

**NORTHEAST FLORIDA MULTIPLE LISTING SERVICE, INC.
RULES AND REGULATIONS**

(Effective October 28, 2020)

INTERNET DATA EXCHANGE (IDX)

Section 13 **Authority.** In accordance with the mandate from the National Association of Realtors®, the Corporation enacts the following rules to enable Participants' to display and deliver on Participants' public websites, mobile apps, and audio devices active listings, contingent listings, non-confidential pending sale listing data and sold listing data starting from January 1, 2012 at Participant's option. As used throughout these rules, "display" includes "delivery" of such listings, by either downloading and placing the data on Participant's public access web sites or in applications using mobile devices or by audio devices or by framing such information subject to the requirements of the rules of NEFMLS as well as state law and regulations. A Participant's consent for such display is presumed unless a Participant affirmatively notifies NEFMLS that the Participant refuses to permit display (either on a blanket or on a listing-by-listing basis). If a Participant refuses on a blanket basis to permit the display of that Participant's listings, then that Participant may not download, frame or display the aggregated NEFMLS data of other Participants. Even where Participants have given blanket authority for other Participants to display their listings on IDX sites, such consent may be withdrawn on a listing-by-listing basis where the seller has prohibited all internet display, or other electronic forms of display or distribution, or display of the listing's property address including but not limited to publicly accessible websites, mobile applications, or other electronic forms of display or distribution, or a Virtual Office Website (VOW) (see 14.1). Participants may not use IDX listing data for any purpose other than display as provided for in these Rules and Regulations. This does not require Participants to prevent indexing of IDX listing data by recognized search engines. Participants must notify NEFMLS of their intention to display IDX information and must give NEFMLS direct access for the purpose of monitoring/ensuring compliance with NEFMLS Rules and Regulations. Requests for IDX feeds/downloads must be acted on by NEFMLS within five (5) business days from receipt, barring extenuating circumstances related to an individual's qualifications for MLS participation, and review of the participant's and vendor's use of the IDX information consistent with the MLS rules, in which case an estimated time of approval or denial must be issued.

Section 13.1 **Definitions.**

- A) **"Branding"** means any marks, language, contact or other information referring to the web site owning IDX Broker or its agents or any third party other than the listing broker.

- B) **"Detailed Display"** means any display containing more than five lines of text display and/or displaying a photo.

- C) **"IDX"** (Internet Data Exchange) is a means by which each principal REALTOR ® Broker Participant in an MLS subscribing to the program authorizes limited electronic display of its active listings, contingent listings, non-confidential pending sale listing data and sold listing data starting from January 1, 2012 appearing in a MLS system by other Participants.

- D) **“IDX Broker”** means a REALTOR® Participant in the IDX program. To be an IDX Broker, a REALTOR® Participant must be actively engaged in providing real estate brokerage services to buyers, sellers, landlords or tenants in real estate transactions, must be a Realtor® member of a local association of Realtors and must be a member in good standing of an MLS. **“Non-IDX Broker Participant”** means a Participant who is not a Realtor® member of a local association of Realtors®, but who is a Participant in good standing of a MLS and is actively engaged in providing real estate brokerage services to buyers, sellers, landlords or tenants in real estate transactions. Non-IDX Broker Participants may only receive a download of all licensed data. Non-IDX Broker Participants may not display the data.
- E) **“IDX Database”** means the current aggregate compilation of all IDX Brokers’ exclusive right to sell or lease listings and listings obtained via other forms of exclusive agreement that make it possible for the listing broker to offer cooperation and compensation to the other MLS participants except those listings where the property seller or lessor has opted out of Internet publication by so indicating on the listing agreement. If a participant refuses on a blanket basis to permit the display of that participant’s listings, then that participant may not display data of other participants.
- F) **“NEFMLS”** means Northeast Florida Multiple Listing Service, Inc.
- G) **“Thumbnail Display”** means any display containing no more than five lines of text and/or small photograph. Thumbnail Display shall be deemed to include single line displays.

Section 13.2 **Re-publication of IDX Database on Internet.** An IDX Broker may republish all or a portion of the IDX Database on the Internet in accordance with the following provisions and in keeping with any policies that NEFMLS may adopt from time to time. Unless expressly contravened by the provisions of this section, all other NEFMLS rules and regulations remain in full force and effect. Broker-salespersons and salespersons may be included in this program only with the consent of their principal Broker Participant.

- A) **Displayable Data Fields.** An IDX Broker may display ALL information relating to its own listings, but an Internet republication of another IDX Broker’s listing shall contain only those data fields designated by NEFMLS or the listing broker for IDX purposes for each different property type. An IDX Broker may display fewer fields than designated by NEFMLS or the listing broker but must comply with Section 13.2 (F) hereof.
- B) **Displayable Listing Records.** An IDX Broker need not display the whole IDX Database, but may choose to display only listings based on objective criteria in a particular price range, geographical area, or property type. An IDX Broker may also choose not to display the listings of other brokers. If an IDX Broker chooses to display less than the entire IDX Database, it is recommended but not required that this be disclosed on the web site using a disclosure such as the following:

- “[Firm Name]” participates in the Northeast Florida Multiple Listing Service, Inc. data exchange program, allowing us to display other broker’s listings on our site. However, [firm name] displays only [listings in a particular city] [only condominium listings] [exceptional properties (with list prices above \$500,000)]”.
- “[Firm Name] does not display the entire Northeast Florida Multiple Listing Service, Inc. data exchange program database on this web site. The listings of some real estate brokerage firms have been excluded”.

C) **Updates.** An IDX Broker shall update the information on its Internet web site at least every 12 hours. If the information is not updated at least every 12 hours, the IDX Broker’s access to the IDX Database will be suspended until NEFMLS is satisfied that the IDX Broker has taken appropriate action to comply with this requirement. Repeated violations may result in permanent suspension from the IDX program.

D) **Modifications to Data.** IDX Broker’s and their licensees shall not modify or manipulate information relating to other participants’ listings. IDX Broker’s and their licensees may augment their IDX displays of MLS data with applicable property information from other sources to appear on the same webpage or display, clearly separated from the data supplied by the MLS. The source(s) of the information must be clearly identified in the immediate proximity to such data. This requirement does not restrict the format of MLS data display or display of fewer than all of the available listings or fewer authorized fields.

E) **Thumbnail Display Requirements.** A Thumbnail Display of another IDX Broker’s listing may include the listing broker or listing broker’s licensee’s name conspicuously displayed in type that is at least as large as the largest type size used to display the listing data. A Thumbnail Display of another IDX Broker’s listing may not include any Branding. A Thumbnail Display may only include the following additional information:

- Text data about the listing property
- A photo of the listing property
- “Buttons” providing links to the Detailed Display

F) **Detailed Display Requirements.** A Detailed Display of another IDX Broker’s listing shall not include any Branding within the “body” of the listing data. The “body” is defined as the space whose borders are delimited by the utmost extent in each direction of the listing text and photo data. Any IDX display must be controlled by a Participant. For purposes of this IDX Policy and these Rules and Regulations control means the ability to add, delete, modify and update information as required by the IDX Policy and NEFMLS Rules and Regulations. Immediately following the property information on a Detailed Display of another IDX Broker’s listing, the following information shall be displayed conspicuously in type that is at least as large as the largest type size used to display the listing data.

- Listing IDX Broker’s Firm name under which they operate in a readily visible color and typeface not smaller than the median used in the display of listing data.

- NEFMLS copyright notice. One of the following copyright notices must be displayed **exactly** as specified below on any display of detailed listing data of another IDX Broker:
- “Copyright (insert current year) Northeast Florida Multiple Listing Service, Inc.
All rights reserved.”
- “© (insert current year) Northeast Florida Multiple Listing Service, Inc.
All rights reserved.”
- It is not permissible to substitute a “c” in parenthesis - “(c)” - for the copyright symbol - ©. If a web site cannot display the copyright symbol, the word “Copyright” must be spelled out.

All listings displayed pursuant to IDX shall show NEFMLS as the source of the information. Displays of minimal information (e.g. thumbnails, text messages, tweets, etc. of 200 characters or less are exempt from this requirement but only when directly linked to a display that includes all required disclosures. For audio delivery of listing content, all required disclosures must be subsequently delivered electronically to the registered consumer performing the property search or linked to through the device’s application.

G) **Required Disclosures**

1. **Information Source Disclosure.** The following disclosure, or similar language that achieves the same objective, must appear on the first page where any IDX listing data is displayed: “The data relating to real estate for sale on this web site comes in part from the Internet Data Exchange (IDX) program of the Northeast Florida Multiple Listing Service, Inc. Real estate listings held by brokerage firms other than [insert firm name] are marked with the listing broker’s name and detailed information about such listings includes the name of the listing brokers. Data provided is deemed reliable but is not guaranteed.” At the option of NEFMLS, any NEFMLS logo, icon or symbol may be displayed next to this disclosure.

2. **Accuracy Disclaimer on Search Results** Any search result shall include the disclaimer “Information deemed reliable but not guaranteed” or similar language indicating that the listing broker believes the data provided to be accurate but does not guarantee the data. Some examples of acceptable alternatives:

- “The broker providing this data believes them to be correct, but advises interested parties to confirm them before relying on them in a purchase or lease decision.”
- “Listing broker has attempted to offer accurate data, but buyers/lessees are advised to confirm all information.”
- Participants (and their affiliated licensees, if applicable) shall indicate on their Web sites that IDX information is provided exclusively for consumers’ personal, non-commercial use that it may not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing, and that data

is deemed reliable but is not guaranteed accurate by NEFMLS. NEFMLS may, at its discretion, require use of other disclaimers as necessary to protect Participants and/or NEFMLS from liability.

- H) **Control of Displaying Web Site.** Any Internet web site used for publication of the IDX Database or any portion thereof must be controlled by a single IDX Broker and advertised as that IDX Broker's Internet web site. For purposes of this IDX Policy and these Rules and Regulations control means the ability to add delete modify and update information as required by the IDX Policy and the Corporation Rules and Regulations. The data consumers can retrieve or download in response to an inquiry shall be determined by the MLS but in no instance shall be limited to fewer than five hundred (500) listings or fifty per cent (50%) of the listings available for IDX display, whichever is fewer.

Participants are required to employ appropriate security protection such as firewalls on their websites and displays provided that any security measures required may not be greater than those employed by the Corporation.

Participants must maintain an audit trail of consumer activity on their website and make that information available to the Corporation if the Corporation believes the IDX site has caused or permitted a breach in the security of the data or a violation of Corporation rules related to use by consumers.

- I) **Violations.** An IDX Broker must make changes to an Internet site necessary to cure a violation of IDX rules within five business days after notice of the violation from NEFMLS. Failure to comply may result in suspension from the IDX Program until such time as the violation is cured. Repeated violations may result in expulsion of the NEFMLS Participant from both the IDX Program and NEFMLS.
- J) **Use by Third Parties.** No portion of the IDX Database shall be used or provided to a third party for any purpose other than those expressly provided for in these rules. Providing an NEFMLS password to an unauthorized recipient is a serious violation of these rules that may subject the IDX Broker to sanctions. An IDX Broker that authorizes its affiliated salespersons and broker-salespersons to participate in IDX is responsible for ensuring such agent's compliance with these rules.
- K) **Use of a Web Site Provider.** Any third party involved in development/design of an IDX Broker's or their licensee's web site must enter into a written agreement in the form prescribed by NEFMLS.
- L) **Co-Mingling.** Listings obtained through IDX feeds from REALTOR® Association MLSs where the MLS participant holds participatory rights must be displayed separately from listings obtained from other sources.

Listings obtained from other sources (e.g. from other MLS's, from non-participating brokers, etc.) must display the source from which each listing was obtained. All listings displayed or delivered pursuant to IDX shall show the Corporation as the source of the information. Displays of minimal information (e.g. thumbnails, text messages, tweets, etc. of 200 characters or less are exempt from this

requirement but only when directly linked to a display that includes all required disclosures. For audio delivery of listing content, all required disclosures must be subsequently delivered electronically to the registered consumer performing the property search or linked to through the device's application.

A Corporation Participant or their licensee may co-mingle the listings of other brokers received in an IDX feed with listings available from other REALTOR association multiple listing service IDX feeds, provided all such displays are consistent with IDX rules, and the Participant or their licensee holds REALTOR participatory rights in those MLS's. As used in this policy, "co-mingling" means that consumers are able to execute a single property search of multiple IDX data feeds resulting in the display of IDX information from each MLS on a single search results page; and that Participants may display listings from each IDX feed on a single webpage or display.

- M) Participants must notify NEFMLS of their intention to display IDX information and must give direct access to NEFMLS for purposes of monitoring/ensuring compliance with applicable rules and policies.
- N) 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 site or VOWs) 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.
- O) Participants may select the listings they choose to display based only on objective criteria including, but not limited to, factors such as geography or location ("uptown", "downtown", etc.), list price, type of property, (e.g., condominiums, cooperatives, single-family detached, multi-family), cooperative compensation offered by listing brokers, type of listing, (e.g. exclusive right to sell exclusive agency), or the level of service being provided by the listing firm. Selection of listings displayed must be independently made by each Participant.
- P) Display of expired and withdrawn listings is prohibited.
- Q) Display of seller's(s') and/or occupant's (s') names(s), phone numbers(s), and email address(es) is prohibited.
- R) Any IDX display controlled by a Participant or their licensee that
 1. Allows third parties to write comments or reviews about particular listings or displays a hyperlink to such comments or reviews in immediate conjunction with particular listings, or
 2. Displays an automated estimate of the market value of the listing or hyperlinks to such estimate in immediate conjunction with the listing.Either or both of those features shall be disabled or discontinued for the seller's listings at the request of the seller. The listing broker or their licensee shall communicate to NEFMLS that the seller has elected to have one or both of these features disabled or discontinued on all display's controlled by Participants'. Except for the foregoing and subject to S) below a Participant's IDX display may communicate the Participant's professional judgement concerning any listing.

Nothing shall prevent an IDX display from notifying its viewer that a particular feature has been disabled at the request of the seller.

- S) Participants shall maintain a means (e.g. e-mail address, telephone number) to receive comments about the accuracy of any data or information that is added by or on behalf of the Participant beyond that supplied by NEFMLS and that relates to a specific property. Participant's shall correct or remove any false data or information related to a specific property upon receipt of a communication from the listing broker or their licensee explaining why the data or information is false. However, Participant's shall not be obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or professional judgement.