



ORANGE COUNTY COMPTROLLER'S OFFICE

ELECTRONIC RECORDING BUSINESS RULES

As County Recorder for Orange County, it is our commitment to accept electronically transmitted documents for recording into Orange County's Official Records. Electronic recording business rules have been established to comply with Florida Statutes as well as the rules prescribed by the Department of State, recommended by the Florida Electronic Recording Advisory Committee, and defined by the F.A.C 1B-31.002.

These Business Rules will remain in effect until further notice. Any amendments and/or alterations to these Business Rules will be published with adequate notice prior to taking effect.

1. eRecording Principles:

Our role is not to be the "document police." Your best interests are for us to record. If the document is entitled to be recorded, the fees can be accurately calculated, and there is not an obvious omission, conflict/confusion, we **will** record.

We have defined procedures for how documents should be indexed, and that includes party names, legal descriptions, linking references, etc. It is our responsibility to properly index each document for the purpose of finding a document. While we will accept additional indexing data, only one unique party name is required.

In the paper world, the submitter doesn't control how we index documents, so we should not impose rules in the electronic world that exceed those imposed in the paper world.

2. Electronic Recording Technical Specifications:

Electronic Recording (eRecording) is a concept of using electronic media for recording documents into the Official Records.

a. 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, PDF, or XML and must be so specified.

b. Communications Protocol and Options

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

c. Security Framework

Encryption will be a minimum 128 bit file and image encryption. Secure Socket Layer (SSL) and user login/password will be employed.

d. 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 TIFF format.

e. 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.

f. Imaging Standards

Documents will be scanned at 300 dpi, black and white (B&W). 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.

3. Program Eligibility:

eRecording requires a close working relationship as well as mutual trust between our 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 our office and all submitters. Participation in the eRecording program is voluntary and the decision to do so is a business judgment.

4. Document and Index Specifications:

The eRecording Program of the Orange County Comptroller's Office is defined by the requirements included in these Business Rules and by the Comptroller's recording system.

Eligible Document Types

Generally, all document types recorded in a paper-based world are acceptable for eRecording. However, at present, we are not yet able to accept plats, maps, or documents requiring special processing.

a. Eligible Document Types

- Affidavit: AFF
- Agreement: AGM
- Agreement and/or Contract for deed: AGMD
- Assignment: A
- Bond: BND
- Certificate: CTF
- Certified Copy of Judgement: CCJ
- Death Certificate: DC
- Deed: D
- Deed Mortgage: DM (Consideration and Obligation taxes payable)
- Easement: EAS
- Financing Statement/UCC: FS
- Lien: LN
- Modification: MOD (Modification of any document)
- Mortgage: M
- Notice: NOT
- Notice of Commencement: NC
- Power of Attorney: PA
- Restriction: RST
- Satisfaction: S (also used for releases, full and partial)
- Termination: TERM

b. Non-Eligible Document Types

All document types recorded in a paper-based world are not acceptable for eRecording. The following Document types will **not be accepted** for eRecording:

- Declaration of Condominium and related documents
- Notice of Homestead
- Notice of Contest of Lien
- Notice of Marketable Title
- Any document that requires the Clerk to attest to the mailing of a copy.
- Plats, maps, or Condo drawings cannot be accepted using electronic media.

c. Combining Document Types

Chapter 119, Florida Statutes prevents certain documents from being viewable on our public website. For this reason we do not permit for confidential documents to be combined with publicly viewable documents.

d. Index Fields for each Document Code will be Grantor and Grantee

Submitters are asked to provide at least one grantor and grantee indexing information to help verify the correct image was submitted. Our office will not reject for incomplete or inaccurate indexing information. Documents containing more than 4 party names will be charged \$1.00 per name additional for names 5 and above. Official Records staff will not reject documents that are indexed incorrectly; however, they may notify the eRecording provider of errors in expectation that future documents are submitted with correct information.

Sample Index and Punctuation Standards:

- Names are indexed last name first name with no punctuation.
 - (i.e., Smith Barry)
- Legal descriptions are indexed as Lot, Block, and the complete name of the subdivision.
 - (i.e., L14 B56 Newhaven)
- Book and Page Numbers
 - (i.e., OR BK 576 PG 8777)

e. Document Imaging Quality Control Standards

The XHTML document must display in W3C (World Wide Web Consortium) Standards. XHTML (Extensible Hypertext Markup Language) is a W3C standard for defining the content of Web documents.

f. Notary Requirements per Document

It is the responsibility of the eRecording submitter to confirm that notary signatures and seals comply with Florida Statute 117. 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.

Remote Notarial Acts: The Orange County Comptroller interprets current Florida law to permit Remote Notarial acknowledgement if the statement specifies that it is a remote notarization. If a notarial acknowledgement does not contain such language, it will be assumed that it was an in-person notary and will be accepted for recording.

g. Eligible Document Batches

Document batches will adhere to PRIA standards. The maximum number of documents per package is ten. Contact the Recording Manager if any exception to this rule is needed.

5. Hours of Operations and Processing Schedules:

a. Hours of Operation

Documents may be **submitted** at any time. Documents will typically be **processed** between 7:00 a.m. and 4:30 p.m. on days that the Orange County Comptroller's Official Records Department is open to the public for business. These hours may be expanded at the sole discretion of the Comptroller to address workload and staffing needs. Documents will not be processed on county holidays, declared emergencies, etc., or in the event of network or equipment failure. The Orange County Comptroller will attempt to notify eRecording submitters of any disruption in service.

b. Processing Schedules

Documents and/or document batches submitted will enter the recording queue and are processed in the order received, similar to walk-in customers.

c. Return Options

Electronically recorded documents will be made available to the eRecording submitter in electronic format after recording. Electronically rejected documents will be made available to the eRecording submitter in electronic format after rejection, along with a description of the reason(s) for rejection. See **Attachment C-1** for the Orange County Comptroller's intent with regard to rejecting documents.

d. Service Help Contact Information

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

Name	Kyle Quackenbush, Manager, Official Records Department
Email	kyle.quackenbush@occompt.com
Phone number	407.836.5118

Name	Evelio Dominquez, System Analyst
Email	evelio.dominquez@occompt.com
Phone number	407.836.5441

6. eRecording Payment Options:

It is the Orange County Comptroller's decision to use Automated Clearing House (ACH) Debit transactions as the payment method for an eRecording transaction. The eRecording submitter must sign an authorization form, allowing Automated Clearing House (ACH) transactions against the account being used to process fees for

documents submitted.

It is the eRecording submitter's responsibility to inform the Orange County Comptroller of any changes that may effect an ACH transaction at least 10 days before the change.

The Orange County Comptroller 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 documents have been accepted and the fees have not been collected.

7. eRecording Submitter Responsibilities:

- a. eRecording submitters are expected to abide by all applicable Florida Statutes. 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.
- b. 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 Orange County Comptroller's ability to record the document and the public notice to be created thereby.
- c. 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 Orange County Comptroller will be held harmless and not liable for any damages.
- d. 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.
- e. eRecording submitters will immediately notify the Orange County Comptroller 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 Orange County Comptroller's data systems.
- f. eRecording submitters will work to insure 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 Orange County Comptroller's Office, at its request, to resolve issues or investigate potential 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 the Orange County Comptroller, dates and times submitted, size, and checksum.

- g. eRecording submitters are responsible for coordinating all technical problems and issues through the Orange County Comptroller's Office.

8. Orange County Comptroller Responsibilities:

- a. The Orange County Comptroller will attempt to protect the integrity of the recording process through ongoing monitoring of documents received and recorded through eRecording means.
- b. The Orange County Comptroller will test and maintain eRecording software and hardware required to operate the eRecording capability. Orange County Comptroller, 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.
- c. The Orange County Comptroller will apply the same level of diligence in handling documents submitted electronically as those submitted through the normal manual process.
- d. The Orange County Comptroller will process documents submitted for eRecording in accordance with F.S. 695.11 and F.S. 28.222.

9. General Understandings:

- a. The Orange County Comptroller 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.
- b. The Orange County Comptroller and eRecording submitters will attempt in good faith to resolve any controversy or claim arising out of or relating to eRecording through negotiation prior to initiating litigation.
- c. 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 Orange County Comptroller is authorized to accept for recording, or the document fails to meet any other applicable legal requirement.

10. Reducing eRecording Rejections:

- a. If there is no data showing the consideration amount for a deed or an obligation amount for a mortgage, we will reject the submission. Additionally if the obligation amount on a mortgage does not match what's shown on the document, we will reject the submission. We will do this as the fees for the document will not calculate correctly.
- b. If the data showing type of instrument (TOI) does NOT agree with what we see on the document image, we will reject the submission.
 - For example, if the data for TOI/doc type shows Deed and the image is clearly an Assignment.
 - If the data for TOI shows Mortgage and the image is clearly a satisfaction/release of mortgage, we will reject the submission. We will do this as there could be fee calculation problems and as there appears to be an important conflict/contradiction between the data and the image.
- c. If the data showing the unique party name and the image don't match up (that is the data says it's Betty Smith and the image shows Sam Jones), we will reject the submission. We will do this as there appears to be an important conflict/contradiction between the data and the image.
- d. **Corrections by Comptroller; no Rejection**
 - If the data for the party names does not exactly meet Orange County Comptroller standards/rules, our staff will correct the data.
 - If the data for the legal description does not exactly meet Orange County Comptroller standards/rules, our staff will correct the data.
 - If the linking document data does not exactly meet Orange County Comptroller standards/rules, or is missing from the data set but appears on the document image, our staff will correct/enter the data.
 - Be aware that at this point in time our "corrections" will NOT be coming back to you in the return XML.

11. Personally Identifying Information:

The eRecording submitter agrees that no personally identifying information, which is considered privileged and confidential under Florida law, will be submitted for recording unless required by law.

This includes but not limited to: social security numbers and images of driver's license.

12. Terminations:

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