



OSCEOLA COUNTY CLERK OF COURTS' ELECTRONIC RECORDING (eRecording) BUSINESS RULES

The Osceola County Clerk of Courts, as the County Recorder, adopts the following Business Rules for accepting electronically transmitted documents for recording into Osceola County's Official Records. These rules comply with the rules prescribed by the Florida Department of State and recommended by the Florida Electronic Recording Advisory Committee. By signing below, the eRecording submitter hereby acknowledges that the eRecording submitter understands and will abide by these eRecording Business Rules.

These Business Rules will stay in effect until notice is given of a pending change. The Osceola County Clerk of Courts' Office will use its best efforts to provide fifteen (15) business days advance notice of any changes.

1. Electronic Recording (eRecording):

eRecording is defined based on the level of automation and structure of the transaction. The Osceola County Clerk of Courts accepts Model 2 and Model 3 transmissions, as defined in Attachment A.

2. Program Eligibility:

eRecording requires a business relationship as well as mutual trust between the County Recorder, the submitting entity, and a third party vendor transmitting electronic records. 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 the Osceola County Clerk of Courts and all submitters. Participation in the eRecording program is voluntary and the decision to do so is a business judgment. The Osceola County Clerk of Courts will continue to receive paper documents to be recorded into the Official Records.

Osceola County is currently eRecording with the following vendors. To begin eRecording with Osceola County please contact:

Ingeo Systems

1300 N 200 East
Ste 118
Logan, UT 84341
770-643-9920

Simplifile

4844 N 300 West
Ste 202
Provo, UT 84604
800-460-5657

3. County Requirements:

The eRecording Program of the Osceola County Clerk of Courts is defined by the requirements included in these Business Rules and the Attachments referenced herein.

Attachment A – Technical Specifications: provides the technical specifications including the 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 – Documents and Indexing Specifications: contains the document and indexing specifications for the eRecording Program. For each document type, the expected document code is provided, along with the expected indexing information.

Attachment C – Service Offering and eRecording Reasons for Rejections: contains the processing schedules, hours of operation for the eRecording Program, and reasons for rejection of an eRecorded document.

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 Osceola County Clerk of Courts’ ability to record the document and the public notice to be created thereby.

eRecording submitters are required to 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 Osceola County Clerk of Courts will be held harmless and will not be 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 eRecording Program.

eRecording submitters will immediately notify the Osceola County Clerk of Courts of any security incident, including, but not limited to, attempts to and/or actual unauthorized access to its pathway which would compromise or otherwise adversely affect the Osceola County Clerk of Courts’ 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 Osceola County Clerk of Courts, at its request, to resolve issues or investigate potential fraudulent activity. The audit trail must contain, at a minimum, the following: submitter ID, submitted content at point of receipt from eRecording submitter,

submitted content at point of delivery to the Osceola County Clerk of Courts, dates and times submitted, size, and total fee(s) due.

eRecording submitters are responsible for coordinating all technical problems and issues through the Osceola County Clerk of Courts.

5. Osceola County Clerk of Courts' Responsibilities:

The Osceola County Clerk of Courts' Office will attempt to protect the integrity of the recording process through ongoing monitoring of documents received and recorded through eRecording means.

eRecording is one method of transmitting documents to be recorded in the County's Official Records. The Osceola County Clerk of Courts will test and maintain eRecording software and hardware required to operate the eRecording capability. The Osceola County Clerk of Courts, however, shall be held harmless and will not be held liable for any damages resulting from software or equipment failure and assumes no contractual liability for any damages that may result from such failure.

The Osceola County Clerk of Courts will apply the same level of diligence in handling documents submitted electronically as those submitted through the traditional manual paper process.

6. General Understandings:

The Osceola County Clerk of Courts 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 Osceola County Clerk of Courts 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.

The Osceola County Clerk of Courts may terminate any eRecording submitter's authorization to eRecord documents 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 Osceola County Clerk of Courts is authorized to accept for recording, or the document fails to meet any other applicable legal requirement.

The Osceola County Clerk of Courts' Office will use its best efforts to provide fifteen (15) business days advanced notice of any changes to these Business Rules.

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 Osceola County Clerk of Courts may cease eRecording at any time for any reason as long as fifteen (15) business days notice is provided

The person executing this acknowledgment is presumed by the Osceola County Clerk of Courts to be authorized to do so, on behalf of the eRecording submitter.

Signed: _____ Signed: _____
(eRecording Submitter) (Clerk of Courts)

Print Name: _____ Print Name: Malcom Thompson
(eRecording Submitter) (Clerk of Courts)

Date: _____ Date: _____

Attachment A

Technical Specifications

1. Models for Electronic Recording (eRecording). The three (3) models of automation are as follows:

- **Model 1:** Submitting organizations transmit scanned images of original ink-signed document(s) to the Osceola County Clerk of Courts. The Osceola County Clerk of Courts completes the recording process in the same way as the traditional paper method, using the imaged copy as the source document. Once the Osceola County Clerk of Courts accepts the documents for recording, the scanned image is “burned” with the recording information, including the 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 Osceola county Clerk of Courts, as with paper documents. An electronic copy of the recorded images is returned to the eRecording submitter, along 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 retuning the document, to the Osceola County Clerk of Courts. The Osceola county Clerk of Courts 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 Osceola County Clerk of Courts 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 the recording endorsement data.

**Models 2 and 3 will be accepted by the Osceola County Clerk of Courts.*

2. Format of the Transmitted File

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

3. Communications Protocol and Options

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

4. 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 and/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.

5. Returned File Format

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

6. Electronic Signatures and Use of Digital Certificates

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

7. Imaging Standards

Documents will be scanned at a minimum of 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.

Attachment B

Documents and Indexing Specifications

1. Eligible Document Types

- a. For a specific listing of document type codes that are currently being accepted for eRecording, please see **Attachment B-1**. For all document indexing requirements, please refer to **Attachment B-2**.
- b. **Death Certificates:** *All death certificates must be the original certified copy from the issuing agency (i.e. Vital Statistics) No altered or uncertified copies will be recorded into the Official Records.*
- c. **Timeshare Documents:** Timeshare documents have unique document type codes that begin with **TS**. When submitting timeshare documents, please refer to these codes listed on **Attachment B-1**.
- d. It is the Osceola County Clerk of Courts' intention not to reject documents based on incorrect document codes. The Recording Department will attempt to correct the document type code as part of the acceptance process. If the document type code and image do not match, the Osceola County Clerk of Courts will reject the document as fees could be impacted.

2. Notary Requirements

It is the responsibility of the eRecording submitter to confirm that notary signatures and data 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 signatures must adhere to section 117.021, Florida Statutes, governing electronic notaries.

3. Indexing Fields for Document Types

See **Attachment B-2** for expected index fields. The Osceola County Clerk of Courts will attempt to correct any indexing issues as part of the acceptance process. Any corrections made to the index after recording will not be sent back to the submitter.

4. Eligible Document Requirements

All documents must meet the XML requirements of the published PRIA V1.0 XML DTD standards. The Osceola County Clerk of Courts' software supports Model 2 and Model 3 documents. Documents will be scanned at 300 DPI and in portrait mode. Scanned documents will be legible, reproducible, including signatures and seals, and scanned to original size. The maximum size of electronic document batches is determined by the Osceola County Clerk of Courts, but will not exceed 30MB.

Attachment B-1: Document Type Codes

| OSCEOLA COUNTY DOCUMENT CODES | DOCUMENT DESCRIPTION | STATE DOCUMENT CODES |
|-------------------------------|------------------------------------|----------------------|
| AFFD | AFFIDAVIT | AFF |
| AGR DEED | AGREEMENT AND/OR CONTRACT FOR DEED | AGR |
| AGREE | AGREEMENT | AGR |
| ASSN | ASSIGNMENT | ASG |
| BANK | BANKRUPTCY | UNK |
| BOND | BOND | BND |
| CANC | CANCELLATION | REL |
| CERT | CERTIFICATE | CTF |
| DEATH | DEATH CERTIFICATE | DC |
| DEED | DEED | DC |
| EASE | EASEMENT | EAS |
| FTL | FEDERAL TAX LIEN | LN |
| JUDG CC | JUDGMENT CERTIFIED | CCJ |
| LIEN | LIEN | LN |
| LP | LIS PENDENS | LP |
| MEDLIEN | MEDICAID LIEN | LN |
| MILITARY | MILITARY DISCHARGE/SEPARATION | MIL |
| MOD | MODIFICATION | MOD |
| MTG | MORTGAGE | MTG |
| MTG1 | MORTGAGE NO INTANGIBLE | MTG |
| MTG2 | MORTGAGE NO TAX | MTG |
| NOT | NOTICE | NOT |
| NOTE | NOTE | AGR |
| ORD CC | ORDER CERTIFIED | ORD |
| ORDIN | ORDINANCE | GOV |
| POWER | POWER OF ATTORNEY | POA |
| PT REL | PARTIAL RELEASE | PR |
| REL | RELEASE | REL |
| REST | RESTRICTIONS | RES |
| SAT | SATISFACTION | SAT |
| SUB | SUBORDINATION | AGR |
| TAX | TAX LIEN | LN |
| TERM | NOTICE OF TERMINATION | TER |
| TRUST | TRUST | AGR |
| TSASSN | TIMESHARE ASSIGNMENT | ASG |
| TSDEED | TIMESHARE DEED | D |
| TSLIEN | TIMESHARE LIEN | LN |
| TSMOD | TIMESHARE MODIFICATION | MOD |
| TSMTG | TIMESHARE MORTGAGE | MTG |
| TSMTG1 | TIMESHARE MORTGAGE NO INTANGIBLE | MTG |
| TSMTG2 | TIMESHARE MORTGAGE NO TAX | MTG |
| TSSAT | TIMESHARE SATISFACTION | SAT |
| TSTRDEED | TIMESHARE TRUST DEED | D |
| TSWD | TIMESHARE WARRANTY DEED MTG COMBO | D |
| UCC | FINANCING STATEMENT | FIN |
| UCC CHG | STATEMENT OF CHANGE | MOD |
| UCC CONT | CONTINUATION OF FINANCING | MOD |
| UCC REL | RELEASE OF FINANCING STATEMENT | REL |
| UCC TERM | TERMINATION OF FINANCING STATEMENT | TER |

Attachment B-2

Indexing Requirements

Indexing Fields for Document Codes

1. The number of pages for each document must be indexed.
2. In the document type code “Deed,” the consideration amount must be indexed.
3. In the document type code “Mortgage,” the obligation amount must be indexed.
4. All party names must be indexed. This includes all **FKA, AKA, and DBA’s**.
5. Indexed names must conform to the following rules:
 - a. Personal names shall be indexed by last name (space) first name (i.e., Last First)
 - b. Business and personal names shall be indexed without punctuation.
 - c. The word “AND” or “and” shall be replaced with “&”.
 - d. No indexed name shall begin with the word “THE”.
 - e. Titles such as Mr., Mrs., Dr., etc are not indexed.
 - f. One name per index line only (Smith Jane FKA Johnson Jane would be 2 lines).

Attachment C

Service Offering

1. Hours of Operation

- a. Documents will be processed between 8:00a.m. and 4:30p.m. on those days the Osceola County Clerk of Court's Recording Department is open for business.
- b. Documents received after 4:30 p.m. will be processed the next business day.
- c. Documents will not be processed on County-recognized holidays, declared emergencies, or in the event of equipment or network failure.
- d. The Osceola County Clerk's Recording Department will make every attempt to notify the submitter of any disruption in service.

2. Processing Schedules

- a. Documents submitted for eRecording will enter the recording queue and will be processed in the order received.
- b. Processed documents will be made available to the submitter in electronic format after recording.
- c. Documents that are rejected will be returned electronically along with a description of the reason(s) for rejection.

3. Clerk Contact Information

Name: Osceola County Clerk of Courts Recording Department
Phone: 407-742-3517
E-mail: kmik@osceolaclerk.org

Attachment C-1

eRecording Rejections and Corrections

1. Rejection Reasons: Documents may be rejected by the Osceola County Clerk of Courts for the following reasons:

- a. The document does not conform to County/recording software/PRIA specifications.
- b. The document type submitted is not currently allowed for eRecording.
- c. The document is missing signature(s) and/or missing notary information.
- d. The document image quality is poor.
- e. The document submitted actually contains multiple documents that have been submitted as one document type.
- f. The grantor/grantee names do not match on the submitted document.
- g. The data showing type of the document does not match the document image.
- h. The data showing consideration for a “deed” or “mortgage” does not match what is apparent on the document image.

2. Corrections/No Rejections

- a. Data for party names does not exactly meet Osceola County Clerk of Courts’ Recording standards/rules; Clerk staff will correct the data.
- b. The data contained in the legal description does not exactly meet Osceola County Clerk of Courts’ Recording standards/rules; Clerk staff will correct the data.
- c. The linking document data does not exactly meet Osceola County Clerk of Courts’ Recording standards/rules, or is missing from the data but appears on the document image; Clerk staff will correct/enter the data.