



JD Peacock II, Clerk of the Circuit Court
1st Judicial Circuit
Okaloosa County, Florida

ERECORDING BUSINESS RULES

As County Recorder for Okaloosa County, it is my intent to accept electronically transmitted and received documents for recording into Okaloosa County's Official Records beginning January 3, 2011. What follows are the Business Rules which I have established to comply with the rules prescribed by the Department of State and recommended by the Florida Electronic Recording Advisory Committee.

Dated: 11/17/2010

These Business Rules will stay in effect until notice is given of a pending change. I will generally provide at least 15 days' notice of any changes.

1. Electronic Recording:

eRecording is defined based on the level of automation and structure of the transaction. I have decided to accept Model 1, Model 2, and Model 3 transmissions as defined on ATTACHMENT A.

2. Program Eligibility:

eRecording requires a close working relationship as well as mutual trust between my office and the submitting entity. All parties to the eRecording transaction desire to operate and maintain a secure recording system that safeguards parties to recordation from deceit, fraud and forgery. These Business Rules outline the procedures and practices for the trusted relationship between my office and all submitters. Participation in the eRecording program is voluntary and the decision to do so is a business judgment.

3. eRecording Requirements:

The eRecording Program of Okaloosa County is defined by the requirements included in these Business Rules.

Attachment A provides the technical specifications including format, models of eRecording supported, transmission protocols, and security requirements of the electronic records. All eRecording participants must agree to provide transmissions following the specifications outlined.

Attachment B contains the document and indexing specifications for the eRecording program. For each document type, the expected document code is provided.

Attachment C contains the processing schedules and hours of operation for the eRecording Program.

Attachment D provides the eRecording payment requirements.



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4. eRecording Submitter Responsibilities:

eRecording submitters are expected to abide by Florida law. eRecording allows submitters to prepare, sign and/or transmit documents and business records in electronic formats. The electronically transmitted documents will be considered the “original” record of the transaction in substitution for, and with the same intended effect as, paper documents and, in the case that such documents bear a digital or electronic signature, paper documents bearing handwritten signatures.

eRecording submitters are expected to be diligent in ensuring that documents submitted for eRecording have been checked before submission for errors, omissions, scanning defects, illegible areas, and other deficiencies that would affect the County Recorder’s ability to record the document and the public notice to be created thereby.

eRecording submitters and/or its employees attest to the accuracy and completeness of the electronic records and acknowledge responsibility for the content of the documents. Should a dispute or legal action arise concerning an electronic transaction, the County Recorder will be held harmless and not liable for any damages.

eRecording submitters are responsible for the costs of the system or services provided by a third party that enables them to meet the requirements of this program.

eRecording submitters will immediately notify the County Recorder of any security incident, including but not limited to attempts to or actual unauthorized access to its pathway, which could compromise or otherwise adversely affect the County Recorder’s data systems.

eRecording submitters will work to ensure that all security measures and credentials implemented are protected. Documents are to be authenticated and transmitted without modification.

eRecording submitters are expected to maintain an audit trail of all activity, available to the County Recorder, at its request, to resolve issues or investigate potentially fraudulent activity. The audit trail must contain, at a minimum, submitter ID, submitted content at point of receipt from Company, submitted content as at point of delivery to County Recorder, dates and times submitted, size, and checksum.

eRecording submitters are responsible for coordinating all technical problems and issues through the County Recorder.



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5. County Recorder Responsibilities:

County Recorder will attempt to protect the integrity of the recording process through ongoing monitoring of documents received and recorded through eRecording means.

County Recorder will test and maintain eRecording software and hardware required to operate the eRecording capability.

County Recorder, however, shall be held harmless and not liable for any damages resulting from software or equipment failure and assumes no contractual liability for any damages whatsoever via any part of this document.

County Recorder will apply the same level of diligence in handling documents submitted electronically as those submitted through the normal manual process.

6. General Understandings:

The County Recorder will not incur any liability for the information electronically transmitted by eRecording submitters, including but not limited to any breach of security, fraud or deceit.

The County Recorder and eRecording submitter shall attempt in good faith to resolve any controversy or claim arising out of or relating to electronic recording through negotiation before resorting to litigation. Jurisdiction and venue for any civil action commenced by either party with respect to these Business Rules shall be proper in the court of general jurisdiction in Okaloosa County. eRecording Submitter expressly waives the right to bring such action in or to move such action to any other court, whether state or federal. This agreement shall be governed by the laws of the state where Receiver's principal office is located. Nothing contained herein waives or is intended to waive any protections that may be applicable to County Recorder or any of its elected or appointed officials, employees, or agents under any applicable statutes, rules or regulations providing governmental immunity, or any other rights, protections, immunities, defenses or limitations on liability County Recorder or such related parties that are provided by law.

The County Recorder may terminate any eRecording submitter's authorization to eRecord for any reason.

Documents may be rejected in accordance with Florida law, including, but not limited to the following reasons: document errors, failure to pay the filing or other fees due, the document is not a type the County Recorder is authorized to accept for recording, or the document fails to meet any other applicable legal requirement.

Any amendments or modifications to these Business Rules will generally be noticed providing at least 15 days' notice prior to the change.



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7. Personally Identifying Information:

The eRecording submitter agrees that all personally identifying information which is considered privileged and confidential under Florida law contained within the documents will not be released by the eRecording submitter to any individual or other legal entity who would not otherwise have access to such information.

8. Termination:

The County Recorder may cease eRecording at any time for any reason. The County recorder will attempt to provide 15 days' notice.

Agreed and Accepted

BY: _____ **(eRecording Vendor)**

Printed Name: _____

Company Name: _____

Date: _____



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ATTACHMENT A

TECHNICAL SPECIFICATIONS

Accepted Models for Electronic Recording

Models 1, 2 and 3 will be accepted.

The three models of automation are as follows:

Model 1: Submitting organizations transmit scanned images of original ink signed documents to the Okaloosa Clerk of Courts Recording department. The County Recorder completes the recording process in the same way as paper using the imaged copy as the source document. Once the County Recorder accepts the documents for recording, the scanned image is “burned” with the recording information, including recording date and time, as well as the unique recording reference number, such as instrument number. Indexing is performed by the indexing staff of the Recording department, as with paper documents. A copy of the recorded image(s) is returned to the submitter, together with the recording endorsement data.

Model 2: Submitting organizations transmit scanned images of ink signed documents or an electronic document electronically signed and notarized, along with data necessary for processing, indexing, and returning the document, to the County Recorder. The County Recorder performs an electronic examination of the imaged document and indexing data, and then completes the recording process using the imaged copy and electronic indexing information. The electronic version of the recorded document is returned to the submitter, together with the recording endorsement data.

Model 3: Submitting organizations transmit documents which have been created, signed and notarized electronically containing the electronic indexing information, or SMART™ documents which are a single object containing the electronic version of the document in such a way that enables the electronic extraction of data from the object. SMART™ documents are required to be signed and notarized electronically. Electronic signatures must comply with the Florida Uniform Electronic Transaction Act (UETA). The County Recorder performs an electronic examination of the electronic documents and indexing information, then completes the recording process using the electronic documents. Images of electronic and SMART™ documents are made, and returned to the submitting organization, along with recording endorsement data.



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FORMAT OF THE TRANSMITTED FILE

Property Records Industry Association (PRIA)/Mortgage Industry Standards Maintenance Organization (MISMO) file format standards will be used. The file format shall be TIFF or PDF and must be so specified.

COMMUNICATIONS PROTOCOL AND OPTIONS

Transmission Control Protocol/Internet Protocol (TCP/IP), HTTP and HTTPS will be used.

SECURITY FRAMEWORK

Encryption will be a minimum 128-bit file and image encryption. Secure Socket Layer (SSL) and user login/password will be employed. User passwords are controlled by the Submitter and should be monitored/or changed periodically to ensure security. Computers on which documents originate must have all critical operating system patches applied, must have a firewall (hardware or software) installed, and must have up to date virus scan software.

RETURNED FILE FORMAT

Property Records Industry Association (PRIA)/Mortgage Industry Standards Maintenance Organization (MISMO) file format standard will be used. Documents will be returned in the file format (TIFF or PDF) specified by the submitter.

ELECTRONIC SIGNATURES AND USE OF DIGITAL CERTIFICATES

The use of Electronic Signatures and Digital Certificates will need to adhere to the guidelines set out in any applicable Florida Statutes and Florida Department of State administrative rules.

IMAGING STANDARDS

Documents shall be scanned at 300 dpi. Documents will be scanned in portrait mode. Document images will be captured in single page storage format. Scanned documents will be legible and reproducible – including signatures and notary seals. Document details, such as margins, font size, and other similar requirements, must meet all applicable state or local standards. Documents must be scanned to original size no larger than 8 ½ x 14”.



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ATTACHMENT B

DOCUMENT SPECIFICATIONS

Eligible Document Types

Most document types recorded in a paper-based world are acceptable for eRecording. Please refer to the table in ATTACHMENT C for a list of document types currently accepted for eRecording by our office.

County Specific Document Type Coding

It is our office's intention to not reject documents based on "incorrect or non-County specific" document types. Our office will correct the document type as part of the eRecording process.

Indexing Fields for each Document Code

Submitters are asked to provide grantor and grantee indexing information for all party names, including name and spelling variations. Our office will not reject for incomplete or inaccurate indexing information unless the appropriate indexing fees are not included. Documents containing more than 4 party names must include \$1.00 per name additional for names 5 and above. Okaloosa County's Indexing Guidelines is provided on our website. Please visit [Okaloosa County, FL Indexing Guidelines](#) for more information.

Document Imaging Quality Control Standards

The HTML document must display in W3C (World Wide Web Consortium) Standards.

Notary Requirements per Document

It is the responsibility of the eRecording submitter to confirm that notary signatures and seals are present on all documents that require them. Notarial seals are not required although the data contained on a notarial stamp is required. All electronic notary signatures must adhere to F.S. 117.021 for electronic notaries.

Eligible Document Batches

Document batches will be submitted by a standard naming convention as specified by our office. The maximum size of electronic document batches will be determined by the County Recorder.

DOCUMENT TYPES ACCEPTED FOR eRecording:

Affidavit	AFF
Affidavit of Error (F.S. 177.141 – Subdivision Plat related errors only)	AOE
Agreement	A



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Agreement for Additional Advances (F.S. 28.222(3a), 199.133, 199.143, 201.08, 697)	AAA
Amended Claim of Lien (F.S. 28.222(3a))	ACL
Amended Declaration of Condominium	ADC
Amended Restrictions	AMR
Assignment	ASN
Assignment of Lease	ALE
Assignment of Lien (F.S. 713.19)	AL
Assignment of Mortgage	AM
Assignment of Security	AS
Assumption Agreement	AA
By Laws	BL
Certificate	CER
Corrective Assignment of Mortgage	CAM
Corrective Deed (Quit, Warranty, or Special)	CD
Corrective Mortgage	CM
Corrective Satisfaction of Mortgage	CSM
Death Certificate (<u>Unaltered Certified Copy</u> . FL Short Form only – NO CAUSE OF DEATH)	DC
Declaration of Condominium	DOC
Deed	D
Disclaimer	DIS
Easement (Ingress/Egress, Utility, Maintenance, etc.)	EAS
Final Judgment Certified Copy	FJ
General Release	GR
Articles of Incorporation (Certified Copy from Secretary of State)	CI
Joinder	JN
Lease	LEA
Lien (F.S. 713)	LI
Limited Partnership	LTP
Mortgage	M
Mortgage Extension Agreement	MEX
Mortgage Modification Agreement	MMA
Non-Taxable Certificate	NTC
Notice	N
Notice of Commencement (F.S. 713.13)	NC
Notice of Commencement Release or Termination (F.S. 713.132)	NCR
Oil Gas & Mineral Rights	OGM
Option	OPT
Partial Assignment of Lease	PAL
Partial Release of Judgment	PRJ
Partial Release of Lien	PRL
Partial Release of Mortgage	PRM
Partnership	P
Personal Representatives Deed	PRD
Power of Attorney or Revocation of Power of Attorney	PA
Promissory Note	PN



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Quit Claim Deed	QD
Release to Distribute Property	RDP
Release of Lease	RL
Release of Lien (F.S. 713.20)	RL
Restrictions	RES
Satisfaction of Mortgage	SM
Security Agreement	SA
Subordination Agreement	SUB
Supplemental Mortgage (2nd Mortgage)	MS
Timber Deed	TRD
Trust (Certificates or Memorandums of Trust)	TRS
Uniform Commercial Code	UCC
Uniform Commercial Code Amendment	UCCA
Uniform Commercial Code Assignment	UCCAS
Uniform Commercial Code Continuation	UCCC
Uniform Commercial Code Release	UCCR
Waiver	WAI
Warranty Deed	WD

TEMPORARY DOCUMENT TYPE CODES USED FOR TAX EXCEPTIONS OR EXEMPTIONS:

Mortgage – Intangible Tax Exempt	MEEI
Mortgage – Exempt from both Documentary stamp and Intangible tax	MEET
Promissory Note – Not subject to Intangible tax	PNEEI
Deed with Assumption Clause	DEWA



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DOCUMENT TYPES LIMITED FOR USE BY SPECIFIC GOVERNMENT AGENCIES ONLY

Use of the following document types is limited to the Department of Treasury, IRS

Federal Tax Lien	FTL
Federal Tax Lien Release	FTLR

Use of the following document types is limited to the Florida Department of Revenue

Tax Lien	TL
Tax Lien Release	TLR
Tax Lien 220/221 Exempt	TL2
Tax Lien Release 220/221 Exempt	TLR2

Use of the following document types is limited to the Okaloosa County Sheriff's Office

Sheriffs Levy	SL
Release of Sheriffs Levy	SLR

Use of the following document types is limited to the Okaloosa County Tax Collector

Assessment Cancellation	AC
Assessment Certificate	ACR



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ATTACHMENT C

SERVICE OFFERING

Hours of Operation

Documents may be submitted at any time during the week. Documents will only be processed between 8:00 a.m. and 5:00 p.m. (Central Time zone) on those days that our office is open to the public for business. Documents will not be processed on holidays, weekends, declared emergencies, etc. or in the event of network or equipment failure. We will attempt to notify eRecording submitters of any disruption in service.

Processing Schedules

Documents/batches will normally be processed or rejected within four (4) business hours of receipt.

Alternative Delivery Options

There are no other electronic delivery options currently.

Return Options

Submitted documents that are accepted for recording will be made available to the eRecording submitter in electronic format after recording. Submitted documents that are rejected will be made available to the eRecording submitter in electronic format after rejection, along with a description of the reason(s) for rejection.

Service Help Contact Information

The following staff members are identified as the primary points of contact for the eRecording submitter:

Thressa D. Wilcox, Records Manager
twilcox@okaloosaclerk.com
(850)689-5000 ext. 3361 or

Beverly Hill
bhill@okaloosaclerk.com
(850)689-5000 ext. 3362 or

Angel Secrist
asecrist@okaloosaclerk.com
(850)689-5000 ext. 3363



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ATTACHMENT D

PAYMENT OPTIONS

ACH DEPOSIT

It is my decision to accept Automated Clearing House (ACH) deposit transactions as the payment method for an eRecording transaction. The eRecording submitter must authorize a deposit into our designated account before midnight Central time for the total amount of all fees relating to transactions completed that day. The eRecording submitter must notify our office by email of the deposit before 7:30 A.M. the following day. It is the eRecording submitter's responsibility to inform our office of any changes that may affect an ACH transaction at least 10 days before the change. Our office may terminate the eRecording submitter's authorization for failure to report changes in ACH, or for unavailability of funds. The eRecording submitter will not be able to access the eRecording system if applications have been accepted and the fees have not been collected.

EFT DEPOSIT

It is my decision to accept Electronic Funds Transfer (EFT) deposit transactions as the payment method for an eRecording transaction from the Florida Department of Revenue, the United States Department of Treasury, Internal Revenue Service, and State of Florida government agencies. In cases where the payment is deposited without reference to a specific transaction the payment will be applied toward the earliest transaction pending payment. If the payment is received before the document, the payment will be applied to the first document received and then sequentially to each subsequent document.