

CAPITAL AREA TECHNOLOGY & REALTOR® SERVICES, INC. (CATRS)

A wholly-owned subsidiary of the Tallahassee Board of REALTORS®, Inc. (TBR)

Multiple Listing Service Rules and Regulations

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1 Listing Procedures

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3 Section 1 Listing Procedures

4 Listings of real or personal property of the following types, which are listed subject to a real estate broker's
5 license, and are taken by participants on Exclusive Right of Sale or Exclusive Agency listing agreements
6 shall be delivered to the multiple listing service within 24 hours after all necessary signatures of seller(s)
7 have been obtained or the agreed to in writing between the Listing Broker and the Seller.

8
9 **Note 1:** The multiple listing service shall not require a participant to submit listings on a form other than the
10 form the participant individually chooses to utilize provided the listing is of a type accepted by the
11 service, although a property data form may be required as approved by the multiple listing service.
12 However, the multiple listing service, through its legal counsel:

- 13 • Reserves the right to refuse to accept a listing form which fails to adequately protect the
14 interests of the public and the participants
- 15 • Assures that no listing form filed with the multiple listing service establishes, directly or
16 indirectly, any contractual relationship between the multiple listing service and the client
17 (buyer or seller)

18
19 The listing agreement must include the seller's written authorization to submit the agreement to the
20 multiple listing service.

21
22 **Note 2:** A multiple listing service does not regulate the type of listings its members may take. This does not
23 mean that a multiple listing service must accept every type of listing. The multiple listing service shall
24 decline to accept open listings (except where acceptance is required by law) and net listings, and it
25 may limit its service to listings of certain kinds of property. But, if it chooses to limit the kind of
26 listings it will accept, it shall leave its members free to accept such listings to be handled outside the
27 multiple listing service.

28
29 **Note 3:** CATRS multiple listing service accepts exclusively listed property that is subject to auction. Such
30 listings have the same requirements as other listings in any given Class, including the listing price.

31 Section 1.01 Clear Cooperation

32 Within one (1) business day of marketing a property to the public, the listing broker must submit the
33 listing to the MLS for cooperation with other MLS participants. Public marketing includes, but is not
34 limited to, flyers displayed in windows, yard signs, digital marketing on public facing websites,
35 brokerage website displays (including IDX and VOW), digital communications marketing (email
36 blasts), multi-brokerage listing sharing networks, and applications available to the general public.
37 This policy applies to the Residential property class only. (*Adopted 3/30/2020*)

38
39
40 **Note:** Exclusive listing information for required property types must be filed and distributed to other
41 MLS Participants for cooperation under the Clear Cooperation Policy. This applies to listings
42 filed under Section 1 and listings exempt from distribution under Section 1.3 of the NAR model
43 MLS rules, and any other situation where the listing broker is publicly marketing an exclusive
44 listing that is required to be filed with the service and is not currently available to other MLS
45 Participants.

48 **Section 1.1 Classes of Properties**

49 Following are the classes of properties that may be published through the service. Any listing submitted is
50 entered into within the scope of the participant's licensure as a real estate broker:

- 51 • Residential (Single Family detached, Condos, Townhomes and Mobile homes as part of real
52 property)
- 53 • Multifamily (Apartments, and duplexes)
- 54 • Commercial, Professional, Industrial and Businesses
- 55 • Lots & Land
- 56 • Residential Rentals

57

58 **Section 1.1.1 Listing Subject to Rules and Regulations of the Service**

59 Any listing taken on a contract to be filed with the multiple listing service is subject to the rules and
60 regulations of the service upon signature of the seller(s).

61

62 **Section 1.2 Detail on Listings Filed with the Service**

63 A listing agreement or property data form, when filed with the multiple listing service by the listing broker,
64 shall be complete in every detail which is ascertainable as specified on the property data form.

65

66 **Section 1.2.1 Limited Service Listings**

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

- 68 a. arrange appointments for cooperating brokers to show listed property to potential purchasers but
69 instead gives cooperating brokers authority to make such appointments directly with the seller(s)
- 70 b. accept and present to the seller(s) offers to purchase procured by cooperating brokers but instead
71 gives cooperating brokers authority to present offers to purchase directly to the seller(s)
- 72 c. advise the seller(s) as to the merits of offers to purchase
- 73 d. assist the seller(s) in developing, communicating, or presenting counter-offers
- 74 e. participate on the seller's(s') behalf in negotiations leading to the sale of the listed property

75 will be identified by selecting Limited Service option in the Listing Type field in MLS compilations so
76 potential cooperating brokers will be aware of the extent of the services the listing broker will provide to the
77 seller(s), and any potential for cooperating brokers being asked to provide some or all of these services to
78 listing brokers' clients, prior to initiating efforts to show or sell the property.

79

80 **Section 1.2.2 MLS Entry-only Listings**

81 Listing agreements under which the listing broker will not provide any of the following services:

- 82 a. arrange appointments for cooperating brokers to show listed property to potential purchasers but
83 instead gives cooperating brokers authority to make such appointments directly with the seller(s)
- 84 b. accept and present to the seller(s) offers to purchase procured by cooperating brokers but instead
85 gives cooperating brokers authority to present offers to purchase directly to the seller(s)
- 86 c. advise the seller(s) as to the merits of offers to purchase
- 87 d. assist the seller(s) in developing, communicating, or presenting counter-offers
- 88 e. participate on the seller's(s') behalf in negotiations leading to the sale of the listed property will be
89 identified with an appropriate code (ERS MLS Entry Only) in the Listing Type Feature Field in MLS
90 compilations so potential cooperating brokers will be aware of the extent of the services the listing
91 broker will provide to the seller(s), and any potential for cooperating brokers being asked to provide
92 some or all of these services to listing brokers' clients, prior to initiating efforts to show or sell the
93 property.

94

95 **Section 1.3 Change of Status of Listing**
96 Any change in listed price or other change in the original listing agreement shall be made only when
97 authorized in writing by the seller and shall be filed with the service within twenty-four (24) hours after the
98 authorized change is received by the listing broker.
99

100 **Section 1.4 Withdrawal of Listing Prior to Expiration**
101 Listings of property may be withdrawn from the multiple listing service by the listing broker before the
102 expiration date of the listing agreement, provided notice is filed with the service, including a copy of the
103 agreement between the seller and the listing broker which authorizes the withdrawal.
104
105 Sellers do not have the unilateral right to require an MLS to withdraw a listing without the listing broker's
106 concurrence. However, when a seller(s) can document that his exclusive relationship with the listing
107 broker has been terminated, the multiple listing service may remove the listing at the request of the seller.
108

109 **Section 1.5 Contingencies Applicable to Listings**
110 Any contingency or conditions of any term in a listing shall be specified and noticed to the participants. The
111 listing status shall be changed to CONTINGENT and contingencies shall be noted in the Confidential
112 Remarks field on the first line.
113

114 **Section 1.6 Listing Price Specified**
115 The full gross listing price stated in the listing contract will be included in the information published in the
116 MLS compilation of current listings.
117

118 **Section 1.7 Listing Multiple Unit Properties**
119 All properties which are to be sold or which may be sold separately must be indicated individually in the
120 listing and on the property data form. When part of a listed property has been sold, proper notification should
121 be given to the multiple listing service.
122

123 **Section 1.8 No Control of Commission Rates or Fees Charged to Participants**
124 The multiple listing service shall not fix, control, recommend, suggest, or maintain commission rates or fees
125 for services to be rendered by participants. Further, the multiple listing service shall not fix, control,
126 recommend, suggest, or maintain the division of commissions or fees between cooperating participants or
127 between participants and nonparticipants.
128

129 **Section 1.9 Expiration of Listings**
130 Listings filed with the multiple listing service will automatically be removed from the compilation of current
131 listings on the expiration date specified in the agreement, unless prior to that date the MLS receives notice
132 that the listing has been extended or renewed.
133 If notice of renewal or extension is received after the listing has been removed from the compilation of
134 current listings, the extension or renewal will be published in the same manner as a new listing. Extensions
135 and renewals of listings must be signed by the seller(s) and filed with the service.
136

137 **Section 1.10 Termination Date on Listings**
138 Listings filed with the service shall bear a definite and final termination date, as negotiated between the
139 listing broker and the seller.
140

141 **Section 1.11 Service Area**

142 Only listings of the designated types of property located within the service area of the MLS are required to
143 be submitted to the service. Listings of property located outside the MLS's service area will be accepted if
144 submitted voluntarily by a participant, but cannot be required by the service. *(Amended 12/18)*
145

146 **1.12 Listing of Suspended Participants**

147 When a participant of the service is suspended from the MLS for failing to abide by a membership duty (i.e.,
148 violation of the Code of Ethics, association bylaws, MLS bylaws, MLS rules and regulations, or other
149 membership obligation except failure to pay appropriate dues, fees, or charges), all listings currently filed
150 with the MLS by the suspended participant shall, at the participant's option, be retained in the service until
151 sold, withdrawn or expired, and shall not be renewed or extended by the MLS beyond the termination date of
152 the listing agreement in effect when the suspension became effective. If a participant has been suspended
153 from the association (except where MLS participation without association membership is permitted by law)
154 or MLS (or both) for failure to pay appropriate dues, fees, or charges, an association MLS is not obligated to
155 provide MLS services, including continued inclusion of the suspended participant's listings in the MLS
156 compilation of current listing information. Prior to any removal of a suspended participant's listings from the
157 MLS, the suspended participant should be advised, in writing, of the intended removal so that the suspended
158 participant may advise his clients.
159

160 **Section 1.13 Listing of Expelled Participants**

161 When a participant of the service is expelled from the MLS for failing to abide by a membership duty (i.e.,
162 violation of the Code of Ethics, association bylaws, MLS bylaws, MLS rules and regulations, or other
163 membership obligations except failure to pay appropriate dues, fees, or charges), all listings currently filed
164 with the MLS by the expelled participant shall, at the participant's option, be retained in the service until
165 sold, withdrawn, or expired, and shall not be renewed or extended by the MLS beyond the termination date
166 of the listing agreement in effect when the expulsion became effective. If a participant has been expelled
167 from the association (except where MLS participation without association membership is permitted by law)
168 or MLS (or both) for failure to pay appropriate dues, fees, or charges, an association MLS is not obligated to
169 provide MLS services, including continued inclusion of the expelled participant's listings in the MLS
170 compilation of current listing information. Prior to any removal of an expelled participant's listings from the
171 MLS, the expelled participant should be advised, in writing, of the intended removal so that the expelled
172 participant may advise his clients.
173

174 **Section 1.14 Listing of Resigned Participants**

175 When a participant resigns from the MLS, the MLS is not obligated to provide services, including continued
176 inclusion of the resigned participant's listings in the MLS compilation of current listing information. Prior to
177 any removal of a resigned participant's listings from the MLS, the resigned participant should be advised, in
178 writing, of the intended removal so that the resigned participant may advise his clients.
179

180 **Section 1.15 Transfer of Listings**

181 Listings cannot be transferred within the MLS from one Participant to another Participant without the signed
182 consent of the listing broker.
183

184 **Section 1.16. CO-EXCLUSIVE LISTINGS**

185 Any co-exclusive right of sale listing shall be submitted to the MLS on one listing contract with the agency
186 clearly identified. The listing contract must include a clear indication regarding which of the "co-exclusive"
187 agents controls the terms of the offer of cooperation and compensation or is empowered to make
188 modifications to such offers. If each "co-exclusive" agent is empowered to make such changes independent

189 of the other, it must be indicated with specificity.

190

191 **Section 1.17. PHOTO REQUIREMENT**

192 At least one photograph of the property is required for ALL classes of listings, with the exception of Lots
193 and Land; a front elevation or sketch may be substituted for proposed or under construction. Participants and
194 subscribers must input a photo(s) in the MLS in order for the listing to become Active. The photo must be
195 the exterior, front of the building (Brands and personal images are prohibited). If CATRS MLS discovers
196 that the photo or rendering is inaccurate the MLS will send notice to the listing agent to correct the listing
197 within 48 hours with an accurate photo or his/her service will be suspended and there will be a fine of \$100
198 per inaccurate listing imposed. If an agent is suspended, his/her broker must input the accurate photo and the
199 fine(s) must be paid prior to the service being reinstated. If the offending member is a broker, he/she must
200 submit an accurate digital photo to the MLS and the fine(s) must be paid. (Adopted 2/13/2004, revised
201 4/2006, 5/2008, 4/2013, 4/2016)

202

203 Exception to the Photo Requirement: A photograph will not be required if Sellers expressly direct in writing
204 that photographs or other graphic representations of the property be withheld from the MLS compilation.
205 Such directions from the Seller must be filed with the MLS.

206

207 **1.18. MULTIPLE ENTRIES OF PROPERTY**

208 Multiple listings for the same property (parcel ID), may only be entered for search purposes to identify
209 differing numbers of bedrooms, within the same class. Example: listing 1234 Main Street as a 3 bedroom,
210 with an office (MLS # 123456) and listed as a 4 bedroom (MLS# 123457) or if the property could be used as
211 an office, it could be entered in the Commercial Class (MLS# 123458) as well.

212

213 If a property is entered multiple times within the same class (e.g. Residential, Lots & Lands, Multi-family,
214 Rental or Commercial), no other field may differ except “# of bedrooms,” other differences in property
215 information would constitute an improper entry and be subject to a fine.

216

217 **1.19. CONTACT INFORMATION IN PUBLIC FIELDS**

218 Public Fields are for information on the property. No contact information is allowed in non-confidential
219 fields (fields designed for agents to transmit to clients/customers). Contact information includes but is not
220 limited to: QR Codes, Phone Numbers, URLs, Branded Virtual Tours, Hyperlinks, and any words that
221 solicits contact (e.g. Call, Reach, Text, etc.). (Adopted 1/25/2016; Revised 10/21/2021)

222

223 **1.20. NEW CONSTRUCTION FEATURE CODE**

224 In order to identify a listing as New Construction in the MLS features section, a permit must be pulled and
225 construction or clearing must have commenced, i.e. dirt must be turned. (Adopted 1/25/2016)

226

227 **1.21. Auditing Listing Agreements**

228 In order to ensure accuracy of MLS listings, the CATRS MLS may request a copy of the listing agreement
229 between the Seller and the broker. The broker shall deliver the listing agreement and all subsequent written
230 agreements to the MLS within 1 business day of the request. The MLS may randomly audit brokers’ listings
231 or request based on a complaint to the MLS. (January 2019)

232

233 **Section 1.22. Property Addresses**

234 At the time of filing a listing, participants and subscribers must include a property address available to other
235 participants and subscribers, and if an address doesn’t exist a parcel identification number can be used.
236 Where an address or parcel identification number are unavailable, the information filed with the MLS must
237 include a legal description of the property sufficient to describe its location. **M**

238 **Selling Procedures**

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239
240 **Section 2 Showings and Negotiations**

241 Appointments for showings and negotiations with the seller for the purchase of listed property filed with the
242 multiple listing service shall be conducted through the listing broker, except under the following
243 circumstances:

- 244 a. the listing broker gives the cooperating broker specific authority to show and/or negotiate directly, or
- 245 b. after reasonable effort, the cooperating broker cannot contact the listing broker or his representative;
246 however, the listing broker, at his option, may preclude such direct negotiations by cooperating
247 brokers.

248
249 **Section 2.1 Presentation of Offers**

250 The listing broker must make arrangements to present the offer as soon as possible, or give the cooperating
251 broker a satisfactory reason for not doing so.

252
253 **Section 2.2 Submission of Written Offers**

254 The listing broker shall submit to the seller all written offers until closing unless precluded by law,
255 government rule, regulation, or agreed otherwise in writing between the seller and the listing broker. Unless
256 the subsequent offer is contingent upon the termination of an existing contract, the listing broker shall
257 recommend that the seller obtain the advice of legal counsel prior to acceptance of the subsequent offer.

258
259 Participants representing buyers or tenants shall submit to the buyer or tenant all offers and counter-offers
260 until acceptance, and shall recommend that buyers and tenants obtain legal advice where there is a question
261 about whether a pre-existing contract has been terminated.

262
263 **Section 2.3 Right of Cooperating Broker in Presentation of Offer**

264 The cooperating broker (subagent or buyer agent) or his representative has the right to participate in the
265 presentation to the seller or lessor of any offer he secures to purchase or lease. He does not have the right to
266 be present at any discussion or evaluation of that offer by the seller or lessor and the listing broker. However,
267 if the seller or lessor gives written instructions to the listing broker that the cooperating broker not be present
268 when an offer the cooperating broker secured is presented, the cooperating broker has the right to a copy of
269 the seller's or lessor's written instructions. None of the foregoing diminishes the listing broker's right to
270 control the establishment of appointments for such presentations.

271
272 **Section 2.4 Right of Listing Broker in Presentation of Counter-offer**

273 The listing broker or his representative has the right to participate in the presentation of any counter-offer
274 made by the seller or lessor. He does not have the right to be present at any discussion or evaluation of a
275 counter-offer by the purchaser or lessee (except when the cooperating broker is a subagent). However, if the
276 purchaser or lessee gives written instructions to the cooperating broker that the listing broker not be present
277 when a counter- offer is presented, the listing broker has the right to a copy of the purchaser's or lessee's
278 written instructions.

279
280 **Section 2.5 Reporting Sales to the Service**

281 Status changes, including final closing of sales, shall be reported to the multiple listing service by the listing
282 broker within 24 hours after they have occurred. If negotiations were carried on under Section 2 a. or b.
283 hereof, the cooperating broker shall report accepted offers to the listing broker within 24 hours after
284 occurrence and the listing broker shall report them to the MLS within 24 hours after receiving notice from
285 the cooperating broker.

286 **Note:** The listing agreement of a property filed with the MLS by the listing broker should include a provision
287 expressly granting the listing broker authority to advertise; to file the listing with the MLS; to provide
288 timely notice of status changes of the listing to the MLS; and to provide sales information including
289 selling price to the MLS upon sale of the property. If deemed desirable by the MLS to publish sales
290 information prior to final closing (settlement) of a sales transaction, the listing agreement should also
291 include a provision expressly granting the listing broker the right to authorize dissemination of this
292 information by the MLS to its participants.
293

294 **Section 2.5.1 Sold/Comp Listings Entered into the Service**

295 A Comp Only listing is a listing that closed and was not listed in the MLS. There are multiple situations that
296 may constitute this handling, such as a property that was for sale without a listing agent and was sold through
297 the efforts of a buyer agent. A closed property that is not listed in the MLS may be entered into the CATRS
298 MLS database for comparable purposes. It is beneficial to enter these listings into the database for
299 comparable purposes.
300

301 **Sold/Comp Listings Requirements**

- 302
- 303 • Only listings in the CATRS MLS geographic service area may be entered in for comp
304 purposes. The geographic service area is defined as the following Florida counties: Leon,
305 Gadsden, Wakulla, Taylor, Jefferson, Madison, Liberty, Franklin & Jackson (Does not
306 include 30A). Sold/Comp properties that are not located in the CATRS MLS Service Area
307 will not be permitted in the MLS.
308
- 309 • Sold/Comp properties that are entered into the MLS must have a recorded sale from public
310 record documented. The MLS Sold/Comp listing should reflect the side of the transaction that
311 the agent represented.
312
- 313 • Sold/Comp listings may be entered into the MLS up to 30 calendar days after the closing
314 date.
315
- 316 • Sold/Comp properties will be entered into the MLS system with the newly created status of
317 "Sold/Comp"
318
- 319 • If the agent represented the "Buyer Only" they will select that option in the "Sold/Comp
320 Type" field. When completing the "List Agent" field, Paragon will convert this field to "TBR
321 Nonmember" at input. The agent will be reflected as the selling agent under the Sold section
322 of listing input.
323
- 324 • When entering a "Sold/Comp" listing, all data fields must be completely filled out and
325 accurate.
326
- 327 • Supporting documentation for sale and viewable only by MLS staff must be
328 uploaded before saving the listing for comp purposes. For ex, one time
329 commission agreement, closing disclosure.
330
- 331 • All requested documentation for "Sold/Comp" listings must be received by
332 CATRS within one (1) business day of confirmed contact with the Designated
333 Broker. If a listing is improperly entered or supporting documentation is not

334 received in the required amount of time, the CATRS MLS may remove it from
335 the database.

- 336
- 337 • Participants warrant and represent to CATRS and its other Participants
338 that: i. the information submitted to CATRS is accurate to the best of
339 their knowledge and belief and relates to the subject property ii. the
340 submitting Participants have the written authorization from the parties
341 involved to upload the property to the CATRS MLS database.
 - 342
 - 343 • “Comp/Sold” listings are subject to all CATRS MLS Rules &
344 Regulations including the CATRS MLS Fine Policy located at the
345 following URL: [https://tbrnet.org/docs-menu/tbr-document-](https://tbrnet.org/docs-menu/tbr-document-uploads/catrs-documents/219-mls-fine-policy-1/file.html)
346 [uploads/catrs-documents/219-mls-fine-policy-1/file.html](https://tbrnet.org/docs-menu/tbr-document-uploads/catrs-documents/219-mls-fine-policy-1/file.html)

347

348

349 **Section 2.6 Reporting Resolution of Contingencies**

350 The listing broker shall report to the multiple listing service within twenty-four (24) hours that a contingency
351 on file with the multiple listing service has been fulfilled or renewed, or the agreement cancelled.

352

353 **Section 2.7 Advertising of Listings Filed with the Service**

354 A listing shall not be advertised by any participant other than the listing broker without the prior consent of
355 the listing broker.

356

357 **Section 2.8 Reporting Cancellation of Pending Sale**

358 The listing broker shall report immediately to the multiple listing service the cancellation of any pending
359 sale, and the listing shall be reinstated immediately.

360

361 **Section 2.9 Disclosing the Existence of Offers**

362 Listing brokers, in response to inquiries from buyers or cooperating brokers, shall, with the seller’s approval,
363 disclose the existence of offers on the property. Where disclosure is authorized, the listing broker shall also
364 disclose, if asked, whether offers were obtained by the listing licensee, by another licensee in the listing firm,
365 or by a cooperating broker.

366

367 **Section 2.10 Availability of Listed Property**

368 Listing brokers shall not misrepresent the availability of access to show or inspect listed property.

369 **Prohibitions**

370

371 **Section 3 Information for Participants Only**

372 Any listing filed with the service shall not be made available to any broker or firm not a member of the MLS
373 without the prior consent of the listing broker.

374

375 **Section 3.1 For Sale Signs**

376 Only the for sale sign of the listing broker may be placed on a property.

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379 **Section 3.2 Sold Signs**

380 Prior to closing, only the sold sign of the listing broker may be placed on a property, unless the listing broker
381 authorizes the cooperating (selling) broker to post such a sign.

382
383 **Section 3.3 Solicitation of Listing Filed with the Service**

384 Participants shall not solicit a listing on property filed with the service unless such solicitation is consistent
385 with Article 16 of the REALTORS[®] Code of Ethics, its Standards of Practice, and its Case Interpretations.

386
387 **Note:** This section is to be construed in a manner consistent with Article 16 of the Code of Ethics and
388 particularly Standard of Practice 16-4. This section is intended to encourage sellers to permit their
389 properties to be filed with the service by protecting them from being solicited, prior to expiration of the
390 listing, by brokers and salespersons seeking the listing upon its expiration.

391
392 Without such protection, a seller could receive hundreds of calls, communications, and visits from
393 brokers and salespersons who have been made aware through MLS filing of the date the listing will
394 expire and desire to substitute themselves for the present broker.

395
396 This section is also intended to encourage brokers to participate in the service by assuring them that
397 other participants will not attempt to persuade the seller to breach the listing agreement or to interfere
398 with their attempts to market the property. Absent the protection afforded by this section, listing brokers
399 would be most reluctant to generally disclose the identity of the seller or the availability of the property
400 to other brokers.

401
402 This section does not preclude solicitation of listings under the circumstances otherwise recognized by
403 the Standards of Practice related to Article 16 of the Code of Ethics.

404
405 **Section 3.4 Use of the Terms MLS and Multiple Listing Service**

406 No MLS participant, subscriber, or licensee affiliated with any participant shall, through the name of their
407 firm, their URLs, their e-mail addresses, their website addresses, or in any other way represent, suggest, or
408 imply that the individual or firm is an MLS, or that they operate an MLS. Participants, subscribers and
409 licensees affiliated with participants shall not represent, suggest, or imply that consumers or others have
410 direct access to MLS databases, or that consumers or others are able to search MLS databases available only
411 to participants and subscribers. This does not prohibit participants and subscribers from representing that
412 any information they are authorized under MLS rules to provide to clients or customers is available on their
413 websites or otherwise.

414
415 **Division of Commissions**

416
417 **Section 4 Compensation Specified on Each Listing**

418 The listing broker shall specify, on each listing filed with the multiple listing service, the compensation
419 offered to other multiple listing service participants for their services in the sale of such listing. Such offers
420 are unconditional except that entitlement to compensation is determined by the cooperating broker's
421 performance as the procuring cause of the sale (or lease) or as otherwise provided for in this rule. The listing
422 broker's obligation to compensate any cooperating broker as the procuring cause of the sale (or lease) may
423 be excused if it is determined through arbitration that, through no fault of the listing broker and in the
424 exercise of good faith and reasonable care, it was impossible or financially unfeasible for the listing broker to
425 collect a commission pursuant to the listing agreement. In such instances, entitlement to cooperative
426 compensation offered through MLS would be a question to be determined by an arbitration hearing panel
427 based on all relevant facts and circumstances including, but not limited to, why it was impossible or

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428 financially unfeasible for the listing broker to collect some or all of the commission established in the listing
429 agreement; at what point in the transaction did the listing broker know (or should have known) that some or
430 all of the commission established in the listing agreement might not be paid; and how promptly had the
431 listing broker communicated to cooperating brokers that the commission established in the listing agreement
432 might not be paid.
433

434 In filing a property with the multiple listing service of an association of REALTORS[®], the participant of the
435 service is making blanket unilateral offers of compensation to the other MLS participants, and shall therefore
436 specify on each listing filed with the service, the compensation being offered to the other MLS participants.
437 Specifying the compensation on each listing is necessary, because the cooperating broker has the right to
438 know what his compensation shall be prior to his endeavor to sell.*

439 The listing broker retains the right to determine the amount of compensation offered to other participants
440 (acting as subagents, buyer agents, or in other agency or nonagency capacities defined by law) which may be
441 the same or different.
442

443 *The compensation specified on listings filed with the multiple listing service shall appear in one of two
444 forms. The essential and appropriate requirement by an association multiple listing service is that the
445 information to be published shall clearly inform the participants as to the compensation they will receive in
446 cooperative transactions, unless advised otherwise by the listing broker, in writing, in advance of submitting
447 an offer to purchase. The compensation specified on listings published by the MLS shall be shown in one of
448 the following forms:

- 449 1. by showing a percentage of the gross selling price
- 450 2. by showing a definite dollar amount

451 This shall not preclude the listing broker from offering any MLS participant compensation other than the
452 compensation indicated on any listing published by the MLS, provided the listing broker informs the other
453 broker, in writing, in advance of submitting an offer to purchase, and provided that the modification in the
454 specified compensation is not the result of any agreement among all or any other participants in the service.
455 Any superseding offer of compensation must be expressed as either a percentage of the gross sales price or
456 as a flat dollar amount.
457

458 **Note 1:** The multiple listing service shall not have a rule requiring the listing broker to disclose the amount
459 of total negotiated commission in his listing contract, and the association multiple listing service shall
460 not publish the total negotiated commission on a listing which has been submitted to the MLS by a
461 participant. The association multiple listing service shall not disclose in any way the total commission
462 negotiated between the seller and the listing broker.

463 **Note 2:** The listing broker may, from time to time, adjust the compensation offered to other multiple listing
464 service participants for their services with respect to any listing by advance published notice to the
465 service so that all participants will be advised.

466 **Note 3:** The multiple listing service shall make no rule on the division of commissions between participants
467 and nonparticipants. This should remain solely the responsibility of the listing broker.

468 **Note 4:** The CATRS Multiple listing services permits listing brokers to communicate to potential
469 cooperating brokers that gross commissions established in listing contracts are subject to court
470 approval, and that compensation payable to cooperating brokers may be reduced if the gross
471 commission established in the listing contract is reduced by a court. In such instances, the fact that the
472 gross commission is subject to court approval and either the potential reduction in compensation
473 payable to cooperating brokers or the method by which the potential reduction in compensation will
474 be calculated must be clearly communicated to potential cooperating brokers prior to the time they
475 submit an offer that ultimately results in a successful transaction.
476

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

480 **Note 6:** Multiple listing services must give participants the ability to disclose to other participants any
481 potential for a short sale. As used in these rules, short sales are defined as a transaction where title
482 transfers, where the sale price is insufficient to pay the total of all liens and costs of sale and where
483 the seller does not bring sufficient liquid assets to the closing to cure all deficiencies. Multiple listing
484 services may, as a matter of local discretion, require participants to disclose potential short sales
485 when participants know a transaction is a potential short sale. In any instance where a participant
486 discloses a potential short sale, they must also be permitted to communicate to other participants
487 how any reduction in the gross commission established in the listing contract required by the lender
488 as a condition of approving the sale will be apportioned between listing and cooperating participants.
489 All confidential disclosures and confidential information related to short sales must be
490 communicated through dedicated fields or confidential “remarks” available only to participants and
491 subscribers , including indicating in the Sale Type feature that the listing is “Short Sale Potential.”
492

493 **Section 4.0.1 Disclosing Potential Short Sales**

494 Participants must disclose potential short sales when reasonably known to the listing participants. When
495 disclosed, participants may, at their discretion, advise other participants whether and how any reduction in
496 the gross commission established in the listing agreement, required by the lender as a condition of approving
497 the sale, will be apportioned between listing and cooperating participants.
498

499 **Section 4.1 Participant as Principal**

500 If a participant or any licensee (or licensed or certified appraiser) affiliated with a participant has any
501 ownership interest in a property, the listing of which is to be disseminated through the multiple listing
502 service, that person shall disclose that interest when the listing is filed with the multiple listing service and
503 such information shall be disseminated to all multiple listing service participants.
504

505 **Section 4.2 Participant as Purchaser**

506 If a participant or any licensee (including licensed and certified appraisers) affiliated with a participant
507 wishes to acquire an interest in property listed with another participant, such contemplated interest shall be
508 disclosed, in writing, to the listing broker not later than the time an offer to purchase is submitted to the
509 listing broker.
510

511 **Section 4.3 Variable Rate Commission Arrangements**

512 The existence of a variable rate commission arrangement (i.e., one in which the seller/landlord agrees to pay
513 a specified commission if the property is sold/leased by the listing broker without assistance and a different
514 commission if the sale/lease results through the efforts of a cooperating broker) shall be disclosed by the
515 listing broker by a key, code, or symbol as required by the MLS. The listing broker shall, in response to
516 inquiries from potential cooperating brokers, disclose the differential that would result in either a cooperative
517 transaction or, alternatively, in a sale/lease that results through the efforts of the seller/landlord. If the
518 cooperating broker is a buyer/tenant representative, the buyer/tenant representative must disclose such
519 information to their client before the client makes an offer to purchase or lease.
520

521
522

523 **Service Charges**

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524
525 **Section 5 Service Fees and Charges**

526 The following service charges for operation of the multiple listing service are in effect to defray the costs of
527 the service and are subject to change from time to time in the manner prescribed:
528

529 **Section 5.1 Initial Participation Fee:** An applicant for participation in the service shall pay an application
530 fee as determined from time to time by the CATRS board of directors, with such fee to accompany the
531 application.

532 **Recurring Participation Fee:** The monthly participation fee of each participant shall be an amount equal as
533 determined from time to time by the CATRS board of directors times each salesperson and licensed or
534 certified appraiser who has access to and use of the service, whether licensed as a broker, sales licensee, or
535 licensed or certified appraiser who is employed by or affiliated as an independent contractor with such
536 participant. Payment of such fees shall be made on or before the first day of the month for which service is
537 granted.
538

539 Note: Subscription requirements will be waived where licensee or licensed or certified appraiser can
540 demonstrate subscription to a different MLS where the principal broker participates. The participant (broker)
541 will be required to sign a certificate for nonuse of the MLS by their licensees. *(Adopted 12/18)*
542

543 **Section 5.2 Services Advertised as “Free”**

544 MLS participants and subscribers must not represent that their brokerage services to a client or customer are
545 free or available at no cost to their clients, unless the participant or subscriber will receive no financial
546 compensation from any source for those services. **M**
547

548 **Section 5.3 Display of Listing Broker’s Offer of Compensation**

549 Participants and subscribers who share the listing broker’s offer of compensation for an active listing must
550 display the following disclaimer or something similar.
551

552 *The listing broker’s offer of compensation is made only to participants of the MLS where the listing is filed.*

553 **M**

554
555 **Compliance with Rules**

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556
557 **Section 6 Compliance with Rules—Authority to Impose Discipline**

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

- 563 a. letter of warning
- 564 b. letter of reprimand
- 565 c. attendance at MLS orientation or other appropriate courses or seminars which the participant or
566 subscriber can reasonably attend taking into consideration cost, location, and duration
- 567 d. appropriate, reasonable fine not to exceed \$15,000
- 568 e. suspension of MLS rights, privileges, and services for not less than thirty (30) days nor more than one
569 (1) year
- 570 f. termination of MLS rights, privileges, and services with no right to reapply for a specified period not
571 to exceed three (3) years.

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Note: A participant (or user/subscriber, where appropriate) can be placed on probation. Probation is not a form of discipline. When a participant (or user/subscriber, where appropriate) is placed on probation the discipline is held in abeyance for a stipulated period of time not longer than one (1) year. Any subsequent finding of a violation of the MLS rules during the probationary period may, at the discretion of the Board of Directors, result in the imposition of the suspended discipline. Absent any subsequent findings of a violation during the probationary period, both the probationary status and the suspended discipline are considered fulfilled, and the individual’s record will reflect the fulfillment. The fact that one or more forms of discipline are held in abeyance during the probationary period does not bar imposition of other forms of discipline which will not be held in abeyance. *(Revised 12/18)*

Section 6.1 Compliance with Rules

The following action may be taken for noncompliance with the rules:

- a. for failure to pay any service charge or fee within one (1) month of the date due, and provided that at least ten (10) days’ notice has been given, the service shall be suspended until service charges or fees are paid in full
- b. for failure to comply with any other rule, the provisions of Sections 9 and 9.1 shall apply
- c. for failure to accurately complete all input fields, subscribers and participants will be noticed and required to correct or show cause as to why their input is correct within three days of initial input or when an error is noticed. Participants and subscribers will be noticed via electronic means each day up to and including day three and if not corrected or otherwise satisfied with the MLS will be fined \$100 and temporarily suspended from the multiple listing service until the fine is paid. Fines are levied against the subscriber (listing agent); however, the Participant is ultimately responsible for the payment of such fines. Status changes are of such importance to the accuracy of the MLS that both the Participant and the subscriber shall be fined for a violation of section 2.5 of these rules.

Once fine is paid and error is corrected, the subscriber or participant will receive a refund of their fine by completing two training classes within four months of the violation. Upon request, the Fine Forgiveness Form will be provided to the offending subscriber to initiate the fine refund.

Section 6.2 Applicability of Rules to Users and/or Subscribers

Non-principal brokers, sales licensees, appraisers, and others authorized to have access to information published by the MLS are subject to these rules and regulations and may be disciplined for violations thereof based on their signed acknowledgment upon subscribing to the MLS. Further, failure of any user or subscriber to abide by the rules and/or any sanction imposed for violations thereof can subject the participant to the same or other discipline. This provision does not eliminate the participant’s ultimate responsibility and accountability for all users or subscribers affiliated with the participant.

Meetings

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Section 7 Meetings

The meetings of the participants in the service or the board of directors of the multiple listing service for the transaction of business of the service shall be held in accordance with the provisions of Article 7, bylaws of the service.

618 **Enforcement of Rules or Disputes**

[Top](#)

619
620 **Section 8 Considerations of Alleged Violations**

621 The board of directors shall give consideration to all written complaints having to do with violations of the
622 rules and regulations.

623
624 **Section 8.1 Violations of Rules and Regulations**

625 If the alleged offense is a violation of the rules and regulations of the service and does not involve a charge
626 of alleged violation of one or more of the provisions of **Section 16** of the rules and regulations or a request
627 for arbitration, it may be administratively considered and determined by the MLS committee and if a
628 violation is determined, the MLS committee may direct the imposition of sanction provided that the recipient
629 of such sanction may request a hearing by the professional standards committee of the association in
630 accordance with the bylaws of the association of REALTORS®.

631
632 If, rather than conducting an administrative review, the MLS committee has a procedure established to
633 conduct hearings, the decision of the hearing tribunal may be appealed to the board of directors of the
634 association of REALTORS®. Alleged violations of unethical conduct shall be referred to the professional
635 standards committee of the Tallahassee Board of REALTORS® for processing in accordance with the
636 professional standards procedures of the association. If the charge alleges a refusal to arbitrate, such charge
637 will be referred directly to the board of directors of the Tallahassee Board of REALTORS®.

638
639 **Section 8.2 Complaints of Unethical Conduct**

640 All other complaints of unethical conduct shall be referred by the board of directors of the service to the
641 association of REALTORS® for appropriate action in accordance with the professional standards procedures
642 established in the association’s bylaws.

643
644 **Confidentiality of MLS Information**

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645
646 **Section 9 Confidentiality of MLS Information**

647 Any information provided by the multiple listing service to the participants shall be considered official
648 information of the service. Such information shall be considered confidential and exclusively for the use of
649 participants and real estate licensees affiliated with such participants and those participants who are licensed
650 or certified by an appropriate state regulatory agency to engage in the appraisal of real property and licensed
651 or certified appraisers affiliated with such participants.

652
653 **Section 9.1 MLS Responsibility for Accuracy of Information**

654 The information published and disseminated by the service is communicated verbatim, without change by
655 the service, as filed with the service by the participant. The service does not verify such information provided
656 and disclaims any responsibility for its accuracy. Each participant agrees to hold the service harmless against
657 any liability arising from any inaccuracy or inadequacy of the information such participant provides.

658
659 **Ownership of MLS Compilation* and Copyright**

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660
661 **Section 10**

662 By the act of submitting any property listing content to the MLS the participant represents that he has been
663 authorized to grant and also thereby does grant authority for the MLS to include the property listing content
664 in its copyrighted MLS compilation and also in any statistical report on comparables. Listing content
665 includes, but is not limited to, photographs, images, graphics, audio and video recordings, virtual tours,

666 drawings, descriptions, remarks, narratives, pricing information, and other details or information related to
667 listed property.

668
669 **Section 10.1**

670 All right, title, and interest in each copy of every multiple listing compilation created and copyrighted by the
671 Tallahassee Board of REALTORS® and in the copyrights therein, shall at all times remain vested in the
672 Tallahassee Board of REALTORS®.

673
674 *The term MLS compilation, as used in Sections 11 and 12 herein, shall be construed to include any format
675 in which property listing data is collected and disseminated to the participants, including but not limited to
676 bound book, loose-leaf binder, computer database, card file, or any other format whatsoever.

677
678 **Use of Copyrighted MLS Compilation**

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680 **Section 11 Distribution**

681 Participants shall, at all times, maintain control over and responsibility for each copy of any MLS
682 compilation leased to them by the association of REALTORS®, and shall not distribute any such copies to
683 persons other than subscribers who are affiliated with such participant as licensees, those individuals who are
684 licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property, and
685 any other subscribers as authorized pursuant to the governing documents of the MLS. Use of information
686 developed by or published by an association multiple listing service is strictly limited to the activities
687 authorized under a participant's licensure(s) or certification, and unauthorized uses are prohibited. Further,
688 none of the foregoing is intended to convey participation or membership or any right of access to information
689 developed or published by an association multiple listing service where access to such information is
690 prohibited by law.

691
692 Only non-confidential fields may be given, in any medium, to the consumer or other non-participant of the
693 CATRS MLS. A list of confidential fields can be found at www.TBRnet.org or by contacting the CATRS
694 Technology Support Desk.

695
696 **Section 11.1 Display**

697 Participants and those persons affiliated as licensees with such participants shall be permitted to display
698 the MLS compilation to prospective purchasers only in conjunction with their ordinary business activities of
699 attempting to locate ready, willing, and able buyers for the properties described in said MLS compilation.

700
701 **Section 11.2 Reproduction**

702 Participants or their affiliated licensees shall not reproduce any MLS compilation or any portion thereof,
703 except in the following limited circumstances:

704
705 Participants or their affiliated licensees may reproduce from the MLS compilation and distribute to
706 prospective purchasers a reasonable** number of single copies of property listing data contained in the MLS
707 compilation which relate to any properties in which the prospective purchasers are or may, in the judgment
708 of the participant or their affiliated licensees, be interested.

709
710 *This section should not be construed to require the participant to lease a copy of the MLS compilation for
711 any licensee (or licensed or certified appraiser) affiliated with the participant who is engaged exclusively in
712 a specialty of the real estate business other than listing, selling, or appraising the types of properties which
713 are required to be filed with the MLS and who does not, at any time, have access to or use of the MLS
714 information or MLS facility of the association

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

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

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

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

None of the foregoing shall be construed to prevent any individual legitimately in possession of current listing information, sold information, comparables, or statistical information from utilizing such information to support an estimate of value on a particular property for a particular client. However, only such information that an association or association-owned multiple listing service has deemed to be nonconfidential and necessary to support the estimate of value may be reproduced and attached to the report as supporting documentation. Any other use of such information is unauthorized and prohibited by these rules and regulations.

MLS Policy Statement 11.3 Statistical Reports

MLSs may, as a matter of local determination, make statistical reports, sold information, and other informational reports derived from the MLS available to REALTORS® who do not participate in the MLS but who are engaged in real estate brokerage, management, appraising, land development, or building. Additional expenses incurred in providing such information to REALTORS® who do not participate in the MLS may be included in the price charged for such information. Any information provided may not be transmitted, retransmitted, or provided in any manner to any individual, office, or firm, except as otherwise authorized in the MLS rules and regulations.

MLSs may, as a matter of local determination, provide statistical reports, sold information, and other informational reports derived from the MLS to government agencies. MLSs may, as a matter of local discretion, require that such agencies (or representatives of such agencies) hold an appropriate form of membership in the MLS or in the association of REALTORS® as a condition of such access.

763 **Section 11.4 Transition of listings to Data Aggregators**

764 The MLS transmits a portion of the MLS database to third-party aggregators to display listing information.
765 All exclusive listings, regardless of type, will be included in data feed (unless the participant withholds
766 consent for such transmission). Except, the CATRS MLS will exclude from such data feed any listing where
767 both of the following conditions are present:

- 768 a. the listed property’s street address or a graphic display of the property’s specific location will be
769 displayed to the public; and
770 b. the seller displays on the property a “for sale by owner” sign or other sign or notice indicating
771 that the seller is soliciting direct contact from the buyers. (adopted 8/2011)
772

773 **Use of MLS Information**

774 [Top](#)
775 **Section 12 Limitations on Use of MLS Information**

776 Information from MLS compilations of current listing information, from statistical reports, and from any
777 sold or comparable report of the association or MLS may be used by MLS participants as the basis for
778 aggregated demonstrations of market share or comparisons of firms in public mass-media advertising or in
779 other public representations. This authority does not convey the right to include in any such advertising or
780 representation information about specific properties which are listed with other participants, or which were
781 sold by other participants (as either listing or cooperating broker).
782

783 However, any print or non-print forms of advertising or other forms of public representations based in whole
784 or in part on information supplied by the association or its MLS must clearly demonstrate the period of time
785 over which such claims are based and must include the following, or substantially similar, notice:
786

787 Based on information from the Capital Area Technology & REALTORS® Services MLS for the period
788 *(date)* through *(date)*.

789 **Changes in Rules and Regulations**

790 [Top](#)
791 **Section 13 Changes in Rules and Regulations**

792 Amendments to the rules and regulations of the service shall be by consideration and approval of the board
793 of directors of the multiple listing service, subject to final approval by the board of directors of the
794 Tallahassee Board of REALTORS® (shareholder).
795

796 **Arbitration of Disputes***

797 [Top](#)
798 **Section 14 Arbitration of Disputes**

799 By becoming and remaining a participant, each participant agrees to arbitrate disputes involving contractual
800 issues and questions, and specific non-contractual issues and questions defined in Standard of Practice 17-4
801 of the Code of Ethics with MLS participants in different firms arising out of their relationships as MLS
802 participants, subject to the following qualifications.
803

- 804 a. If all disputants are members of the same association of REALTORS® or have their principal place of
805 business within the same association’s territorial jurisdiction, they shall arbitrate pursuant to the procedures
806 of that association of REALTORS®.
807 b. If the disputants are members of different associations of REALTORS® or if their principal place of business
808 is located within the territorial jurisdiction of different associations of REALTORS®, they remain obligated to
809 arbitrate in accordance with the procedures of the Florida Association of REALTORS®.
810

811 **Interboard Arbitration Procedures:** Arbitration shall be conducted in accordance with any existing
812 interboard agreement or, alternatively, in accordance with the interboard arbitration procedures in the Code
813 of Ethics and Arbitration Manual of the NATIONAL ASSOCIATION OF REALTORS®. Nothing herein shall
814 preclude participants from agreeing to arbitrate the dispute before a particular association of REALTORS®.
815

816 **Standards of Conduct for MLS Participants****

[Top](#)

818 **Standard 15.1**

819 MLS participants shall not engage in any practice or take any action inconsistent with exclusive
820 representation or exclusive brokerage relationship agreements that other MLS participants have with clients.

821 **Section 15.2**

822 Signs giving notice of property for sale, rent, lease, or exchange shall not be placed on property without
823 consent of the seller/landlord.

824 **Section 15.3**

825 MLS participants acting as subagents or as buyer/tenant representatives or brokers shall not attempt to extend
826 a listing broker's offer of cooperation and/or compensation to other brokers without the consent of the listing
827 broker.

828 **Section 15.4**

829 MLS participants shall not solicit a listing currently listed exclusively with another broker. However, if the
830 listing broker, when asked by the MLS participant, refuses to disclose the expiration date and nature of such
831 listing (i.e., an exclusive right-to-sell, an exclusive agency, open listing, or other form of contractual
832 agreement between the listing broker and the client) the MLS participant may contact the owner to secure
833 such information and may discuss the terms upon which the MLS participant might take a future listing or,
834 alternatively, may take a listing to become effective upon expiration of any existing exclusive listing.

835
836 *Only adopt the following standards of conduct if the association's MLS is open to nonmember participants
837 (otherwise qualified individuals who do not hold REALTOR® membership anywhere). Any of the standards
838 of conduct, if adopted, may not be modified.

839
840 **Only adopt the following standards of conduct if the association's MLS is open to nonmember participants
841 (otherwise qualified individuals who do not hold REALTOR® membership anywhere). Any of the standards
842 of conduct, if adopted, may not be modified.

844 **Section 15.5**

845 MLS participants shall not solicit buyer/tenant agreements from buyers/tenants who are subject to exclusive
846 buyer/tenant agreements. However, if asked by an MLS participant, the broker refuses to disclose the
847 expiration date of the exclusive buyer/tenant agreement, the MLS participant may contact the buyer/tenant to
848 secure such information and may discuss the terms upon which the MLS participant might enter into a future
849 buyer/tenant agreement or, alternatively, may enter into a buyer/tenant agreement to become effective upon
850 the expiration of any existing exclusive buyer/tenant agreement.

852 **Section 15.6**

853 MLS participants shall not use information obtained from listing brokers through offers to cooperate made
854 through multiple listing services or through other offers of cooperation to refer listing brokers' clients to
855 other brokers or to create buyer/tenant relationships with listing brokers' clients, unless such use is
856 authorized by listing brokers.

857

858

859 **Section 15.7**

860 The fact that an agreement has been entered into with an MLS participant shall not preclude or inhibit any
861 other MLS participant from entering into a similar agreement after the expiration of the prior agreement.

862
863 **Section 15.8**

864 The fact that a prospect has retained an MLS participant as an exclusive representative or exclusive broker in
865 one or more past transactions does not preclude other MLS participants from seeking such prospect's future
866 business.

867
868 **Section 15.9**

869 MLS participants are free to enter into contractual relationships or to negotiate with sellers/landlords,
870 buyers/tenants or others who are not subject to an exclusive agreement but shall not knowingly obligate them
871 to pay more than one commission except with their informed consent.

872
873 **Section 15.10**

874 When MLS participants are contacted by the client of another MLS participant regarding the creation of an
875 exclusive relationship to provide the same type of service, and MLS participants have not directly or
876 indirectly initiated such discussions, they may discuss the terms upon which they might enter into a future
877 agreement or, alternatively, may enter into an agreement which becomes effective upon expiration of any
878 existing exclusive agreement.

879
880 **Section 15.11**

881 In cooperative transactions, MLS participants shall compensate cooperating MLS participants (principal
882 brokers) and shall not compensate nor offer to compensate, directly or indirectly, any of the sales licensees
883 employed by or affiliated with other MLS participants without the prior express knowledge and consent of
884 the cooperating broker.

885
886 **Section 15.12**

887 MLS participants are not precluded from making general announcements to prospects describing their
888 services and the terms of their availability even though some recipients may have entered into agency
889 agreements or other exclusive relationships with another MLS participant. A general telephone canvass,
890 general mailing, or distribution addressed to all prospects in a given geographical area or in a given
891 profession, business, club, or organization, or other classification or group is deemed general for purposes of
892 this rule.

893
894 The following types of solicitations are prohibited:

895 Telephone or personal solicitations of property owners who have been identified by a real estate sign,
896 multiple listing compilation, or other information service as having exclusively listed their property with
897 another MLS participant; and mail or other forms of written solicitations of prospects whose properties are
898 exclusively listed with another MLS participant when such solicitations are not part of a general mailing but
899 are directed specifically to property owners identified through compilations of current listings, for sale or for
900 rent signs, or other sources of information intended to foster cooperation with MLS participants.

901
902 **Section 15.13**

903 MLS participants, prior to entering into a representation agreement, have an affirmative obligation to make
904 reasonable efforts to determine whether the prospect is subject to a current, valid exclusive agreement to
905 provide the same type of real estate service.

906

907 **Section 15.14**
908 MLS participants, acting as buyer or tenant representatives or brokers, shall disclose that relationship to the
909 seller/landlord's representative or broker at first contact and shall provide written confirmation of that
910 disclosure to the seller/landlord's representative or broker not later than execution of a purchase agreement
911 or lease.
912

913 **Section 15.15**
914 On unlisted property, MLS participants acting as buyer/tenant representatives or brokers shall disclose that
915 relationship to the seller/landlord at first contact for that buyer/tenant and shall provide written confirmation
916 of such disclosure to the seller/landlord not later than execution of any purchase or lease agreement.
917 MLS participants shall make any request for anticipated compensation from the seller/landlord at first
918 contact.
919

920 **Section 15.16**
921 MLS participants, acting as representatives or brokers of sellers/landlords or as subagents of listing brokers,
922 shall disclose that relationship to buyers/tenants as soon as practicable, and shall provide written
923 confirmation of such disclosure to buyers/tenants not later than execution of any purchase or lease
924 agreement.
925

926 **Section 15.17**
927 MLS participants are not precluded from contacting the client of another broker for the purpose of offering to
928 provide, or entering into a contract to provide, a different type of real estate service unrelated to the type of
929 service currently being provided (e.g., property management as opposed to brokerage) or from offering the
930 same type of service for property not subject to other brokers' exclusive agreements. However, information
931 received through a multiple listing service or any other offer of cooperation may not be used to target clients
932 of other MLS participants to whom such offers to provide services may be made.
933

934 **Section 15.18**
935 MLS participants, acting as subagents or buyer/tenant representatives or brokers, shall not use the terms of
936 an offer to purchase/lease to attempt to modify the listing broker's offer of compensation to subagents or
937 buyer/tenant representatives or brokers, or make the submission of an executed offer to purchase/lease
938 contingent on the listing broker's agreement to modify the offer of compensation.
939

940 **Section 15.19**
941 All dealings concerning property exclusively listed or with buyer/tenants who are subject to an exclusive
942 agreement shall be carried on with the client's representative or broker, and not with the client, except with
943 the consent of the client's representative or broker or except where such dealings are initiated by the client.
944

945 Before providing substantive services (such as writing a purchase offer or presenting a CMA) to prospects,
946 MLS participants shall ask prospects whether they are a party to any exclusive representation agreement.
947 MLS participants shall not knowingly provide substantive services concerning a prospective transaction to
948 prospects who are parties to exclusive representation agreements, except with the consent of the prospects'
949 exclusive representatives or at the direction of prospects.
950

951 **Section 15.20**
952 Participants, users, and subscribers, prior to or after their relationship with their current firm is terminated,
953 shall not induce clients of their current firm to cancel exclusive contractual agreements between the client
954 and that firm. This does not preclude participants from establishing agreements with their associated
955 licensees governing assignability of exclusive agreements.

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Section 15.21

These rules are not intended to prohibit ethical, albeit aggressive or innovative business practices, and do not prohibit disagreements with other MLS participants involving commission, fees, compensation, or other forms of payment or expenses.

Section 15.22

MLS participants shall not knowingly or recklessly make false or misleading statements about other real estate professionals, their businesses, or their business practices.

Standard 15.23

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

Websites of licensees affiliated with a participant's firm shall disclose the firm's name and the licensee's state(s) of licensure in a reasonable and readily apparent manner.

Standard 15.24

MLS participants shall present a true picture in their advertising and representations to the public, including Internet content posted, the URLs and domain names they use, and participants may not:

1. engage in deceptive or unauthorized framing of real estate brokerage websites;
2. manipulate (e.g., presenting content developed by others) listing content in any way that produces a deceptive or misleading result;
3. deceptively use metatags, keywords or other devices/methods to direct, drive, or divert Internet traffic, or to otherwise mislead consumers.
4. present content developed by others without either attribution or without permission, or
5. to otherwise mislead consumers.

Standard 15.25

It is the responsibility of Participants and subscribers to ensure that CATRS and TBR have their correct and complete contact information. It is the Participant's or subscriber's responsibility to ensure that any virus software, spam filters, and internet providers have TBR and CATRS e-mails as "trusted e-mails" and that any TBR/CATRS e-mails that are delayed or trapped after being sent from TBR will be the Participant/subscriber's sole responsibility. Not receiving communications from CATRS/TBR will not be grounds for appeal of fines.

Standard 15.26

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

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

1004 **Standard 15.27, Property Addresses**
1005 Residential listings filed with the MLS must include a property address where one exists at the time the
1006 listing is filed. If a property address is unavailable, then the parcel identification number must be submitted
1007 at the time the listing is filed. If no address or parcel identification number is available at the time the listing
1008 is filed, the listing must, at a minimum, contain a legal description of the property sufficient to describe the
1009 location of the property. This information shall be available to participants and subscribers at the time of
1010 filing. **M**

1011
1012 **Standard 15.28, Non-filtering of Listings**
1013 MLS participants and subscribers must not, and MLSs must not enable the ability to, filter out or restrict
1014 MLS listings that are searchable by and displayed to consumers based on the level of compensation offered
1015 to the cooperating broker or the name of a brokerage or agent. **M**

1016
1017 **Orientation**

[Top](#)

1018
1019 **Section 16 Orientation**

1020 Any applicant for MLS Participation and any licensee affiliated with an MLS Participant shall complete an orientation
1021 program of no more than eight (8) classroom hours or equivalent self-study training (remote training), devoted to the
1022 MLS Rules, Regulations, and operations within four (4) months after access has been provided. Failure to satisfy this
1023 requirement shall be considered a violation of the CATRS MLS Rules for which MLS membership shall be suspended
1024 until such time as the training is completed. (Amended 12/18)

1025
1026 **Internet Data Exchange (IDX)**

[Top](#)

1027
1028 **Section 17 IDX Defined**

1029 IDX affords MLS participants ability to authorize limited electronic display and delivery of their listings by
1030 other participants via the following authorized mediums under the participant's control: websites,
1031 mobile apps, and audio devices. As used throughout these rules, "display" includes "delivery" of such
1032 listings.

1033
1034 **MLS Policy Statement 17.1.2, Internet Data Exchange (IDX) Policy**

1035
1036 ... To comply with this requirement MLSs must, if requested by a participant, promptly provide basic
1037 downloading of all active listings, sold* listing data starting from January 1, 2012, non-confidential pending
1038 sale listing data, and other listings authorized under applicable MLS rules. MLSs may not exclude any
1039 listings from the information which can be downloaded or displayed under IDX except those listings for
1040 which a seller has affirmatively directed that their listing or their property address not appear on the Internet
1041 or other electronic forms of display or distribution.

1042
1043 *Note: If "sold" information is not publicly accessible, display of sales price may be prohibited. "Publicly
1044 accessible" sold information as used in IDX policy and rules, means data that is available electronically or in
1045 hard copy to the public from city, county, state and other government records. MLSs must provide for its
1046 participants' IDX displays publicly accessible sold information maintained by the MLS starting January 1,
1047 2012. (Amended 5/17) **M** ...

1048
1049 **Polices Applicable to Participants' IDX Websites and Displays...**

1050
1051 *4. Participants may select the IDX listings they choose to display based only on objective criteria including,*
1052 *but not limited to, factors such as geography or location ("uptown", "downtown", etc.), list price, or type of*
1053 *property (e.g., condominiums, cooperatives, single family detached, multi-family), or type of listing (e.g.,*

1054 *exclusive right-to-sell or exclusive agency). Selection of IDX listings to be displayed must be independently*
1055 *made by each participant. M (04/2022)*
1056

1057 *12. An MLS participant's IDX display must identify the listing firm, and the email or phone number provided*
1058 *by the listing participant in a reasonably prominent location and in a readily visible color and typeface not*
1059 *smaller than the median used in the display of listing data. M (04/2022)*
1060

1061 **MLS Policy Statement 17.1.3, One Data Source**

1062 MLSs must offer a participant a single data feed in accordance with a participant's licensed authorized uses.
1063

1064 At the request of a participant, MLS must provide the single data feed for that participant's licensed uses to
1065 that participant's designee. The designee may use the single data feed only to facilitate that participant's
1066 licensed uses on behalf of that participant. M (9/1/22)
1067

1068 **MLS Policy Statement 17.1.4, Brokerage Back Office Feed**

1069 That participants are entitled to use, and MLSs must provide to participants, the BBO Data, for BBO Use
1070 subject to the Terms below:
1071

1072 "BBO Data" means all real property listing and roster information in the MLS database, including all
1073 listings of all participants, but excludes (i) MLS only fields (those fields only visible to MLS staff and the
1074 listing participant), and (ii) fields and content to which MLS does not have a sufficient license for use in
1075 the Brokerage Back Office Feed.
1076

1077 "BBO Use" means use of BBO Data by participant and subscribers affiliated with the participant for the
1078 following purposes:
1079

- 1080 • Brokerage management systems that only expose BBO Data to participant and subscribers affiliated
1081 with participant.
- 1082 • Customer relationship management (CRM) and transaction management tools that only expose the
1083 BBO Data to participant, subscribers affiliated with participant, and their bona fide clients as
1084 established under state law.
- 1085 • Agent and brokerage productivity and ranking tools and reports that only exposes BBO Data to
1086 participant and subscribers affiliated with participant.
- 1087 • Marketplace statistical analysis and reports in conformance with NAR MLS Policy Statement 7.80,
1088 which allows for certain public distribution.
1089

1090 BBO Use may only be made by participant and subscriber affiliated with participant, except that at the
1091 request of a participant, MLS must provide BBO Data to that participant's designee. The designee may
1092 use the BBO Data only to facilitate the BBO Use on behalf of that participant and its affiliated
1093 subscribers.
1094

1095 There is no option for participants to opt-out their listings from the Brokerage Back Office Feed Use as
1096 defined.
1097

1098 "Terms" mean the following:
1099

- 1100 • MLSs may impose reasonable licensing provisions and fees related to participant's license to use
1101 Brokerage Back Office Feed Data. MLSs may require the participant's designee to sign the same or
1102 a separate and different license agreement from what is signed by the participant. Such provisions

1103 in a license agreement may include those typical to the MLS’s data licensing practices, such as
1104 security requirements, rights to equitable relief, and dispute resolution terms. (The foregoing
1105 examples are not a limitation on the types of provisions an MLS may have in a license agreement.)

- 1106 • Use of roster information may be limited by the MLS participation agreement and license
1107 agreements.
- 1108 • Brokerage Back Office Feed Use is subject to other NAR MLS policies and local rules.
- 1109 • MLSs in their reasonable discretion may expand the definition of Brokerage Back Office Feed Use
1110 in conformance with other NAR MLS policies, such as Policy Statement 7.85, which provides that
1111 “Use of listings and listing information by MLSs for purposes other than the defined purposes of
1112 MLS requires participants’ consent.” **M**

1113 **MLS Policy Statement 17.1.5, Display of Listing Broker’s Offer of Compensation**

1114 MLSs must include the listing broker’s offer of compensation for each active listing displayed on its
1115 consumer-facing website(s) and in MLS data feeds provided to participants and subscribers and must permit
1116 MLS participants or subscribers to share such information through IDX and VOW displays or through any
1117 other form or format provided to clients and consumers. The information about the offer of compensation
1118 must be accompanied by a disclaimer stating that the offer is made only to participants of the MLS where the
1119 listing is filed. **M**

1120 **Section 17.1.6 Authorization**

1121 Participants’ consent for display of their listings by other participants pursuant to these rules and regulations
1122 is presumed unless a participant affirmatively notifies the MLS that the participant refuses to permit display
1123 (either on a blanket or on a listing-by-listing basis). If a participant refuses on a blanket basis to permit the
1124 display of that participant’s listings, that participant may not download, ~~or~~ frame or display the aggregated
1125 MLS data of other participants. Even where participants have given blanket authority for other participants
1126 to display their listings on IDX sites, such consent may be withdrawn on a listing-by-listing basis ~~as~~ where
1127 the seller has prohibited all Internet display.

1128 **Section 17.2 Participation**

1129 Participation in IDX is available to all MLS participants who are REALTORS® who are engaged in real estate
1130 brokerage and who consent to display of their listings by other participants.

1131 **Section 17.2.1**

1132 Participants must notify the MLS of their intention to display IDX information and must give the MLS direct
1133 access for purposes of monitoring/ensuring compliance with applicable rules and policies.

1134 **Section 17.2.2**

1135 MLS participants may not use IDX-provided listings for any purpose other than display as provided for in
1136 these rules. This does not require participants to prevent indexing of IDX listings by recognized search
1137 engines. (Amended 11/09)

1138 **Section 17.2.2**

1139 Participants must protect IDX information from misappropriation by employing reasonable efforts to
1140 monitor and prevent “scraping” or other unauthorized accessing, reproduction, or use of the MLS database.

1149 **Section 17.2.3**

1150 Listings, including property addresses, can be included in IDX displays except where a seller has directed
1151 their listing broker to withhold the listing or the listing's property address from all display on the Internet
1152 (including, but not limited to, publicly-accessible websites or VOW's) or other forms of display or
1153 distribution.
1154

1155 **Section 17.2.4**

1156 Participants may select the listings they choose to display on their IDX sites based only on objective criteria
1157 including, but not limited to, factors such as geography or location ("uptown," "downtown," etc.), list price,
1158 or type of property (e.g., condominiums, cooperatives, single-family detached, multi-family), or type of
1159 listing (e.g., exclusive right-to-sell or exclusive agency). Selection of listings displayed through IDX must be
1160 independently made by each participant. *(Amended 12/18)*
1161

1162 **Section 17.2.5**

1163 Participants must refresh all MLS downloads and IDX displays automatically fed by those downloads at least
1164 once every three (3) days.
1165

1166 **Section 17.2.6**

1167 Except as provided in the IDX policy and these rules, an IDX site or a participant or user operating an IDX
1168 site or displaying IDX information as otherwise permitted may not distribute, provide, or make any portion
1169 of the MLS database available to any person or entity.
1170

1171 **Section 17.2.7 (1st instance of rule)**

1172 All listings displayed pursuant to IDX shall identify the listing firm, and the email or phone number provided
1173 by the listing participant in a reasonably prominent location and in a readily visible color and typeface not
1174 smaller than the median used in the display of listing data.* (Amended 05/17)
1175

1176 * Displays of minimal information (e.g., "thumbnails", text messages, "tweets", etc., of two hundred [200]
1177 characters or less) are exempt from this requirement but only when linked directly to a display that includes
1178 all required disclosures. For audio delivery of listing content, all required disclosures must be subsequently
1179 delivered electronically to the registered consumer performing the property search or linked to through the
1180 devices application.
1181

1182 **Section 17.2.8**

1183
1184 Any IDX display controlled by a participant or subscriber that
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- 1186 a. allows third-parties to write comments or reviews about particular listings or displays a hyperlink to such
1187 comments or reviews in immediate conjunction with particular listings, or
1188
1189 b. displays an automated estimate of the market value of the listing (or hyperlink to such estimate) in
1190 immediate conjunction with the listing,
1191

1192 either or both of those features shall be disabled or discontinued for the seller's listings at the request of the
1193 seller. The listing broker or agent shall communicate to the MLS that the seller has elected to have one or
1194 both of these features disabled or discontinued on all displays controlled by participant. Except for the

1195 foregoing and subject to Section 17.2.9, a participant’s IDX display may communicate the participant’s
1196 professional judgment concerning any listing. Nothing shall prevent an IDX site from notifying its customers
1197 that a particular feature has been disabled at the request of the seller. (Amended 5/12)

1198

1199 **Section 17.2.9**

1200

1201 Participants shall maintain a means (e.g., e-mail address, telephone number) to receive comments about the
1202 accuracy of any data or information that is added by or on behalf of the participant beyond that supplied by
1203 the MLS and that relates to a specific property. Participants shall correct or remove any false data or
1204 information relating to a specific property upon receipt of a communication from the listing broker or listing
1205 agent for the property explaining why the data or information is false. However, participants shall not be
1206 obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or
1207 professional judgment. (Amended 5/12)

1208

1209 **Section 17.2.10**

1210 An MLS participant (or where permitted locally, an MLS subscriber) may co-mingle the listings of other
1211 brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such
1212 displays are consistent with the IDX rules, and the MLS participant (or MLS subscriber) holds participatory
1213 rights in those MLSs. As used in this policy, “co-mingling” means that consumers are able to execute a
1214 single property search of multiple IDX data feeds resulting in the display of IDX information from each of
1215 the MLSs on a single search results page; and that participants may display listings from each IDX feed on a
1216 single webpage or display.

1217

1218 **Section 17.2.12 (2nd instance of rule)**

1219 All listings displayed pursuant to IDX shall identify the listing firm in a reasonably prominent location and in
1220 a readily visible color and typeface not small than the median used in the display of listing data.

1221

1222 Displays of minimal information (e.g., “thumbnails”, text messages, “tweets”. Etc., of two hundred (200)
1223 characters of less) are exempt from this requirement but only when linked directly to a display that includes
1224 all required disclosures. For audio delivery of listing content, all required disclosures must be subsequently
1225 delivered electronically to the registered consumer performing the property search or linked to through the
1226 device’s application.

1227

1228 **Section 17.3 Display**

1229 Display of listing information pursuant to IDX is subject to the following rules:

1230

1231 **Section 17.3.1**

1232 Listings displayed pursuant to IDX shall contain only those fields of data designated by the MLS. Display of
1233 all other fields (as determined by the MLS) is prohibited. Confidential fields intended only for other MLS
1234 participants and users (e.g., cooperative compensation offers, showing instructions, property security
1235 information, etc.) may not be displayed.

1236

1237 **Section 17.3.1.1**

1238 The type of listing agreement (e.g., exclusive right to sell, exclusive agency, etc.) may not be displayed.

1239

1240

1241 **Section 17.3.2**

1242 Participants shall not modify or manipulate information relating to other participants' listings. (This is not a
1243 limitation on site design but refers to changes to actual listing data.) MLS data may be augmented with
1244 additional data not otherwise prohibited from display so long as the source of the additional data is clearly
1245 identified. This requirement does not restrict the format of MLS data display or display of fewer than all of
1246 the available listings or fewer authorized data fields.
1247

1248 **Section 17.3.3 (3rd instance of rule)**

1249 All listings displayed pursuant to IDX shall identify the listing firm in a reasonably prominent location and in
1250 a readily visible color and typeface not smaller than the median used in the display of listing data. Displays
1251 of minimal information (e.g. "thumbnails", text messages, "tweets", etc., of two hundred (200) characters or
1252 less are exempt from this requirement but only when linked directly to a display that includes all required
1253 disclosures. (Amended 5/12)
1254

1255 **Section 17.3.4**

1256 Non-principal brokers and sales licensees affiliated with IDX participants may display information available
1257 through IDX on their own websites subject to their participant's consent and control and the requirements of
1258 state law and/or regulation.
1259

1260 **Section 17.3.5**

1261 Participants (and their affiliated licensees, if applicable) shall indicate on their websites that IDX information
1262 is provided exclusively for consumers' personal, non-commercial use, that it may not be used for any
1263 purpose other than to identify prospective properties consumers may be interested in purchasing, and that the
1264 data is deemed reliable but is not guaranteed accurate by the MLS. The MLS may, at its discretion, require
1265 use of other disclaimers as necessary to protect participants and/or the MLS from liability. Displays of
1266 minimal information (e.g. "thumbnails", text messages, "tweets", etc., of two hundred (200) characters or
1267 less are exempt from this requirement but only when linked directly to a display that includes all required
1268 disclosures. (Amended 5/12)
1269

1270 **Section 17.3.6**

1271 The right to display other participants' listings pursuant to IDX shall be limited to a participant's office(s)
1272 holding participatory rights in this MLS.
1273

1274 **Section 17.3.7**

1275 Display of expired, withdrawn, and pending listings is prohibited.
1276

1277 **Section 17.3.8**

1278 Display of seller's(s') and/or occupant's(s') name(s), phone number(s), and email address(es) is prohibited.
1279

1280 **Section 17.3.9**

1281 Participants are required to employ appropriate security protection such as firewalls on their websites and
1282 displays, provided that any security measures required may not be greater than those employed by the MLS.
1283 (Amended 5/12)
1284

1285 **Section 17.3.10**

1286 Participants must maintain an audit trail of consumer activity on the their website and make that information
1287 available to the MLS if the MLS believes the IDX site has caused or permitted a breach in the security of the
1288 data or a violation of MLS rules related to use by consumers. (Amended 5/12)
1289

1290 **Section 17.3.11**

1291
1292 Deceptive or misleading advertising (including co-branding) on pages displaying IDX-provided listings is
1293 prohibited. For purposes of these rules, co-branding will be presumed not to be deceptive or misleading if the
1294 participant’s logo and contact information is larger than that of any third party. (Adopted 11/09)
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1298 **Section 17.4 Service Fees and Charges**

1299 Service fees and charges for participation in IDX shall be as established annually by the Board of Directors.
1300

1301 **Virtual Office Websites (VOWs)**

[Top](#)

1302
1303 **Section 18.1 VOW Defined**

- 1304 a. A “Virtual Office Website” (VOW) is a participant’s Internet website, or a feature of a participant’s
1305 website, through which the participant is capable of providing real estate brokerage services to
1306 consumers with whom the participant has first established a broker-consumer relationship (as defined
1307 by state law) where the consumer has the opportunity to search MLS listing information, subject to
1308 the participant’s oversight, supervision, and accountability. A non-principal broker or sales licensee
1309 affiliated with a participant may, with his or her participant’s consent, operate a VOW. Any VOW of
1310 a non-principal broker or sales licensee is subject to the participant’s oversight, supervision, and
1311 accountability.
- 1312 b. As used in Section 19 of these rules, the term “participant” includes a participant’s affiliated non-
1313 principal brokers and sales licensees—except when the term is used in the phrases “participant’s
1314 consent” and “participant’s oversight, supervision, and accountability”. References to “VOW” and
1315 “VOWs” include all Virtual Office Websites, whether operated by a participant, by a non-principal
1316 broker or sales licensee, or by an “Affiliated VOW Partner” (AVP) on behalf of a participant.
- 1317 c. “Affiliated VOW Partner” (AVP) refers to an entity or person designated by a participant to operate a
1318 VOW on behalf of the participant, subject to the participant’s supervision, accountability, and
1319 compliance with the VOW policy. No AVP has independent participation rights in the MLS by virtue
1320 of its right to receive information on behalf of a participant. No AVP has the right to use MLS listing
1321 information, except in connection with operation of a VOW on behalf of one or more participants.
1322 Access by an AVP to MLS listing information is derivative of the rights of the participant on whose
1323 behalf the AVP operates a VOW.
- 1324 d. As used in Section 19 of these rules, the term “MLS listing information” refers to active listing
1325 information and sold data provided by participants to the MLS and aggregated and distributed by the
1326 MLS to participants.
1327

1328 **Section 18.2 Participation**

- 1329
1330 a. The right of a participant’s VOW to display MLS listing information is limited to that supplied by the
1331 MLS(s) in which the participant has participatory rights. However, a participant with offices

1332 participating in different MLSs may operate a master website with links to the VOWs of the other
1333 offices.

- 1334 b. Subject to the provisions of the VOW policy and these rules, a participant’s VOW, including any VOW
1335 operated on behalf of a participant by an AVP, may provide other features, information, or functions,
1336 e.g., “Internet Data Exchange” (IDX).
1337 c. Except as otherwise provided in the VOW policy or in these rules, a participant need not obtain separate
1338 permission from other MLS participants whose listings will be displayed on the participant’s VOW.
1339

1340 **Section 18.3**

- 1341 a. Before permitting any consumer to search for or retrieve any MLS listing information on his or her VOW,
1342 the participant must take each of the following steps.
- 1343 i. The participant must first establish with that consumer a lawful broker-consumer relationship (as
1344 defined by state law), including completion of all actions required by state law in connection with
1345 providing real estate brokerage services to clients and customers (hereinafter, “Registrants”). Such
1346 actions shall include, but are not limited to, satisfying all applicable agency, non-agency, and other
1347 disclosure obligations, and execution of any required agreements.
 - 1348 ii. The participant must obtain the name of and a valid e-mail address for each Registrant. The participant
1349 must send an e-mail to the address provided by the Registrant confirming that the Registrant has agreed
1350 to the terms of use (described in Subsection d., below). The participant must verify that the e-mail
1351 address provided by the Registrant is valid and that the Registrant has agreed to the terms of use.
 - 1352 iii. The participant must require each Registrant to have a user name and a password, the combination of
1353 which is different from those of all other Registrants on the VOW. The participant may, at his or her
1354 option, supply the username and password or may allow the Registrant to establish its user name and
1355 password. The participant must also assure that any e-mail address is associated with only one user
1356 name and password.
1357
- 1358 b. The participant must assure that each Registrant’s password expires on a date certain, but may provide for
1359 renewal of the password. The participant must at all times maintain a record of the name, e-mail address,
1360 user name, and current password of each Registrant. The participant must keep such records for not less
1361 than one hundred eighty (180) days after the expiration of the validity of the Registrant’s password.
1362
- 1363 c. If the MLS has reason to believe that a participant’s VOW has caused or permitted a breach in the security
1364 of MLS listing information or a violation of MLS rules, the participant shall, upon request of the MLS,
1365 provide the name, e-mail address, user name, and current password, of any Registrant suspected of
1366 involvement in the breach or violation. The participant shall also, if requested by the MLS, provide an
1367 audit trail of activity by any such Registrant.
1368
- 1369 d. The participant shall require each Registrant to review and affirmatively to express agreement (by mouse
1370 click or otherwise) to a terms of use provision that provides at least the following:
- 1371 i. that the Registrant acknowledges entering into a lawful consumer-broker relationship with the
1372 participant
 - 1373 ii. that all information obtained by the Registrant from the VOW is intended only for the Registrant’s
1374 personal, non-commercial use
 - 1375 iii. that the Registrant has a bona fide interest in the purchase, sale, or lease of real estate of the type being
1376 offered through the VOW
 - 1377 iv. that the Registrant will not copy, redistribute, or retransmit any of the information provided, except in
1378 connection with the Registrant’s consideration of the purchase or sale of an individual property
 - 1379 v. that the Registrant acknowledges the MLS’ ownership of and the validity of the MLS’ copyright in the
1380 MLS database

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- e. The terms of use agreement may not impose a financial obligation on the Registrant or create any representation agreement between the Registrant and the participant. Any agreement entered into at any time between the participant and Registrant imposing a financial obligation on the Registrant or creating representation of the Registrant by the participant must be established separately from the terms of use, must be prominently labeled as such, and may not be accepted solely by mouse click.
- f. The terms of use agreement shall also expressly authorize the MLS and other MLS participants or their duly authorized representatives to access the VOW for the purposes of verifying compliance with MLS rules and monitoring display of participants' listings by the VOW. The agreement may also include such other provisions as may be agreed to between the participant and the Registrant.

Section 18.4

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

Section 18.5

A participant's VOW must employ reasonable efforts to monitor for and prevent misappropriation, scraping, and other unauthorized uses of MLS listing information. A participant's VOW shall utilize appropriate security protection such as firewalls as long as this requirement does not impose security obligations greater than those employed concurrently by the MLS.

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

Section 18.6

- a. A participant's VOW shall not display the listings or property addresses of any seller who has affirmatively directed the listing broker to withhold the seller's listing or property address from display on the Internet. The listing broker shall communicate to the MLS that the seller has elected not to permit display of the listing or property address on the Internet. Notwithstanding the foregoing, a participant who operates a VOW may provide to consumers via other delivery mechanisms, such as e-mail, fax, or otherwise, the listings of sellers who have determined not to have the listing for their property displayed on the Internet.
- b. A participant who lists a property for a seller who has elected not to have the property listing or the property address displayed on the Internet shall cause the seller to execute a document that includes the following (or a substantially similar) provision.

Seller Opt-out Form

- 1. Check one.
 - a. I have advised my broker or sales agent that I do not want the listed property to be displayed on the Internet.

1429 b. I have advised my broker or sales agent that I do not want the address of the listed property to be
1430 displayed
1431 on the Internet.

1432
1433 2. I understand and acknowledge that if I have selected Option a., consumers who conduct searches for
1434 listings
1435 on the Internet will not see information about the listed property in response to their searches.
1436

1437
1438
1439 _____
1440 Initials of Seller

1441
1442 c. The participant shall retain such forms for at least one (1) year from the date they are signed or one (1)
1443 year from the date the listing goes off the market, whichever is greater.
1444

1445 **Section 18.7**

1446 a. Subject to Subsection b., below, a participant's VOW may allow third-parties:

- 1447 i. to write comments or reviews about particular listings or display a hyperlink to such comments or
1448 reviews in immediate conjunction with particular listings, or
1449 ii. to display an automated estimate of the market value of the listing (or hyperlink to such estimate) in
1450 immediate conjunction with the listing.
1451

1452 b. Notwithstanding the foregoing, at the request of a seller, the participant shall disable or discontinue either
1453 or both of those features described in Subsection a. as to any listing of the seller. The listing broker or
1454 agent shall communicate to the MLS that the seller has elected to have one or both of these features
1455 disabled or discontinued on all participants' websites. Subject to the foregoing and to Section 18.8, a
1456 participant's VOW may communicate the participant's professional judgment concerning any listing. A
1457 participant's VOW may notify its customers that a particular feature has been disabled at the request of the
1458 seller.
1459

1460 **Section 18.8**

1461 A participant's VOW shall maintain a means (e.g., e-mail address, telephone number) to receive comments
1462 from the listing broker about the accuracy of any information that is added by or on behalf of the participant
1463 beyond that supplied by the MLS and that relates to a specific property displayed on the VOW. The
1464 participant shall correct or remove any false information relating to a specific property within forty-eight
1465 (48) hours following receipt of a communication from the listing broker explaining why the data or
1466 information is false. The participant shall not, however, be obligated to correct or remove any data or
1467 information that simply reflects good faith opinion, advice, or professional judgment.
1468

1469 **Section 18.9**

1470 A participant shall cause the MLS listing information available on its VOW to be refreshed at least once
1471 every three (3) days.
1472

1473 **Section 18.10**

1474 Except as provided in these rules, in the NATIONAL ASSOCIATION OF REALTORS®' VOW policy, or in any
1475 other applicable MLS rules or policies, no participant shall distribute, provide, or make accessible any
1476 portion of the MLS listing information to any person or entity.

1477 **Section 18.11**
1478 A participant’s VOW must display the participant’s privacy policy informing Registrants of all of the ways
1479 in which information that they provide may be used.

1480
1481 **Section 18.12**

1482 A participant’s VOW may exclude listings from display based only on objective criteria, including, but not
1483 limited to, factors such as geography, list price, and type of property.

1484 **Section 18.13**

1485 A participant who intends to operate a VOW to display MLS listing information must notify the MLS of its
1486 intention to establish a VOW and must make the VOW readily accessible to the MLS and to all MLS
1487 participants for purposes of verifying compliance with these rules, the VOW policy, and any other applicable
1488 MLS rules or policies.

1489
1490 **Section 18.14**

1491 A participant may operate more than one VOW himself or herself or through an AVP. A participant who
1492 operates his or her own VOW may contract with an AVP to have the AVP operate other VOWs on his or her
1493 behalf. However, any VOW operated on behalf of a participant by an AVP is subject to the supervision and
1494 accountability of the participant.

1495
1496 **Section 18.15**

1497 A participant’s VOW may not make available for search by or display to Registrants any of the following
1498 information:

- 1499 a. expired, withdrawn, or pending (“under contract”) listings
1500 b. the compensation offered to other MLS participants
1501 c. the type of listing agreement, i.e., exclusive right-to-sell or exclusive agency
1502 d. the seller’s and occupant’s name(s), phone number(s), or e-mail address(es)
1503 e. instructions or remarks intended for cooperating brokers only, such as those regarding showings or
1504 security of listed property
1505

1506 **Note:** If sold information is publicly accessible in the jurisdiction of the MLS, Subsection 18.15e. must be
1507 omitted.

1508
1509 **Section 18.16**

1510 A participant shall not change the content of any MLS listing information that is displayed on a VOW from
1511 the content as it is provided in the MLS. The participant may, however, augment MLS listing information
1512 with additional information not otherwise prohibited by these rules or by other applicable MLS rules or
1513 policies, as long as the source of such other information is clearly identified. This rule does not restrict the
1514 format of display of MLS listing information on VOWs or the display on VOWs of fewer than all of the
1515 listings or fewer than all of the authorized information fields.

1516
1517 **Section 18.17**

1518 A participant shall cause to be placed on his or her VOW a notice indicating that the MLS listing information
1519 displayed on the VOW is deemed reliable, but is not guaranteed accurate by the MLS. A participant’s VOW
1520 may include other appropriate disclaimers necessary to protect the participant and/or the MLS from liability.

1521

1522 **Section 18.18**
1523 A participant shall require that Registrants' passwords be reconfirmed or changed every 180 days.
1524

1525 **Note:** Participants may, at their option, require Registrants to reconfirm or change passwords more
1526 frequently.
1527

1528 **Section 18.19**
1529 A participant may display advertising and the identification of other entities ("co-branding") on any VOW
1530 the participant operates or that is operated on his or her behalf. However, a participant may not display on
1531 any such VOW deceptive or misleading advertising or co-branding. For purposes of this section, co-branding
1532 will be presumed not to be deceptive or misleading if the participant's logo and contact information (or that
1533 of at least one participant, in the case of a VOW established and operated on behalf of more than one
1534 participant) is displayed in immediate conjunction with that of every other party, and the logo and contact
1535 information of all participants displayed on the VOW is as large as the logo of the AVP and larger than that
1536 of any third party.
1537

1538 **Section 18.20**
1539 A participant shall cause any listing displayed on his or her VOW obtained from other sources, including
1540 from another MLS or from a broker not participating in the MLS, to identify the source of the listing.
1541 *(Adopted 1/21/09)*
1542

1543 **Section 18.21**
1544 A participant shall limit the number of listings that a Registrant may view, retrieve, or download to not more
1545 than 500 current listings and not more than 500 sold listings in response to any inquiry. *(Adopted 12/18)*
1546

1547 **Lockbox Key Entry Systems**

1548

1549 **Section 19.1 Definition:** A lock box is a container affixed to property containing a device to gain access to
1550 the property being marketed by a participant in the MLS. Participants in the MLS or their salespersons (and
1551 licensed or certified appraisers affiliated with the participants) are authorized under certain conditions to open
1552 these lock boxes under terms specified by the listing broker. Cooperating brokers and sales licensees, whether
1553 functioning as subagents of the listing broker or as agents of potential purchasers, must contact the listing
1554 broker to disclose their agency status and to arrange appointments to show listed property even if the property
1555 has a lock box affixed to it unless the listing broker has given specific permission (through information
1556 published in the MLS or otherwise) to show the property without first contacting the listing broker.
1557

1558 **Section 19.2 Lock Box Security Requirements**

- 1559 1. Any key, programmer, or other device (hereinafter referred to as key) by which a lock box can be
1560 opened shall be nonduplicative. By nonduplicative it is not meant that the key is necessarily covered
1561 by a current patent but that it cannot be readily copied in the manner that other types of keys ordinarily
1562 are.
- 1563 2. Keys must be obtained from the original manufacturer, from a recognized vendor of lock box systems
1564 or from any other legitimate source. Prior to utilizing previously used keys, lids, or boxes, information
1565 shall be obtained from the original manufacturer to determine whether the key's pattern, code, or
1566 configuration is already in use by other associations, multiple listing services, or other users in the
1567 vicinity. Surrounding associations and multiple listing services shall also be contacted to determine
1568 whether the key's pattern, code, or configuration is currently in use.
- 1569 3. The lock box system is an activity of Capital Area Technology & REALTOR® Services, Inc. and as
1570 such, every MLS participant and every non-principal broker, sales licensee and licensed or certified

1571 appraiser who is affiliated with an MLS participant and who is legally eligible for MLS access shall be
1572 eligible to hold a key subject to their execution of a lease agreement with the lockbox vendor.

- 1573 4. The MLS charges keyholders with the obligation of immediately reporting lost, stolen, or otherwise
1574 unaccountable for keys to the association. Upon receipt of notice, the MLS shall take any steps
1575 deemed necessary to resecure the system.
1576

1577 **Section 19.3 Refusing Service**

1578 CATRS may refuse to sell or lease lock box keys, may terminate existing key lease agreements, and may refuse
1579 to activate or reactivate any key held by an individual convicted of a felony or misdemeanor if the crime, in
1580 the determination of the association or MLS, relates to the real estate business or puts clients, customers, or
1581 other real estate professionals at risk.
1582

1583 CATRS may suspend the right of lock box keyholders to use lock box keys following their arrest and prior to
1584 their conviction for any felony or misdemeanor which, in the determination of the association or MLS, relates
1585 to the real estate business or which puts clients, customers, or other real estate professionals at risk.
1586

1587 Factors that can be considered in making such determinations include, but are not limited to:

- 1588 • the nature and seriousness of the crime
 - 1589 • the relationship of the crime to the purposes for limiting lock box access
 - 1590 • the extent to which access (or continued access) might afford opportunities to engage in similar criminal
1591 activity
 - 1592 • the extent and nature of past criminal activity
 - 1593 • time since criminal activity was engaged in
 - 1594 • evidence of rehabilitation while incarcerated or following release and
 - 1595 • evidence of present fitness
- 1596

1597 No one shall be required to lease a key from the association except on a voluntary basis.
1598

1599 **Section 19.4 Lockbox Use**

1600 Lock boxes may not be placed on a property without written authority from the seller. This authority may be
1601 established in the listing contract or in a separate document created specifically for the purpose.
1602

1603 It is against MLS Rules to lend a key to someone or to borrow anyone's key. There is no circumstance that
1604 this is allowed. The lender and the borrower are each subject to an automatic \$500 FINE for each instance of
1605 this violation.
1606

1607 If you lose your key or cannot get it to work, you can ask another keyholder to go with you to the showing or
1608 call one of the designated members who has in their possession, a LOANER KEY. A list of the current
1609 members in possession of a loaner key is available from the CATRS office. (Adopted 10/6/2009)