

REALTOR® Association of Greater Miami and the Beaches
Internet Listings on Websites -- Internet Data Exchange (IDX) Rules

Revised August 11, 2006

NAR and the Residential Board of Governors have approved the rules under which MLS participants are allowed to display on their public Web sites aggregated MLS active listing information. The participant has the option to download and place the data on the Web site or have information from the MLS framed at his site. Any broker/firm who does not wish to allow their listings to be included must notify RAMB in writing by mail, fax, or email – and is then prohibited from downloading the MLS's aggregated data into his own site. The right to display listing information available pursuant to IDX cannot be denied MLS Participants who are licensed to engage in real estate brokerage based on the extent of their brokerage activity. **Access to MLS databases of current listing information, or any part of such databases, may not be provided to any person or entity not expressly authorized such access under the MLS Rules.**

The following rules have been established and approved by the Residential Board of Governors. Please note that additional rules and clarification will be added from time to time as needed and notice will be provided through the Association's publications and email reports.

- 1) The right to display listing information pursuant to IDX is limited to Participants who are REALTORS®, and their licensees. Participants must notify the MLS of their intention to establish an IDX site and make their IDX site directly accessible to the MLS for purposes of monitoring/ensuring compliance with applicable rules and policies.
- 2) Confidential information fields intended for cooperating brokers rather than consumers CANNOT be displayed;
- 3) Listings or property addresses of sellers who have directed their listing brokers to withhold their listing or property address from display on the Internet (including, but not limited to, publicly-accessible Web sites) shall not be accessible via IDX sites. Notwithstanding this prohibition, listing brokers may display on their IDX sites or their other Web site(s) the listing or property address of consenting sellers.
- 4) Participants may exclude listings from display on their IDX sites based only on objective criteria including, but not limited to, factors such as geography, list price, type of property, or cooperative compensation offered by listing brokers.
- 5) When displaying listing content, a Participant's or User's IDX site must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface.
- 3) Any listing displayed MUST identify the listing firm in a readily visible color and typeface not smaller than the median used in the display of listing data;
- 4) Information displayed CANNOT be modified; all data must be downloaded, NO information can be typed or added to the listings;
- 5) A display of other Participants' listings MUST indicate the source of the information being displayed;
i.e. The data relating to real estate for sale on this web site comes in part from the participating Associations/MLS's in the Southeast Florida Regional Multiple Listing Service cooperative agreement – Realtor Association of Greater Miami and the Beaches, Realtor Association of Greater Ft. Lauderdale, Realtor Association of Miami-Dade County, Northwestern Dade Association of Realtors, South Broward Board of Realtors.

6) All downloads and all data MUST be refreshed at least once every seven (7) days, but should be refreshed daily. If the data is updated less frequently than daily, the search and/or results page must include a disclosure indicating the frequency and days of update. For example:

On the search page: "Data last updated: xx/xx/xx." Or "This data is updated weekly on Saturday nights. Some properties that appear for sale on this website may subsequently have sold and may no longer be available."

On the results page: "This data is up-to-date as of (xx/xx/xx). For the most current information, contact (firm, phone, email)."

7) Sharing of the MLS database with any unauthorized third party is expressly PROHIBITED and Participants ARE REQUIRED to indicate on their websites that:

"the information being provided is for consumers' personal, non-commercial use and may not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing";

8) Limit on the amount of data/number of listings that consumers may retrieve or download in response to an inquiry is set at 25. (If more is desired, click on "more" button.)

9) The right to display other Participants' listings applies to a Participant's office(s) holding participatory rights in cooperating MLS's;

10) Listing office name MUST appear on the first screen of listing data. If a one- or two-line print or a thumbnail display includes only the data in the standard MLS one line print and photo of the listing property – the listing office name does not need to be included on the first screen as long as the next screen of property information available contains the listing office. Such one- or two-line print or thumbnail display of another broker's listing may not include any contact information or branding of the broker who owns the website, any of its agents, or any third party. NOTE: If the one- or two-line or thumbnail display are all that appear on the website, the listing office must be included for each.

11) A member republishing another member's listing shall use reasonable efforts to avoid "scraping" of the data and displaying of that data on another, unapproved website. (i.e., illegal extracting of another's information from their framed page and linking it to another website);

12) Advertising/promotion of website content is covered under Article 12 of Code of Ethics;

13) Changes to an internet site necessary to "cure" a violation of RAMB's Policies and Procedures must be accomplished within ten (10) business days of notification to broker from RAMB of the violation. If the member is an agent, notice will be provided at the same time to the broker of the firm. Failure to cure the violation within 10 business days, shall result in per diem charges of \$25.00 per day for the first 30 days; and \$50.00 per day thereafter until cured, and may result in termination of services.

14) The MLS shall have the right at any time and in its sole discretion to terminate the member's right to so transfer information (download) forthwith, upon written notice to the member. Delivery of such written notice to the member shall constitute delivery of said written notice of any third party vendor/consultant as well. If the member is an agent, notice will be provided at the same time to the broker of the firm.

15) If the services of a third-party consultant/vendor are used in downloading the MLS data, a written agreement must be signed by the vendor agreeing to terms and conditions as set out by the Association including a stipulation that the Consultant/vendor retains no part of information obtained from the MLS database. A contract with the required terms and conditions shall be available to participants for their use or reference.

16) Non-principal brokers and sales licensees affiliated with MLS Participants are permitted to use the information available through IDX to populate their own websites.

19) The website must contain the following required disclaimer (or other disclaimer which is substantially equivalent and has been approved by the Association):

Information is deemed reliable but not guaranteed. Copyright 20xx, Participating Associations/MLS's in the SEFMLS – Realtor Association of Greater Miami and the Beaches, Realtor Association of Greater Ft. Lauderdale, Realtor Association of Miami-Dade County, Northwestern Dade Association of Realtors, South Broward Board of Realtors. All rights reserved. The information being provided is for consumers' personal, non-commercial use and may not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing. Use of search facilities of data on the site, other than a consumer looking to purchase real estate, is prohibited.

20. If the Realtor Association of Greater Miami and the Beaches is sued because of the inappropriate use of the IDX by a member, the offending Member Agent and/or Broker is responsible for reimbursing the Association for defense costs and damages.