courtesy phone call will be made to the affected parties, no less than 3 days prior to suspending MLS service or lockbox service.</li> </ul>

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**Section 9. Enforcement of Rules or Disputes**

The Multiple Listing Service Board of Directors shall give consideration to all written complaints having to do with violations of the rules and regulations. The Multiple Listing Service Board of Directors, at its discretion, may appoint a special hearing tribunal and/or conduct administrative reviews. By becoming and remaining a participant, each participant agrees to be subject to these rules and regulations, the enforcement of which are at the sole discretion of the Committee (Board of Directors).

**Section 9.1 Violations of Rules and Regulations**

If the alleged offense is a violation of the rules and regulations of the service and does not involve a charge of alleged unethical conduct or request for arbitration, it may be administratively considered and determined by the board of directors of the service, and if a violation is determined, the board of directors may direct the imposition of sanction, provided the recipient of such sanction may request a hearing before the professional

880 standards committee of the association in accordance with the bylaws and rules and regulations of Royal  
881 Palm Coast REALTOR® Association, Inc. within twenty (20) days following receipt of the directors' decision.  
882 (Amended 11/96)  
883

884 If, rather than conducting an administrative review, the MLS has a procedure established to conduct  
885 hearings, any appeal of the decision of the hearing tribunal may be appealed to the Board of Directors of  
886 the MLS within twenty (20) days of the tribunal's decision. Alleged violations involving unethical conduct  
887 shall be referred to the professional standards committee of the Royal Palm Coast REALTOR®  
888 Association, Inc. for processing in accordance with the professional standards procedures of the  
889 association. If the charge alleges a refusal to arbitrate, such charge shall be referred directly to the Board  
890 of Directors of the Royal Palm Coast REALTOR® Association, Inc. (Amended 2/98)  
891

892 **Section 9.2 Complaints of Unethical Conduct:** All other complaints of unethical conduct shall be referred  
893 to the Professional Standards Administrator for appropriate action in accordance with the Professional  
894 Standards procedures established in the Royal Palm Coast REALTOR® Association, Inc. Bylaws. (Amended  
895 11/88)  
896

#### 897 **Section 10. Confidentiality of MLS Information**

898 Confidentiality of MLS Information: Any information provided by the Multiple Listing Service to the  
899 Participants shall be considered official information of the Service. Such information shall be considered  
900 confidential and exclusively for the use of Participants and real estate licensees affiliated with such  
901 Participants and those Participants who are licensed or certified by an appropriate state regulatory agency to  
902 engage in the appraisal of real property and licensed or certified appraisers affiliated with such Participants.  
903 (Amended 4/92)  
904

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

910 MLSs are not required to track or report price change information other than the most recent increase or  
911 decrease in the price of current listings. If such information (either with respect to a current listing or to prior  
912 listings of that property) is tracked by an MLS and made available to participants and subscribers, neither it  
913 nor any information from which it may be determined shall be classified as confidential nor may participants  
914 be prohibited from making such information available to clients and customers pursuant to the same rules  
915 governing dissemination of other non-confidential data fields. Classification as non-confidential does not  
916 authorize inclusion of such information in advertisements, including IDX display, of other participants' listings.  
917 (Adopted 5/10)  
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919 MLSs are not required to track or report days/time on market information (i.e., the length of time a property  
920 has been listed for sale pursuant to a current listing agreement or prior listing agreements, whether with the  
921 same or different listing brokers or firms). If such information is tracked by an MLS and made available to  
922 participants and subscribers, neither it nor any information from which it may be determined (such as the  
923 current list date, or prior list and expiration dates) shall be classified as confidential, nor may participants be  
924 prohibited from making such information available to clients or customers pursuant to the same rules  
925 governing dissemination of other non-confidential data fields. Classification as non-confidential inclusion of  
926 such information in advertisements, including IDX display, of other participants' listings as a matter of local  
927 option. (Adopted 5/10)  
928

#### 929 **Section 11. Ownership of MLS Compilations and Copyrights**

930 By the act of submitting any property listing content to the MLS, the participant represents and warrants that  
931 he or she is fully authorized to license the property listing content as contemplated by and in compliance with  
932 this section and these rules and regulations, and also thereby does grant to the MLS license to include the  
933 property listing content in its copyrighted MLS compilation and also in any statistical report on comparables.  
934 Listing content includes, but is not limited to, photographs, images, graphics, audio and video recordings,  
935 virtual tours, drawings, descriptions, remarks, narratives, pricing information, and other details or information  
936 related to listed property. (Amended 5/06)  
937

938 Each participant who submits listing content to the MLS agrees to defend and hold the MLS and every other  
939 participant harmless from and against any liability or claim arising from any inaccuracy of the submitted listing  
940 content or any inadequacy of ownership, license, or title to the submitted listing content.  
941

942 If a MLS participant submits photographs of any format to the MLS, then the MLS participant is representing  
943 that the participant has the right to authorize and is authorizing the MLS to publish the photograph anywhere  
944 the MLS data is intended to appear. With becoming a participant the broker indemnifies the MLS in the event  
945 of any litigation relating to the reproduction of the photograph by the MLS or other authorized entities.  
946 Copying photos for valuation purposes is an authorized use. Unauthorized copying of photos is a violation  
947 subject to fine and removal of pictures.  
948

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

954 One safe harbor limits the liability of an OSP that hosts a system, network or website on which Internet users  
955 may post user-generated content. If an OSP complies with the provisions of this DMCA safe harbor,  
956 it cannot be liable for copyright infringement if a user posts infringing material on its website. This  
957 protects an OSP from incurring significant sums in copyright infringement damages, as statutory  
958 damages are as high as \$150,000 per work. For this reason, it is highly recommended that MLSs,  
959 participants and subscribers comply with the DMCA safe harbor provisions discussed herein.  
960

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

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

975 Full compliance with these DMCA safe harbor criteria will mitigate an OSP’s copyright infringement liability.  
976 For more information see 17 U.S.C. §512.  
977

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

982 **Section 11.1.** All right, title, and interest in each copy of every Multiple Listing compilation created and  
983 copyrighted by the Florida Gulf Coast Multiple Listing Service, Inc. and in the copyrights therein, shall at all  
984 times remain vested in the Florida Gulf Coast Multiple Listing Service, Inc.  
985

986 **Section 11.2.** Each participant shall be entitled to lease a number of copies of each MLS compilation  
987 sufficient to provide the participant and each person affiliated as a licensee (including licensed or certified  
988 appraisers) with such participant with one copy of such compilation. The participant shall pay for each such  
989 copy the rental fee set by the association.  
990

991 Participants shall acquire by such lease only the right to use the MLS compilation in accordance with these  
992 rules.  
993

994 **Section 12. Use of Copyrighted MLS Compilations**

995 Distribution: Participants shall, at all times, maintain control over and responsibility for each copy of any MLS  
996 compilation and shall not distribute any such copies to persons other than subscribers who are affiliated with  
997 such Participant as licensees, those individuals who are licensed or certified by an appropriate state  
998 regulatory agency to engage in the appraisal of real property, and any other subscribers as authorized  
999 pursuant to the governing documents of the MLS. Use of information developed by or published by an  
1000 Association Multiple Listing Service is strictly limited to the activities authorized under a Participant's  
1001 licensure(s) or certification, and unauthorized uses are prohibited. Further, none of the foregoing is intended  
1002 to convey "Participation" or "Membership" or any right of access to information developed or published by a  
1003 Board Multiple Listing Service where access to such information is prohibited by law. (Amended 4/92)

1004  
1005 **Section 12.1. Display:** Participants and those persons affiliated as licensees with such Participants shall be  
1006 permitted to display the MLS compilation to prospective purchasers only in conjunction with their ordinary  
1007 business activities of attempting to locate ready, willing, and able buyers for the properties described in said  
1008 MLS compilation.

1009  
1010 **Section 12.2. Reproduction:** Participants or their affiliated licensees shall not reproduce any MLS compilation  
1011 or any portion thereof, except in the following limited circumstances.

1012  
1013 Participants or their affiliated licensees may reproduce from the MLS compilation and distribute to prospective  
1014 purchasers a reasonable\* number of single copies of property listing data contained in the MLS compilation  
1015 which relate to any properties in which the prospective purchasers are or may, in the judgment of the  
1016 Participant or their affiliated licensees, be interested.

1017 Reproductions made in accordance with this rule shall be prepared in such a fashion that the property listing  
1018 data of properties other than that in which the prospective purchaser has expressed interest, or in which the  
1019 Participant or the affiliated licensees are seeking to promote interest, does not appear on such reproduction.

1020 Nothing contained herein shall be construed to preclude any Participant from utilizing, displaying, distributing,  
1021 or reproducing property listing sheets or other compilations of data pertaining exclusively to properties  
1022 currently listed for sale with the Participant.

1023 Any MLS information, whether provided in written or printed form, provided electronically, or provided in any  
1024 other form or format, is provided for the exclusive use of the Participant and those licensees affiliated with the  
1025 Participant who are authorized to have access to such information. Such information may not be transmitted,  
1026 retransmitted, or provided in any manner to any unauthorized individual, office, or firm.

1027  
1028 None of the foregoing shall be construed to prevent any individual legitimately in possession of current listing  
1029 information, sold information, comparables, or statistical information from utilizing such information to support  
1030 valuations on a particular properties for clients and customers. Any MLS content in data feeds available to  
1031 participants for real estate brokerage purposes must also be available to participants for valuation purposes,  
1032 including automated valuations. MLSs must either permit use of existing data feeds, or create a separate  
1033 data feed, to satisfy this requirement. MLSs may require execution of a third-party license agreement where  
1034 deemed appropriate by the MLS. MLSs may require participants who will use such data feeds to pay the  
1035 reasonably estimated costs incurred by the MLS in adding or enhancing its downloading capacity for this  
1036 purpose. may not used as supporting documentation. Any other use of such information is unauthorized  
1037 and prohibited by these rules and regulations.(Amended 05/14) M

1038  
1039 \*It is intended that the Participant be permitted to provide prospective purchasers with listing data relating to  
1040 properties which the prospective purchaser has a bona fide interest in purchasing or in which the Participant  
1041 is seeking to promote interest. The term reasonable, as used herein, should therefore be construed to permit  
1042 only limited reproduction of property listing data intended to facilitate the prospective purchaser's decision-  
1043 making process in the consideration of a purchase. Factors which shall be considered in deciding whether  
1044 the reproductions made are consistent with this intent and thus reasonable in number, shall include, but are  
1045 not limited to, the total number of listings in the MLS compilation, how closely the types of properties  
1046 contained in such listings accord with the prospective purchaser's expressed desires and ability to purchase,  
1047 whether the reproductions were made on a selective basis, and whether the type of properties contained in  
1048 the property listing data is consistent with a normal itinerary of properties which would be shown to the  
1049 prospective purchaser.

1050 **Section 13. Use of MLS Information**

1051 Limitations on Use of MLS Information: Use of information from MLS compilation of current listing  
1052 information, from the Association's statistical report, or from any sold or comparable report of the Association  
1053 or MLS for public mass-media advertising by an MLS Participant or in other public representations, may not  
1054 be prohibited.

1055 However, any print or non-print forms of advertising or other forms of public representations based in whole or  
1056 in part on information supplied by the Board or its MLS must clearly demonstrate the period of time over  
1057 which such claims are based and must include the following, or substantially similar, notice:  
1058

1059 Based on information from the Florida Gulf Coast Multiple Listing Service, Inc. for the period (date) through  
1060 (date). (Amended 11/93)  
1061

#### 1062 **Section 14. Changes in Rules and Regulations**

1063 Amendments to the rules and regulations of the Service shall be by a majority vote of the Members of the  
1064 Multiple Listing Service Board of Directors, subject to approval by the Royal Palm Coast REALTORS®  
1065 Association Board of Directors.  
1066

#### 1067 **Section 15. Arbitration of Disputes**

1068 By becoming and remaining a Participant, each Participant agrees to arbitrate disputes involving contractual  
1069 issues and questions, and specific non-contractual issues and questions defined in Standard of Practice 17-4  
1070 of the Code of Ethics with MLS Participants in different firms arising out of their relationships as MLS  
1071 Participants subject to the following qualifications. (Amended 11/97)

1072 **(a)** If all disputants are members of the same Association of Realtors® or have their principal place of  
1073 business within the same Board's territorial jurisdiction, they shall arbitrate pursuant to the procedures of that  
1074 Association of Realtors®.

1075 **(b)** If the disputants are members of different Associations of Realtors® or if their principal place of business  
1076 is located within the territorial jurisdiction of different Associations of Realtors®, they remain obligated to  
1077 arbitrate in accordance with the procedures of the Florida Realtors®.  
1078

1079 Interboard Arbitration Procedures: Arbitration shall be conducted in accordance with any existing interboard  
1080 agreement or, alternatively, in accordance with the Interboard Arbitration Procedures in the Code of Ethics  
1081 and Arbitration Manual of the National Association of Realtors. Nothing herein shall preclude Participants  
1082 from agreeing to arbitrate the dispute before a particular Association of Realtors®. (Amended 11/98)  
1083

1084 Awards: The obligation to arbitrate includes the duty to either 1) pay an award to the party(ies) named in the  
1085 award or 2) deposit the funds with the Professional Standards Administrator to be held in an escrow or trust  
1086 account maintained for this purpose. Failure to satisfy the award or deposit the funds with the association  
1087 within ten (10) days may be considered a violation of the MLS rules and may subject the Participant to  
1088 disciplinary action at the sole discretion of the MLS. (amended 11/98)  
1089

#### 1090 **Section 16. Standards of Conduct for MLS Participants**

1091 **Section 16.1.** MLS Participants shall not engage in any practice or take any action inconsistent with exclusive  
1092 representation or exclusive brokerage relationship agreements that other MLS Participants have with clients.  
1093 (Amended 1/2004)  
1094

1095 **Section 16.2.** Signs giving notice of property for sale, rent, lease, or exchange shall not be placed on property  
1096 without consent of the seller/landlord.  
1097

1098 **Section 16.2.1.** MLS participants' firm websites shall disclose the firm's name and state(s) of licensure in a  
1099 reasonable and readily apparent manner.

1100 Websites of licensees affiliated with a participant's firm shall disclose the firm's name and the licensee's  
1101 state(s) of licensure in a reasonable and readily apparent manner. (Adopted 08/2008)  
1102

1103 **Section 16.3.** MLS Participants acting as subagents or as buyer/tenant representatives or brokers, shall not  
1104 attempt to extend a listing broker's offer of cooperation and/or compensation to other brokers without the  
1105 consent of the listing broker. (Amended 1/2004)  
1106

1107 **Section 16.4.** MLS Participants shall not solicit any listings currently listed exclusively with another broker.  
1108



1109 However, if the listing broker, when asked by the MLS Participant, refuses to disclose the expiration date and  
1110 nature of such listing (i.e., an exclusive right to sell, an exclusive agency, open listing, or other form of  
1111 contractual agreement between the listing broker and the client) the MLS Participant may contact the owner  
1112 to secure such information and may discuss the terms upon which the MLS Participant might take a future  
1113 listing or, alternatively, may take a listing to become effective upon expiration of any existing exclusive listing.  
1114

1115 **Section 16.5.** MLS Participants shall not solicit buyer/tenant agreements from buyers/tenants who are subject  
1116 to exclusive buyer/tenant agreements. However, if asked by an MLS Participant, the broker refuses to  
1117 disclose the expiration date of the exclusive buyer/tenant agreement, the MLS Participant may contact the  
1118 buyer/tenant to secure such information and may discuss the terms upon which the MLS Participant might  
1119 enter into a future buyer/tenant agreement or, alternatively, may enter into a buyer/tenant agreement to  
1120 become effective upon the expiration of any existing exclusive buyer/tenant agreement. (Amended 1/98)  
1121

1122 **Section 16.6.** MLS Participants shall not use information obtained from listing brokers through offers to  
1123 cooperate made through multiple listing services or through other offers of cooperation to refer listing brokers'  
1124 clients to other brokers or to create buyer/tenant relationships with listing brokers' clients, unless such use is  
1125 authorized by the listing brokers.  
1126

1127 **Section 16.7.** The fact that an agreement has been entered into with an MLS Participant shall not preclude or  
1128 inhibit any other MLS Participant from entering into a similar agreement after the expiration of the prior  
1129 agreement. (Amended 1/98)  
1130

1131 **Section 16.8.** The fact that a prospect has retained a MLS Participant as an exclusive representative or  
1132 exclusive broker in one or more past transactions does not preclude other MLS Participants from seeking  
1133 such prospect's future business. (Amended 01/04)  
1134

1135 **Section 16.9.** MLS Participants are free to enter into contractual relationships or to negotiate with  
1136 sellers/landlords, buyers/tenants or others who are not subject to an exclusive agreement but shall not  
1137 knowingly obligate them to pay more than one commission except with their informed consent. (Amended  
1138 1/98)  
1139

1140 **Section 16.10.** When MLS Participants are contacted by the client of another MLS Participant regarding the  
1141 creation of an exclusive relationship to provide the same type of service, and MLS Participants have not  
1142 directly or indirectly initiated such discussions, they may discuss the terms upon which they might enter into a  
1143 future agreement or, alternatively, may enter into an agreement which becomes effective upon expiration of  
1144 any existing exclusive agreement.  
1145 (Amended 1/98)  
1146

1147 **Section 16.11.** In cooperative transactions, MLS Participants shall compensate cooperating MLS Participants  
1148 (principal brokers) and shall not compensate nor offer to compensate, directly or indirectly, any of the sales  
1149 licensees employed by or affiliated with other MLS participants without the prior express knowledge and  
1150 consent of the cooperating broker.  
1151

1152 **Section 16.12.** MLS Participants are not precluded from making general announcements to prospects  
1153 describing their services and the terms of their availability even though some recipients may have entered into  
1154 agency agreements or other exclusive relationships with another MLS Participant. A general telephone  
1155 canvass, general mailing or distribution addressed to all prospects in a given geographical area or in a given  
1156 profession, business, club, or organization, or other classification or group is deemed "general" for purposes  
1157 of this standard. (Amended 1/04)  
1158

1159 The following types of solicitations are prohibited:  
1160

1161 Telephone or personal solicitations of property owners who have been identified by a real estate sign, multiple  
1162 listing compilation, or other information service as having exclusively listed their property with another MLS  
1163 Participant; and mail or other forms of written solicitations of prospects whose properties are exclusively listed  
1164 with another MLS Participant when such solicitations are not part of a general mailing but are directed  
1165 specifically to property owners identified through compilations of current listings, "for sale" or "for rent" signs,  
1166 or other sources of information intended to foster cooperation with MLS Participants.  
1167

1168 **Section 16.13.** MLS Participants, prior to entering into a representation agreement, have an affirmative  
1169 obligation to make reasonable efforts to determine whether the prospect is subject to a current, valid  
1170 exclusive agreement to provide the same type of real estate service. (Amended 2004)  
1171

1172 **Section 16.14.** MLS Participants, acting as buyer or tenant, representatives or brokers, shall disclose that  
1173 relationship to the seller/landlord's representative or broker at first contact and shall provide written  
1174 confirmation of that disclosure to the seller/landlord's representative or broker not later than execution of a  
1175 purchase agreement or lease. (Amended 2004)  
1176

1177 **Section 16.15.** On unlisted property, MLS Participants acting as buyer/tenant representatives or brokers shall  
1178 disclose that relationship to the seller/landlord at first contact for that buyer/tenant and shall provide written  
1179 confirmation of such disclosure to the seller/landlord not later than execution of any purchase or lease  
1180 agreement.  
1181 MLS Participants shall make any request for anticipated compensation from the seller/landlord at first contact.  
1182 (Amended 2004)  
1183

1184 **Section 16.16.** MLS Participants, acting as representatives or brokers of sellers/landlords or as subagents of  
1185 listing brokers, shall disclose that relationship to buyers/tenants as soon as practicable and shall provide  
1186 written confirmation of such disclosure to buyers/tenants not later than execution of any purchase or lease  
1187 agreement. (Amended 2004)  
1188

1189 **Section 16.17.** MLS Participants are not precluded from contacting the client of another broker for the  
1190 purpose of offering to provide, or entering into a contract to provide, a different type of real estate service  
1191 unrelated to the type of service currently being provided (e.g., property management as opposed to  
1192 brokerage) or from offering the same type of service for property not subject to other brokers' exclusive  
1193 agreements. However, information received through a Multiple Listing Service or any other offer of  
1194 cooperation may not be used to target clients of other MLS Participants to whom such offers to provide  
1195 services may be made. (Amended 2004)  
1196

1197 **Section 16.18.** MLS Participants acting as subagents or buyer/tenant representatives or brokers, shall not  
1198 use the terms of an offer to purchase/lease to attempt to modify the listing broker's offer of compensation to  
1199 subagents or buyer tenant representatives or brokers nor make the submission of an executed offer to  
1200 purchase/lease contingent on the listing broker's agreement to modify the offer of compensation. (Amended  
1201 2004)  
1202

1203 **Section 16.19.** All dealings concerning property exclusively listed, or with buyer/tenants who are subject to an  
1204 exclusive agreement shall be carried on with the client's representative or broker, and not with the client,  
1205 except with the consent of the client's representative or broker or except where such dealings are initiated by  
1206 the client.  
1207 Before providing substantive services (such as writing a purchase offer or presenting a CMA) to MLS  
1208 Participants shall ask prospects whether they are a party to any exclusive representation agreement. MLS  
1209 Participants shall not knowingly provide substantive services concerning a prospective transaction to  
1210 prospects who are parties to exclusive representation agreements, except with the consent of the prospects'  
1211 exclusive representatives or at the direction of prospects. (Amended 2004)  
1212

1213 **Section 16.20.** Participants, users, and subscribers, prior to or after their relationship with their current firm is  
1214 terminated, shall not induce clients of their current firm to cancel exclusive contractual agreements between  
1215 the client and that firm. This does not preclude Participants from establishing agreements with their  
1216 associated licensees governing assignability of exclusive agreements. (Adopted 1/98, Amended 01/10)  
1217  
1218

1219 **Section 16.21.** These rules are not intended to prohibit ethical, albeit aggressive or innovative business  
1220 practices, and do not prohibit disagreements with other MLS Participants involving commission, fees,  
1221 compensation, or other forms of payment or expenses.  
1222

1223 **Section 16.22.** MLS Participants shall not knowingly or recklessly make false or misleading statements about  
1224 other real estate professionals, their businesses, or their business practices.  
1225

1226 **Section 16.23.** MLS participants' firm websites shall disclose the firm's name and state(s) of licensure in a  
1227 reasonable and readily apparent manner.  
1228

1229 Websites of licensees affiliated with a participant's firm shall disclose the firm's name and the licensee's  
1230 state(s) of licensure in a reasonable and readily apparent manner. (Adopted 11/07)  
1231

1232 **Section 16.24.** MLS participants shall present a true picture in their advertising and representations to the  
1233 public, including the URLs and domain names they use, and participants may not:  
1234

- 1235 a. engage in deceptive or unauthorized framing of real estate brokerage websites;
- 1236 b. manipulate (e.g., presenting content developed by others) listing content in any way that  
1237 produces a deceptive or misleading result; or
- 1238 c. deceptively uses meta tags, keywords or other devices/methods to direct, drive, or divert  
1239 Internet traffic.
- 1240 d. present content developed by others without either attribution or without permission; or  
1241 otherwise mislead consumers. (Amended 01/13)  
1242

1243 **Section 16.25.** Participants shall not deliberately mislead property owners/buyers as to the market value of  
1244 the property.  
1245

1246 The services which MLS participants provide to their clients and customers shall conform to the standards of  
1247 practice and competence which are reasonable expected in the specific real estate disciplines in which they  
1248 engage; specifically, residential real estate brokerage, real property management, commercial and industrial  
1249 real estate brokerage, land brokerage, real estate appraisal, real estate counseling, real estate syndication,  
1250 real estate auction, and international real estate.

1251 MLS participants shall not undertake to provide specialized professional services concerning a type of  
1252 property or service that is outside their field of competence unless they engage the assistance of one who is  
1253 competent on such types of property or service, or unless the facts are fully disclosed to the client. Any  
1254 persons engaged to provide such assistance shall be so identified to the client and their contribution to the  
1255 assignment should be set forth. (Adopted 11/09)  
1256

1257 **Section 16.26 & Meetings**

1258 The meetings of the participants in the service or the Board of Directors of the Multiple Listing Service for the  
1259 transaction of business of the service shall be held in accordance with the provisions of Article 7, Bylaws of  
1260 the Service  
1261

## 1262 **Section 17. Orientation**

1263 It will be mandatory for all new members to attend MLS Orientation (3 Hours) offered by this Multiple Listing  
1264 Service within 60 days of their joined date.

1265 Any applicant for MLS Participation and any licensee affiliated with an MLS Participant who has access to and  
1266 use of MLS generated information shall complete an orientation program devoted to the MLS rules and  
1267 regulations and/or computer training related to MLS information entry and retrieval and the operation of the  
1268 MLS within 60 days after access has been provided. Classes are offered online and in person. (Amended  
1269 11/18)  
1270

1271 Any applicant for MLS Participation and any licensee affiliated with an MLS Participant who has access to and  
1272 use of MLS-generated information shall complete a MLS Basic Class within 90 days of joining or their MLS  
1273 access will be suspended. (Amended 03/08)  
1274

1275 Participants and subscribers may be required, at the discretion of the MLS, to complete additional training of  
1276 not more than four (4) classroom hours in any twelve (12) month period when deemed necessary by the MLS  
1277 to familiarize participants and subscribers with system changes or enhancement and/or changes to MLS rules  
1278 or policies.

1279 Participants and subscribers must be given the opportunity to complete any mandated additional training  
1280 remotely. (Amended 02/10)  
1281

## 1282 **Internet Data Exchange ("IDX")**

1283 The IDX policy gives MLS participants the ability to authorize limited electronic display of their listings by other  
1284 participants. (Adopted 05/12)

1285  
1286 Associations of Realtors® and their multiple listing services must enable MLS participants to display  
1287 aggregated MLS listing information by specified electronic means in accordance with this policy. Requests for  
1288 IDX feeds/downloads must be acted on by the MLS within five (5) business days from receipt, barring  
1289 extenuating circumstances related to an individual's qualification for MLS Participation, and review of the  
1290 participant's and vendor's use of the IDX information consistent with the MLS rules, in which case an  
1291 estimated time of approval or denial must be issued. Electronic display subject to this policy means displays  
1292 on participants' public websites and displays using applications for mobile devices that participants control.  
1293 For purposes of this policy "control" means participants must have the ability to add, delete, modify and  
1294 update information as required by this policy. All displays of IDX listings must also be under the actual and  
1295 apparent control of the participant, and must be presented to the public as being the participant's display.  
1296 Actual control requires that the participant has developed the display, or caused the display to be developed  
1297 for the participant pursuant to an agreement giving the participant authority to determine what listings will be  
1298 displayed, and how those listings will be displayed. Apparent control requires that a reasonable consumer  
1299 viewing the participant's display will understand the display is the participant's, and that the display is  
1300 controlled by the participant. Factors evidencing control include, but are not limited to, clear identification of  
1301 the name of the brokerage firm under which the participant operates in a readily visible color and typeface,  
1302 except as otherwise provided for in this policy (e.g., displays of minimal information). All electronic display of  
1303 IDX information conducted pursuant to this policy must comply with state law and regulations, and MLS rules.  
1304 Any display of IDX information must be controlled by the participant, including the ability to comply with this  
1305 policy and applicable MLS rules. (Amended 05/15)  
1306

1307 To comply with this requirement MLSs must, if requested by a participant, promptly provide basic  
1308 downloading of all active listings, a minimum of three (3) years sold\* listing data, non-confidential pending  
1309 sale listing data, and other listings authorized under applicable MLS rules and may not exclude any listings  
1310 from the information which can be downloaded or displayed under IDX except those listings for which a  
1311 participant has withheld consent, or listings for which the seller has prohibited Internet display. Associations  
1312 and MLSs can also offer alternative display options including framing of board, MLS, or other publicly  
1313 accessible sites displaying participants' listings (with permission of the framed site). For purposes of this  
1314 policy, "downloading" means electronic transmission of data from MLS servers to participants' servers on a  
1315 persistent or transient basis, at the discretion of the MLS. The MLS's IDX download must be refreshed to  
1316 accurately reflect all updates and status changes no less frequently than every twelve (12) hours. Data  
1317 transmitted must exclude the listing or property address, respectively, of any seller who affirmatively directs  
1318 that the listing or the property address not appear on the Internet or other electronic forms of display or  
1319 distribution. (Amended 11/15)  
1320

1321 **\*Note:** If "sold" information is not publicly accessible, sold listings can be removed from the MLSs' IDX  
1322 feeds/downloads. "Publicly accessible" sold information as used in IDX policy and rules, means data that is  
1323 available electronically or in hard copy to the public from city, county, state and other government records.  
1324 MLSs must provide for its Participants' IDX displays publicly accessible sold information maintained by the  
1325 MLS for at least the last three (3) years. (Amended 05/15)

1326 MLSs that allow persistent downloading of the MLS database by participants for display or distribution on the  
1327 Internet or by other electronic means may require that participants' websites (1) utilize appropriate security  
1328 protection, such as firewalls, provided that any security obligations imposed on participants may not be  
1329 greater than those employed concurrently by the MLS, and/or (2) maintain an audit trail of consumer activity  
1330 on participants' websites and make that information available to the MLS if the MLS has reason to believe that  
1331 a participant's IDX website has caused or permitted a breach in the security of the data or a violation of MLS  
1332 rules related to use by consumers. This policy does not require associations or MLSs to establish publicly  
1333 accessible sites displaying participants' listings. (Amended 05/12)  
1334

1335 Unless state law requires prior written consent from listing brokers, listing brokers' consent for IDX display  
1336 may be presumed unless a listing broker affirmatively notifies the MLS that the listing broker refuses to permit  
1337 display (either on a blanket or on a listing-by-listing basis). If a participant refuses on a blanket basis to permit  
1338 IDX display of that participant's listings, then that participant may not display the aggregated MLS data of  
1339 other participants on an IDX site.

1340 Alternatively, MLSs may require that participants' consent for IDX display of their listings by other participants  
1341 be affirmatively established in writing. Even where participants have given blanket authority for other

1342 participants' IDX display of their listings, such consent may be withdrawn on a listing-by-listing basis as  
1343 instructed by the seller. (Amended 05/12)

1344  
1345 Access to MLS databases, or any part of such databases, may not be provided to any person or entity not  
1346 expressly authorized such access under the MLS rules. (Amended 11/09)

1347  
1348 Participants' Internet websites and other authorized display mechanisms may also provide other features,  
1349 information, or services in addition to IDX information (including Virtual Office Website ["VOW"] functions)  
1350 which are not subject to this policy. (Amended 05/12)

1351  
1352 **Policies Applicable to Participants' IDX Websites and Displays**

1353  
1354 1. Participants must notify the MLS of their intention to display IDX information and give the MLS direct  
1355 access for purposes of monitoring/ensuring compliance with applicable rules and policies. (Amended 05/12)

1356  
1357 2. MLS participants may not use IDX-provided listings for any purpose other than IDX display. This does not  
1358 require participants to prevent indexing of IDX listings by recognized search engines. (Amended 05/12)

1359  
1360 3. Listings or property addresses of sellers who have directed their listing brokers to withhold their listing or  
1361 property address from display on the Internet (including, but not limited to, publicly accessible websites or  
1362 VOWs) shall not be accessible via IDX display (Amended 05/12)

1363  
1364 4. Participants may select the IDX listings they choose to display based only on objective criteria including,  
1365 but not limited to, factors such as geography or location ("uptown", "downtown", etc.), list price, type of  
1366 property (e.g. condominiums, cooperatives, single family detached, multi-family), cooperative compensation  
1367 offered by listing brokers, type of listing (e.g. exclusive right-to-sell or exclusive agency), or the level of service  
1368 provided by the listing firm. Selection of IDX listings to be displayed must be independently made by each  
1369 participant. (Amended 05/12)

1370  
1371 5. Participants must refresh all MLS downloads and displays automatically fed by those downloads not less  
1372 frequently than every twelve (12) hours. (Amended 11/14)

1373 6. Except as provided elsewhere in this policy or elsewhere in an MLS's rules and regulations, an IDX display  
1374 or participant engaging in IDX display may not distribute, provide, or make any portion of the MLS database  
1375 available to any person or entity. (Amended 05/12)

1376  
1377 7. When displaying listing content, a participant's or user's IDX display must clearly identify the name of the  
1378 brokerage firm under which they operate in a readily visible color and typeface. This policy acknowledges  
1379 that certain required disclosures may not be possible in displays of minimal information (e.g., "thumbnails,"  
1380 text messages, "tweets," etc., of 200 characters or less). Such displays are exempt from the disclosure  
1381 requirements established in this policy but only when linked directly to a display that includes all required  
1382 disclosures. (Amended 05/12)

1383  
1384 8. With respect to any participant's IDX display that

1385  
1386 a. allows third-parties to write comments or reviews about particular listings or displays a hyperlink to such  
1387 comments or reviews in immediate conjunction with particular listings, or

1388  
1389 b. displays an automated estimate of the market value of the listing (or hyperlink to such estimate) in  
1390 immediate conjunction with the listing, either or both of those features shall be disabled or discontinued with  
1391 respect to the seller's listing at the request of the seller. The listing broker or agent shall communicate to the  
1392 MLS that the seller has elected to have one or both of these features disabled or discontinued by all  
1393 participants Except for the foregoing and subject to paragraph 9, a participant's IDX display may  
1394 communicate the participant's professional judgment concerning any listing. Nothing shall prevent an IDX  
1395 display from notifying customers that a particular feature has been disabled at the request of the  
1396 seller. (Amended 05/12)

1397  
1398 9. Participants shall maintain a means (e.g. e-mail address, telephone number) to receive comments about  
1399 the accuracy of any data or information that is added by or on behalf of the participant beyond that supplied  
1400 by the MLS and that relates to a specific property. The participant shall correct or remove any false data or

1401 information relating to a specific property upon receipt of a communication from the listing broker or listing  
1402 agent for that property explaining why the data or information is false. However, the participant shall not be  
1403 obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or  
1404 professional judgment. (Amended 05/12)  
1405

1406 10. An MLS Participant (or where permitted locally, an MLS subscriber) may co-mingle the listings of other  
1407 brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays  
1408 are consistent with the IDX rules, and the MLS Participant (or MLS subscriber) holds participatory rights in  
1409 those MLSs. As used in this policy, “co-mingling” means that consumers are able to execute a single  
1410 property search of multiple IDX data feeds resulting in the display of IDX information from each of the MLSs  
1411 on a single search results page; and that Participants may display listings from each IDX feed on a single  
1412 webpage or display. (Adopted 11/14)  
1413

#### 1414 **Section 18. IDX Defined**

1415 IDX affords MLS Participants the ability to authorize limited electronic display of their listings by other  
1416 participants via the following authorized mediums under the participant’s control: websites, mobile apps, and  
1417 audio devices. As used throughout these rules, “display” includes “delivery” of such listing. **M** (Amended  
1418 5/17). (Amended 05/17)  
1419

#### 1420 **Section 18.1.**

1421 Participants’ consent for display of their listings by other Participants pursuant to these rules and regulations  
1422 is presumed unless a Participant affirmatively notifies the MLS that the Participant refuses to permit display  
1423 (either on a blanket or on a listing-by-listing basis). If a Participant refuses on a blanket basis to permit the  
1424 display of that Participant’s listings, that Participant may not download, frame or display the aggregated MLS  
1425 data of other Participants. Even where participants have given blanket authority for other participants to  
1426 display their listings on IDX sites, such consent may be withdrawn on a listing-by-listing basis where the seller  
1427 has prohibited all Internet display *or other electronic forms of display or distribution*. **M** (Amended 05/17)  
1428

1429 **Section 18.2.** Participation in IDX is available to all MLS participants who consent to display of their listings  
1430 by other participants.  
1431

1432 **Section 18.2.1.** Participants must notify the MLS of their intention to display IDX information and must give  
1433 the MLS direct access for purposes of monitoring/ensuring compliance with applicable rules and policies.  
1434 (Amended 05/12)  
1435

1436 **Section 18.2.2.** MLS participants may not use IDX-provided listings for any purpose other than display as  
1437 provided for in these rules. This does not require participants to prevent indexing of IDX listings by  
1438 recognized search engines. (Amended 05/12)  
1439

1440 **Section 18.2.3.** Listings, including property addresses, can be included in IDX displays except where a  
1441 sellers has directed their listing brokers to withhold their listing or the listing’s property address from all display  
1442 on the Internet (including, but not limited to, publicly-accessible websites or VOWs, or other forms of  
1443 electronic display or distribution. (Amended 11/17)

1444 **Section 18.2.4.** Participants may select the listings they chose display on their IDX sites based only on  
1445 objective criteria including, but not limited to, factors such as geography or location (“uptown”, “downtown”,  
1446 etc.), list price, type of property, (e.g., condominiums, cooperatives, single-family detached, multi-family),  
1447 cooperative compensation offered by listing brokers, type of listing (e.g., exclusive right to sell, or exclusive  
1448 agency), or the level of service being provided by the listing firm. Selection of listings displayed through IDX  
1449 sites must be independently made by each Participant. (Amended 11/17)  
1450

1451 **Section 18.2.5.** Participants must refresh all MLS downloads and IDX displays automatically fed by those  
1452 downloads not less frequently than every 12 hours. (Amended 11/14)  
1453

1454 **Section 18.2.6.** Except as provided in the IDX policy and these rules, an IDX site or a participant or user  
1455 operating an IDX site or displaying IDX information as otherwise permitted may not distribute, provide, or  
1456 make any portion of the MLS database available to any person or entity. (Amended 05/12)

1457 **Section 18.2.7.** Any IDX display controlled by a participant must clearly identify the name of the brokerage  
1458 firm under which they operate in a readily visible color and typeface. For purposes of the IDX policy and

1459 these rules, “control” means the ability to add, delete, modify and update information as required by the IDX  
1460 policy and MLS rules. (Amended 05/12)

1461 **Section 18.2.8.** Any IDX display controlled by a participant or subscriber that

- 1462 a. allows third-parties to write comments or reviews about particular listings or displays a hyperlink to
- 1463 such comments or reviews in immediate conjunction with particular listings, or
- 1464 b. displays an automated estimate of the market value of the listing (or hyperlink to such estimate) in
- 1465 immediate conjunction with the listing,

1466 either or both of those features shall be disabled or discontinued the seller’s listings at the request of the  
1467 seller. The listing broker or agent shall communicate to the MLS that the seller has elected to have one or  
1468 both of these features disabled or discontinued on all displays controlled by participants. Except for the  
1469 foregoing and subject to Section 18.2.9, a participant’s IDX display may communicate the participant’s  
1470 professional judgment concerning any listing. Nothing shall prevent an IDX display from notifying its  
1471 customers that a particular feature has been disabled at the request of the seller. (Amended 05/12)

1472 **Section 18.2.9.** Participants shall maintain a means (e.g., e-mail address, telephone number) to receive  
1473 comments about the accuracy of any data or information that is added by or on behalf of the participant  
1474 beyond that supplied by the MLS and that relates to a specific property Participants shall correct or remove  
1475 any false data or information relating to a specific property upon receipt of a communication from the listing  
1476 broker or listing agent for the property explaining why the data or information is false. However, participants  
1477 shall not be obligated to remove or correct any data or information that simply reflects good faith opinion,  
1478 advice, or professional judgment. (Amended 05/12)

1479 **Section 18.2.10.**

1481 An MLS Participant (or where permitted locally, an MLS Subscriber) may co-mingle the listings of other  
1482 brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays  
1483 are consistent with the IDX rules, and the MLS Participant (or MLS Subscriber) holds participatory rights in  
1484 those MLSs. As used in this policy, “co-mingling” means that consumers are able to execute a single  
1485 property search of multiple IDX data feeds resulting in the display of IDX information from each of the MLSs  
1486 on a single search results page; and that Participants may display listings from each IDX feed on a single  
1487 webpage or display. (Adopted 11/14)

1488 **Section 18.2.11**

1490 Participants shall not modify or manipulate information relating to other participants listings. MLS Participants  
1491 may augment their IDX display of MLS data with applicable property information from other sources to appear  
1492 on the same webpage or display, clearly separated by the data supplied by the MLS. The source(s) of the  
1493 information must be clearly identified in the immediate proximity to such data. This requirement does not  
1494 restrict the format of MLS data display or display of fewer than all of the available listings or fewer authorized  
1495 fields.

1496 **Section 18.2.12**

1498 All listings displayed pursuant to IDX shall identify the listing firm in a reasonably prominent location and in a  
1499 readily visible color and typeface not smaller than the median used in the display of listing data.\* (Amended  
1500 05/17)

1501 *\*Displays of minimal information (e.g., “thumbnails”, text messages, “tweets”, etc., of two hundred [200]*  
1502 *characters or less) are exempt from this requirement but only when linked directly to a display that includes all*  
1503 *required disclosures. For audio delivery of listing content, all required disclosures must be subsequently*  
1504 *delivered electronically to the registered consumer performing the property search or linked to through the*  
1505 *device’s application. (Amended 5/17)*

1506 **Section 18.3.** Display of listing information pursuant to IDX is subject to the following rules:

1507 **Section 18.3.1.** Listings displayed pursuant to IDX shall contain only those fields of data designated by the  
1508



1509 MLS. Display of all other fields (as determined by the MLS) is prohibited. Confidential fields intended only for  
1510 other MLS participants and users (e.g., cooperative compensation offers, showing instructions, property  
1511 security information, etc.) may not be displayed. (Amended 05/12)  
1512

1513 **Section 18.3.1.1.** The type of listing agreement (e.g., exclusive right to sell, exclusive agency, etc.) may not  
1514 be displayed (Amended 05/12)  
1515

1516 ~~**Section 18.3.2.** NAR Deletion 11/15~~

1517 ~~**Section 18.3.3.**~~

1518 Deleted May 2017; moved to 18.2.12 May 2017.

1519

1520 **Section 18.3.4.** All listings displayed pursuant to IDX shall identify the listing agent

1521

1522 **Section 18.3.5.** Non-principal brokers and sales licensees affiliated with IDX Participants may display  
1523 information available through IDX on their own websites subject to their Participant's consent and control and  
1524 the requirements of state law and/or regulation.  
1525

1526

1527 ~~Section 18.3.6— Deleted by NAR in 2006~~

1528 ~~Section 18.3.7— Optional— Not adopted~~

1529

1530 **Section 18.3.8.** Participants (and their affiliated licensees, if applicable) shall indicate on their websites that  
1531 IDX information is provided exclusively for consumers' personal, non-commercial use, that it may not be used  
1532 for any purpose other than to identify prospective properties consumers may be interested in purchasing, and  
1533 that data is deemed reliable but is not guaranteed accurate by the MLS. The MLS may, at its discretion,  
1534 require use of other disclaimers as necessary to protect participants and/or the MLS from liability.  
1535 Displays of minimal information (e.g., "thumbnails," text messages, "tweets," etc., of two hundred [200]  
1536 characters or less) are exempt from this requirement but only when linked directly to a display that includes all  
1537 required disclosures. (Amended 05/17)  
1538

1539 **Section 18.3.9.** The data consumers can retrieve or download in response to an inquiry shall be determined  
1540 by the MLS but in no instance shall be limited to fewer than one hundred (100) listings or five percent (5%) of  
1541 the listings available for IDX display, whichever is fewer. (Amended 11/09)  
1542

1543 **Section 18.3.10.** The right to display other Participants' listings pursuant to IDX shall be limited to a  
1544 Participant's office(s) holding participatory rights in this MLS. IDX Policy amended by NAR  
1545

1546 **Section 18.3.11 of the Internet Data Exchange ("IDX") Rules be amended (all types)**

1547 Listings obtained through IDX feeds from REALTOR® Association MLSs where the MLS Participant holds  
1548 participatory rights must be displayed separately from listings obtained from other sources. Listings obtained  
1549 from other sources (e.g., from other MLSs, from non-participating brokers, etc.) must display the source from  
1550 which each such listing was obtained.

1551 Displays of minimal information (e.g., "thumbnails", text messages, "tweets", etc., of two hundred [200]  
1552 characters or less) are exempt from this requirement but only when linked directly to a display that includes all  
1553 required disclosures. (Amended 11/14)  
1554

1555 Note: An MLS Participant (or where permitted locally, an MLS Subscriber) may co-mingle the listings of other  
1556 brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays  
1557 are consistent with the IDX rules, and the MLS Participant (or MLS Subscriber) holds participatory rights in  
1558 those MLSs. As used in this policy, "co-mingling" means that consumers are able to execute a single  
1559 property search of multiple IDX data feeds resulting in the display of IDX information from each of the MLSs  
1560 on a single search results page; and that Participants may display listings from each IDX feed on a single  
1561 webpage or display. (Adopted 11/14)  
1562

1563 **Section 18.3.12.** Display of expired, withdrawn, and sold listings\* is prohibited. (Amended 11/14)

1564 \* Note: If "sold" information is publicly accessible, display of "sold" listings may not be prohibited. (Adopted  
1565 11/14)

1566 *\*Note: If "sold" information is publicly accessible, display of "sold" listings may not be prohibited.*

1567  
1568 **Section 18.3.13.** Display of seller's(s') and/or occupant's(s') name(s), phone number(s), and email  
1569 address(es) is prohibited.

1570 **Section 18.3.14.** Participants are required to employ appropriate security protection such as firewalls, on their  
1571 websites and displays, provided that any security measures required may not be greater than those employed  
1572 by the MLS. (Amended 05/12)  
1573

1574 **Section 18.3.15.** Participants must maintain an audit trail of consumer activity on their website and make that  
1575 information available to the MLS if the MLS believes the IDX site has caused or permitted a breach in the  
1576 security of the data or a violation of MLS rules related to use by consumers. (Amended 05/12)

1577 **Section 18.3.16.** Advertising (including co-branding) on pages displaying IDX-provided listings are prohibited.  
1578

1579 **Section 18.4.** Service Fees and Charges: Service fees and charges for participation in IDX shall be as  
1580 established annually by the Board of Directors. (Adopted 11/01, Amended 5/05)  
1581

1582 **Section 18.5. Electronic Display of Other Participant's Listings, was added as follows:**  
1583 MLSs may but are not required to give participants the ability to authorize electronic display of their listings by  
1584 other participants outside the context of the Internet Data Exchange ("IDX") policy and rules and the Virtual  
1585 Office Website ("VOW") policy and rules.  
1586 Participants may not be required to consent to display or distribution of their listings through non-IDX and non-  
1587 VOW channels as a condition of participation in MLS or as a condition of participation in IDX. Electronic  
1588 display and distribution pursuant to this policy contemplates, but is not limited to, Short Message Services  
1589 ("SMS")/texting technologies, and interactive "social media". All electronic displays and/or distribution of other  
1590 participants' listings conducted pursuant to this policy must comply with state law and regulations and  
1591 applicable rules.  
1592 Displays addressed by this policy may be subject to technological limitations on disabling/discontinuing third-  
1593 party comments/reviews, disabling/discontinuing automated displays of market value, "refreshing" displays on  
1594 a periodic basis, and possibly other issues which should be taken into consideration when developing rules  
1595 and policies governing such displays. (Adopted 11/12)  
1596

1597 **Section 18.6. MLS Policy Statement 7.90, Real Estate Transaction Standards (RETS) NAR Policy**  
1598 **Handbook**  
1599 The integrity of data is a foundation to the orderly real estate market. The Real Estate Transaction Standards  
1600 (RETS) provide a vendor neutral, secure approach to exchanging listing information between the broker and  
1601 the MLS. In order to ensure that the goal of maintaining an orderly marketplace is maintained, and to further  
1602 establish REALTOR® information as the trusted data source, MLS organizations owned and operated by  
1603 associations of REALTORS® will implement the RESO Standards including: the RESO Data Dictionary by  
1604 January 1, 2016; the RESO Web API by June 30, 2016 and will keep current by implementing new releases  
1605 of RESO Standards within one (1) year from ratification. Compliance with this requirement can be  
1606 demonstrated using the Real Estate Standards Organization (RESO) compliance Certification Process.  
1607 (Amended 11/09/14)  
1608

1609 **Section 19. Model Virtual Office Website (VOW) Rules**  
1610

1611 **Section 19.1.**  
1612 **(a)** A Virtual Office Website ("VOW") is a Participant's Internet website, or a feature of a Participant's website,  
1613 through which the Participant is capable of providing real estate brokerage services to consumers with whom  
1614 the Participant has first established a broker-consumer relationship (as defined by state law) where the  
1615 consumer has the opportunity to search MLS Listing Information, subject to the Participant's oversight,  
1616 supervision, and accountability. A non-principal broker or sales licensee affiliated with a Participant may, with  
1617 his or her Participant's consent, operate a VOW. Any VOW of a non-principal broker or sales licensee is  
1618 subject to the Participant's oversight, supervision, and accountability.  
1619

1620 **(b)** As used in Section 19 of these Rules, the term "Participant" includes a Participant's affiliated non-principal  
1621 brokers and sales licensees – except when the term is used in the phrases "Participant's consent" and  
1622 "Participant's oversight, supervision, and accountability". References to "VOW" and "VOWs" include all

1623 VOWs, whether operated by a Participant, by a non-principal broker or sales licensee, or by an Affiliated  
1624 VOW Partner (“AVP”) on behalf of a Participant.  
1625  
1626 (c) “Affiliated VOW Partner” (“AVP”) refers to an entity or person designated by a Participant to operate a  
1627 VOW on behalf of the Participant, subject to the Participant’s supervision, accountability and compliance with  
1628 the VOW Policy. No AVP has independent participation rights in the MLS by virtue of its right to receive  
1629 information on behalf of a Participant. No AVP has the right to use MLS Listing Information except in  
1630 connection with operation of a VOW on behalf of one or more Participants. Access by an AVP to MLS Listing  
1631 Information is derivative of the rights of the Participant on whose behalf the AVP operates a VOW.  
1632

1633 (d) As used in Section 19 of these Rules, the term “MLS Listing Information” refers to active listing  
1634 information and sold data provided by Participants to the MLS and aggregated and distributed by the MLS to  
1635 Participants.

1636 **Section 19.2.**  
1637 (a) The right of a Participant’s VOW to display MLS Listing Information is limited to that supplied by the  
1638 MLS(s) in which the Participant has participatory rights. However, a Participant with offices participating in  
1639 different MLSs may operate a master website with links to the VOWs of the other offices.  
1640  
1641 (b) Subject to the provisions of the VOW Policy and these Rules, a Participant’s VOW, including any VOW  
1642 operated on behalf of a Participant by an AVP, may provide other features, information, or functions, e.g.  
1643 Internet Data Exchange (“IDX”).  
1644  
1645 (c) Except as otherwise provided in the VOW Policy or in these Rules, a Participant need not obtain separate  
1646 permission from other MLS Participants whose listings will be displayed on the Participant’s VOW.  
1647

1648 **Section 19.3.**  
1649 (a): Before permitting any consumer to search for or retrieve any MLS Listing Information on his or her VOW,  
1650 the Participant must take each of the following steps:

1651 (i) The Participant must first establish with that consumer a lawful broker-consumer relationship (as defined  
1652 by state law), including completion of all actions required by state law in connection with providing real estate  
1653 brokerage services to clients and customers (hereinafter “Registrants”). Such actions shall include, but are  
1654 not limited to, satisfying all applicable agency, non-agency, and other disclosure obligations, and execution of  
1655 any required agreements.  
1656  
1657 (ii) The Participant must obtain the name of, and a valid email address for, each Registrant. The Participant  
1658 must send an email to the address provided by the Registrant confirming that the Registrant has agreed to  
1659 the Terms of Use (described in subsection (d) below). The Participant must verify that the email address  
1660 provided by the Registrant is valid and that the Registrant has agreed to the Terms of Use.

1661 (iii) The Participant must require each Registrant to have a user name and a password, the combination of  
1662 which is different from those of all other Registrants on the VOW. The Participant may, at his or her option,  
1663 supply the user name and password or may allow the Registrant to establish its user name and password.  
1664 The Participant must also assure that any email address is associated with only one user name and  
1665 password.

1666 (b) The Participant must assure that each Registrant’s password expires on a date certain but may provide  
1667 for renewal of the password. The Participant must at all times maintain a record of the name, email address,  
1668 user name, and current password of each Registrant. The Participant must keep such records for not less  
1669 than 180 days after the expiration of the validity of the Registrant’s password.

1670 (c) If the MLS has reason to believe that a Participant’s VOW has caused or permitted a breach in the  
1671 security of MLS Listing Information or a violation of MLS rules, the Participant shall, upon request of the MLS,  
1672 provide the name, email address, user name, and current password, of any Registrant suspected of  
1673 involvement in the breach or violation. The Participant shall also, if requested by the MLS, provide an audit  
1674 trail of activity by any such Registrant.

1675 (d) The Participant shall require each Registrant to review, and affirmatively to express agreement (by mouse  
1676 click or otherwise) to, a "Terms of Use" provision that provides at least the following:

- 1677  
1678 i. That the Registrant acknowledges entering into a lawful consumer-broker relationship with the Participant;  
1679  
1680 ii. That all information obtained by the Registrant from the VOW is intended only for the Registrant's  
1681 personal, non-commercial use;  
1682  
1683 iii. That the Registrant has a bona fide interest in the purchase, sale, or lease of real estate of the type being  
1684 offered through the VOW;  
1685 iv. That the Registrant will not copy, redistribute, or retransmit any of the information provided except in  
1686 connection with the Registrant's consideration of the purchase or sale of an individual property;  
1687 v. That the Registrant acknowledges the MLS's ownership of, and the validity of the MLS's copyright in, the  
1688 MLS database.

1689 (e) The Terms of Use Agreement may not impose a financial obligation on the Registrant or create any  
1690 representation agreement between the Registrant and the Participant. Any agreement entered into at any  
1691 time between the Participant and Registrant imposing a financial obligation on the Registrant or creating  
1692 representation of the Registrant by the Participant must be established separately from the Terms of Use,  
1693 must be prominently labeled as such, and may not be accepted solely by mouse click.  
1694 (f) The Terms of Use Agreement shall also expressly authorize the MLS, and other MLS Participants or their  
1695 duly authorized representatives, to access the VOW for the purposes of verifying compliance with MLS rules  
1696 and monitoring display of Participants' listings by the VOW. The Agreement may also include such other  
1697 provisions as may be agreed to between the Participant and the Registrant.

1698 **Section 19.4.** A Participant's VOW must prominently display an e-mail address, telephone number, or  
1699 specific identification of another mode of communication (e.g., live chat) by which a consumer can contact the  
1700 Participant to ask questions, or get more information, about any property displayed on the VOW. The  
1701 Participant, or a non-principal broker or sales licensee licensed with the Participant, must be willing and able  
1702 to respond knowledgeably to inquiries from Registrants about properties within the market area served by that  
1703 Participant and displayed on the VOW.

1704 **Section 19.5.** A Participant's VOW must employ reasonable efforts to monitor for, and prevent,  
1705 misappropriation, "scraping", and other unauthorized use of MLS Listing Information. A Participant's VOW  
1706 shall utilize appropriate security protection such as firewalls as long as this requirement does not impose  
1707 security obligations greater than those employed concurrently by the MLS.

1708 (NOTE: MLSs may adopt rules requiring Participants to employ specific security measures, provided that any  
1709 security measure required does not impose obligations greater than those employed by the MLS.)

1710  
1711  
1712 **Section 19.6.**

1713 (a) A Participant's VOW shall not display listings or property addresses of any seller who has affirmatively  
1714 directed the listing broker to withhold the seller's listing or property address from display on the Internet. The  
1715 listing broker shall communicate to the MLS that the seller has elected not to permit display of the listing or  
1716 property address on the Internet. Notwithstanding the foregoing, a Participant who operates a VOW may  
1717 provide to consumers via other delivery mechanisms, such as email, fax, or otherwise, the listings of sellers  
1718 who have determined not to have the listing for their property displayed on the Internet.

1719 (b) A Participant who lists a property for a seller who has elected not to have the property listing or the  
1720 property address displayed on the Internet shall cause the seller to execute a document that includes the  
1721 following (or a substantially similar) provision:

1722 **Seller Syndication Opt-Out Form**

- 1723  
1724 1. Please check either Option a or Option b  
1725

1726 a. [ ] I have advised my broker or sales agent that I do not want the listed property to be displayed on the  
1727 Internet.

1728  
1729 OR

1730  
1731 b. [ ] I have advised my broker or sales agent that I do not want the address of the listed property to be  
1732 displayed on the Internet.

1733  
1734  
1735 2. I understand and acknowledge that, if I have selected option a, consumers who conduct searches for  
1736 listings on the Internet will not see information about the listed property in response to their search.

1737  
1738 \_\_\_\_\_  
1739 initials of seller

1740 (c) The Participant shall retain such forms for at least one year from the date they are signed, or one year  
1741 from the date the listing goes off the market, whichever is greater.

1742 **Section 19.7.**

1743 (a) Subject to subsection (b), a Participant's VOW may allow third-parties (i) to write comments or reviews  
1744 about particular listings or display a hyperlink to such comments or reviews in immediate conjunction with  
1745 particular listings, or (ii) display an automated estimate of the market value of the listing (or hyperlink to such  
1746 estimate) in immediate conjunction with the listing

1747  
1748 (b) Notwithstanding the foregoing, at the request of a seller the Participant shall disable or discontinue either  
1749 or both of those features described in subsection (a) as to any listing of the seller. The listing broker or agent  
1750 shall communicate to the MLS that the seller has elected to have one or both of these features disabled or  
1751 discontinued on all Participants' websites. Subject to the foregoing and to Section 19.8, a Participant's VOW  
1752 may communicate the Participant's professional judgment concerning any listing. A Participant's VOW may  
1753 notify its customers that a particular feature has been disabled "at the request of the seller."

1754  
1755 **Section 19.8.** A Participant's VOW shall maintain a means (e.g., e-mail address, telephone number) to  
1756 receive comments from the listing broker about the accuracy of any information that is added by or on behalf  
1757 of the Participant beyond that supplied by the MLS and that relates to a specific property displayed on the  
1758 VOW. The Participant shall correct or remove any false information relating to a specific property within 48  
1759 hours following receipt of a communication from the listing broker explaining why the data or information is  
1760 false. The Participant shall not, however, be obligated to correct or remove any data or information that simply  
1761 reflects good faith opinion, advice, or professional judgment.

1762 **Section 19.9.** A Participant shall cause the MLS Listing Information available on its VOW to be refreshed at  
1763 least once every three (3) days.

1764  
1765 **Section 19.10.** Except as provided in these rules, the NATIONAL ASSOCIATION OF REALTORS® VOW Policy, or  
1766 any other applicable MLS rules or policies, no Participant shall distribute, provide, or make accessible any  
1767 portion of the MLS Listing Information to any person or entity.

1768  
1769 **Section 19.11.** A Participant's VOW must display the Participant's privacy policy informing Registrants of all  
1770 of the ways in which information that they provide may be used.

1771  
1772 **Section 19.12.** A Participant's VOW may exclude listings from display based only on objective criteria,  
1773 including, but not limited to, factors such as geography, list price, type of property, cooperative compensation  
1774 offered by listing broker, and whether the listing broker is a REALTOR®.

1775  
1776 **Section 19.13.** A Participant who intends to operate a VOW to display MLS Listing Information must notify  
1777 the MLS of its intention to establish a VOW and must make the VOW readily accessible to the MLS and to all  
1778 MLS Participants for purposes of verifying compliance with these Rules, the VOW Policy, and any other  
1779 applicable MLS rules or policies.

1780

1781 **Section 19.14.** A Participant may operate more than one VOW himself or herself or through an AVP. A  
1782 Participant who operates his or her own VOW may contract with an AVP to have the AVP operate other  
1783 VOWs on his or her behalf. However, any VOW operated on behalf of a Participant by an AVP is subject to  
1784 the supervision and accountability of the Participant.  
1785

1786 **Section 19.15**

1787 A participant's VOW may not make available for search by or display to Registrants any of the following  
1788 information:

1789 a. expired and withdrawn listings

1790 **Note:** *Due to the 2015 changes in IDX policy and the requirement that participants are allowed to use MLS*  
1791 *listing information through all delivery mechanisms when providing brokerage services, MLSs can no longer*  
1792 *prohibit the display of pending ("under contract") listings to the Registrants of a participant's VOW*

1793 b. the compensation offered to other MLS participants

1794 c. the type of listing agreement, i.e., exclusive right-to-sell or exclusive agency

1795 d. the seller's and occupant's name(s), phone number(s), or e-mail address(es)

1796 e. instructions or remarks intended for cooperating brokers only, such as those regarding showings or  
1797 security of listed property

1798 f. sold information

1799 **Note:** If sold information is publicly accessible in the jurisdiction of the MLS, Subsection 19.15f. must be  
1800 omitted.

1801 **Section 19.16.** A Participant shall not change the content of any MLS Listing Information that is displayed on  
1802 a VOW from the content as it is provided in the MLS. The Participant may, however, augment MLS Listing  
1803 Information with additional information not otherwise prohibited by these Rules or by other applicable MLS  
1804 rules or policies as long as the source of such other information is clearly identified. This rule does not restrict  
1805 the format of display of MLS Listing Information on VOWs or the display on VOWs of fewer than all of the  
1806 listings or fewer than all of the authorized information fields  
1807

1808 **Section 19.17.** A Participant shall cause to be placed on his or her VOW a notice indicating that the MLS  
1809 Listing Information displayed on the VOW is deemed reliable but is not guaranteed accurate by the MLS. A  
1810 Participant's VOW may include other appropriate disclaimers necessary to protect the Participant and/or the  
1811 MLS from liability.

1812 **Section 19.18.** Participants and the AVPs operating VOWs on their behalf must execute the license  
1813 agreement required by the MLS. (NAR section 19.24)  
1814

1815 **Section 19.19.** Where a seller affirmatively directs their listing broker to withhold either the seller's listing or  
1816 the address of the seller's listing from display on the Internet, a copy of the seller's affirmative direction shall  
1817 be provided to the MLS within 48 hours. (NAR Section 19.25)  
1818

1819 **Section 20. (Policy Statement 7.31) NAR Policy Handbook Lock Box Security Requirements**

1820 Eligibility for coverage under NAR's blanket errors and omissions insurance program is contingent on  
1821 compliance with the following security measures whether the system is operated by the association, its MLS,  
1822 or on behalf of an association by a recognized lock box vendor:  
1823

1824 1. Any key, programmer, or other device (hereinafter referred to as key) by which a lock box can be opened  
1825 shall be nonduplicative. By nonduplicative it is not meant that the key is necessarily covered by a current  
1826 patent but that it cannot be readily copied in the manner that other types of keys ordinarily are.  
1827

1828 2. Keys must be obtained from the original manufacturer, from a recognized vendor of lock box systems or  
1829 from any other legitimate source. Prior to utilizing previously used keys, lids, or boxes, information shall be  
1830 obtained from the original manufacturer to determine whether the key's pattern, code, or configuration is

1831 already in use by other associations, multiple listing services, or other users in the vicinity. Surrounding  
1832 associations and multiple listing services shall also be contacted to determine whether the key's pattern,  
1833 code, or configuration is currently in use.  
1834

1835 3. Any lock box system shall be designated as either an activity of an association of REALTORS® or an  
1836 association-owned and operated MLS. The Florida Gulf Coast MLS, Inc. operates the Lockbox Service.  
1837

1838 If the lock box system is an activity of an association of REALTORS®, then every REALTOR® and REALTOR-  
1839 ASSOCIATE® and every non-principal broker, sales licensee and licensed or certified appraiser affiliated with  
1840 a REALTOR®, shall be eligible to hold a key subject to their execution of a lease agreement with the  
1841 association. (*Amended 11/96*)  
1842

1843 If the lock box system is an activity of an association-owned and operated multiple listing service, then  
1844 every MLS participant and every non-principal broker, sales licensee and licensed or certified appraiser  
1845 who is affiliated with an MLS participant and who is legally eligible for MLS access shall be eligible to hold  
1846 a key subject to their execution of a lease agreement with the MLS.  
1847

1848 Associations and multiple listing services may require, as a matter of local determination, that key lease  
1849 agreements executed by non-principal brokers, sales licensees, and licensed or certified appraisers will be  
1850 cosigned by the designated REALTOR® or the office's broker of record. Lease agreements shall spell out the  
1851 responsibilities of the parties and shall incorporate by reference any applicable rules or regulations or other  
1852 governing provisions of the association or MLS that relate to the operation of the lock box system. The  
1853 lease agreement shall also provide that keys may not be used under any circumstances by anyone other  
1854 than the keyholder except as provided elsewhere in this statement of policy. (*Amended 2/98*)  
1855

1856 Associations and multiple listing services may, at their discretion, authorize unlicensed personal  
1857 assistants, administrative and clerical staff, and individuals seeking licensure as real estate appraisers,  
1858 who are under the direct supervision of a designated REALTOR®, or MLS participant, or their licensed  
1859 designee, to hold a lock box key on the same terms and conditions as non-principal brokers and sales  
1860 licensees. (*Adopted 11/93*)  
1861

1862 Associations and multiple listing services may refuse to sell or lease lock box keys, may terminate existing  
1863 key lease agreements, and may refuse to activate or reactivate any key held by an individual convicted of a  
1864 felony or misdemeanor if the crime, in the determination of the association or MLS, relates to the real  
1865 estate business or puts clients, customers, or other real estate professionals at risk.

1866 Associations or multiple listing services may suspend the right of lock box keyholders to use lock box keys  
1867 following their arrest and prior to their conviction for any felony or misdemeanor which, in the determination  
1868 of the association or MLS, relates to the real estate business or which puts clients, customers, or other real  
1869 estate professionals at risk.  
1870

1871  
1872  
1873  
1874 Factors that can be considered in making such determinations include, but are not limited to:

- 1875 the nature and seriousness of the crime
- 1876 the relationship of the crime to the purposes for limiting lock box access
- 1877 the extent to which access (or continued access) might afford opportunities to engage in similar
- 1878 criminal activity
- 1879 the extent and nature of past criminal activity
- 1880 time since criminal activity was engaged in
- 1881 evidence of rehabilitation while incarcerated or following release and
- 1882 evidence of present fitness (*Adopted 11/99*)  
1883

1884 Administration of a lock box system as an activity of an association of REALTORS® may, at the discretion of  
1885 the association, be delegated to its multiple listing service.  
1886

1887 No one shall be required to lease a key from the association except on a voluntary basis.  
1888



1889 Associations and multiple listing services may, at their discretion, lease keys to affiliate members of  
1890 associations who are actively engaged in a recognized field of real estate practice or in related fields. In  
1891 such instances, the lease agreement shall be signed by the keyholder and by a principal, partner, or  
1892 corporate officer of the key holder's firm. *(Amended 11/97)*  
1893

1894 Key lease agreements may contain a liquidated damages provision to offset some or all of the costs in  
1895 reestablishing the security of the system if it is determined that the security has been compromised through  
1896 the negligence or fault of the key holder. *(Amended 11/97)*  
1897

1898 MLSs may, as a matter of local option, require placement of an MLS approved lock box on listed properties  
1899 if any device giving access to real estate professionals and/or service providers is authorized by the seller  
1900 and occupant and is placed on the property. The purpose of this requirement, if adopted by an MLS, is to  
1901 ensure cooperating participants and subscribers have timely access to listed properties. Requiring that a  
1902 lock box or other access device be "MLS-approved" does not limit the devices that satisfy the requirement  
1903 to lock boxes leased or sold by an association or MLS. The MLS may require that the devices be submitted  
1904 in advance for approval, and the access device may be any lock box or other access device that provides  
1905 reasonable, timely access to listed property. The MLS also may revoke the approval and/or subject the  
1906 participant to discipline if the device is used in a manner that fails to continue to satisfy this requirement.  
1907

1908 **4.** Associations shall maintain current records as to all keys issued and in inventory. There shall be an audit,  
1909 at least annually, of all keys, whether issued or in inventory. This requirement may be satisfied by a  
1910 physical inventory or, alternatively, by receipt of a statement signed by the keyholder and the designated  
1911 REALTOR®, broker of record, or, in the case of an affiliate member, by a principal, partner, or corporate  
1912 officer of the keyholder's firm, attesting that the key is currently in possession of the keyholder. This audit  
1913 requirement does not apply to electronic lock box programmers or keypads which are sold or leased  
1914 provided such devices may be deactivated within thirty (30) days. *(Amended 5/99)*  
1915

1916 **5.** Associations shall require a substantial deposit from each key holder in an amount that will establish an  
1917 awareness of personal liability for such key. The initial deposit shall not be less than \$25 nor more than  
1918 \$300. Deposits for a first replacement key lost or stolen shall be not less than two (2) times nor more than  
1919 three (3) times the amount of the initial deposit and not less than three (3) times nor more than four (4)  
1920 times the amount of the initial deposit for second or additional replacement keys. Deposits for keys shall  
1921 be kept in a special account for refund upon return of the key unless forfeited upon loss of the key.  
1922 Notwithstanding the foregoing, deposits charged affiliate members may be no more than twice the  
1923 amounts established above.  
1924

1925 If, at the time of inventory, a key is unaccounted for, or if a keyholder refuses or is unable to demonstrate  
1926 that the key is within their physical control, then the key will be considered unaccounted for and any funds  
1927 on deposit will be forfeited to the association.  
1928

1929 Deposits for electronic programmers or electronic keycards which are leased but which can be deactivated  
1930 within thirty (30) days may be required as a matter of local determination. *(Adopted 11/95)*  
1931

1932 **6.** Lock boxes may not be placed on a property without written authority from the seller. This authority may  
1933 be established in the listing contract or in a separate document created specifically for the purpose.  
1934

1935 **7.** Associations shall charge key holders and their cosignatories with the joint obligation of immediately  
1936 reporting lost, stolen, or otherwise unaccountable for keys to the association. Upon receipt of notice, the  
1937 association shall take any steps deemed necessary to re-secure the system.  
1938

1939 **8.** Associations shall adopt written, reasonable, and appropriate rules and procedures for administration of  
1940 lock box systems, which may include appropriate fines, not to exceed \$15,000. Any issuing fees, recurring  
1941 fees, or other administrative costs shall be established at the discretion of the association and set forth in  
1942 the rules and procedures. All keyholders, whether association members or not, shall agree, as a condition  
1943 of the key lease agreement, to be bound by the rules and procedures governing the operation of the lock  
1944 box system.  
1945

1946 **9.** Notwithstanding the foregoing, associations and multiple listing services may sell electronic lock box  
1947 programmers or keypads to MLS participants and others eligible to hold lock box keys pursuant to these

1948 requirements provided that such devices may be deactivated, if necessary, within a reasonable period not  
1949 to exceed thirty (30) days and that the participant has authorized the sale in writing. In the event electronic  
1950 lock box programmers or keypads are sold or leased, a designated REALTOR® principal or an office's  
1951 broker of record may purchase or lease additional programmers or keypads to be issued on a temporary  
1952 basis to other key holders in the same office in the event their programmer or keypad becomes non-  
1953 functional outside normal business hours or under circumstances where a replacement programmer or  
1954 keypad is not reasonably available from the issuing association or MLS. When a programmer or keypad is  
1955 issued on a temporary basis, it shall be the responsibility of the REALTOR® principal or the broker of record  
1956 to advise the association or MLS in writing that the programmer or keypad has been issued, to whom, and  
1957 the date and time of issuance within forty-eight (48) hours. It shall also be the responsibility of the  
1958 REALTOR® principal or the broker of record to advise the association or MLS in writing within forty-eight (48)  
1959 hours after possession of the previously issued programmer or keypad has been reassumed. (*Adopted*  
1960 *4/95*)  
1961

## 1962 **Section 21. Supra Keys – Security of Equipment**

1963 It is necessary to maintain the security of each Key and Personal Identification Number (PIN) of each Key to  
1964 prevent the use of the Key by unauthorized persons. Each party in possession of a Key, whether such Key is  
1965 being actively used or not, shall abide by the following conditions:

- 1966 a. Keep the Supra Key in such party's possession or in a safe place at all times;
- 1967 b. Not to allow the PIN for the Supra Key to be displayed on or attached to the Supra Key for any  
1968 purpose whatsoever or to be disclosed to any third party;
- 1969 c. Not to lend the Supra Key to any other person or entity, or permit any other person or entity to use the  
1970 Supra Key for any purpose whatsoever, whether or not such other person or entity is a real estate  
1971 broker or salesperson;
- 1972 d. Not to duplicate OR remove the Key to the property or allow any other person to do so;
- 1973 e. Not to assign, transfer, or pledge the Supra Key;
- 1974 f. Not to destroy, alter, modify, disassemble or tamper with the Supra Key, or property Key or knowingly  
1975 or unknowingly allow anyone else to do so;
- 1976 g. To the notify the ADMINISTRATOR immediately in writing, and in any event within 48 hours, of a loss  
1977 or theft of the Supra Key, or any Lockboxes, and of all circumstances surrounding such theft;
- 1978 h. Complete and deliver to the ADMINISTRATOR a stolen Supra Key affidavit prior to and as a  
1979 condition of the issuance of a replacement Supra Key;
- 1980 i. Follow all additional security procedures as specified, and;
- 1981 j. Safeguard the code for each Lockbox from all other individuals and entities, whether or not they are  
1982 authorized users of the Service.
- 1983 k. A SupraKey holder may not use the Supra Key to access an Electronic Lockbox without first calling  
1984 the listing office to ascertain the availability of the property, schedule a showing, and obtain specific  
1985 showing instruction from the listing office, unless instructed otherwise in writing by the listing broker.  
1986 An appointment must be made whether the property is occupied or not. NOTE: One appointment  
1987 grants you one entrance. If you return to the property, you must have another appointment.
- 1988 l. A fine of up to \$15,000.00 can be imposed and/or suspension of key.

1989  
1990 Adopted and amended in compliance with mandatory policies established by the National Association of  
1991 REALTORS® Board of Directors and coverage under the National Association's master professional liability  
1992 insurance policy.

1993 The Handbook on Multiple Listing Policy and Code of Ethics and Arbitration Manual is available on  
1994 [www.realtor.org](http://www.realtor.org) the National Association of REALTORS® website.