



SHARON R. BOCK
Clerk & Comptroller
Palm Beach County

Sharon R. Bock, Clerk & Comptroller
15th Judicial Circuit
Palm Beach County, Florida

eRECORDING BUSINESS RULES

As Clerk & Comptroller, Palm Beach County, it is our intent to accept electronically transmitted documents for recording through Palm Beach County's Official Record System. What follows are the Business Rules which have been established to comply with the rules prescribed by the Department of State and recommended by the Florida Electronic Recording Advisory Committee.

The following Business Rules will remain in effect until notice is given of a pending change. The Clerk & Comptroller's Office will generally provide timely notice of any changes.

Program Eligibility:

eRecording requires a close working relationship as well as mutual trust between the Clerk & Comptroller, Palm Beach County, its eRecording Providers and the eRecording Providers' Clients. 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 Clerk & Comptroller's office and all eRecording Providers. Participation in the eRecording program is voluntary and the decision to do so is a business judgment.

eRecording Requirements:

The eRecording Program of Palm Beach 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 type codes and associated document titles eligible for eRecording, and a list of documents which are ineligible for eRecording.

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

Attachment D provides the eRecording payment requirements.

Attachment E contains the eRecording Provider's documentation of its payment remittance process (documentation to be inserted by the eRecording Provider).



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eRecording Provider Responsibilities:

Each eRecording Provider shall abide by Florida law. eRecording allows eRecording Provider Clients 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 Provider Clients 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 may affect the Clerk & Comptroller’s ability to record the document. eRecording Provider Clients and/or their 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 Clerk & Comptroller will be held harmless and not liable for any damages.

eRecording Providers are responsible for the costs of the system or services provided by third parties that enable them to meet the requirements of this program.

eRecording Providers guarantee full payment to Clerk & Comptroller for all transactions processed and accepted for electronic recording. If the Clerk & Comptroller determines the cost of recording a document exceeds the amount calculated by the eRecording Provider by more than \$100.00, the document will be rejected.

eRecording Providers are responsible for the security of funds collected for fees to be remitted to the Clerk & Comptroller, Palm Beach County. Providers are required to have funds collected for remittance to the Clerk & Comptroller to be deposited with a Qualified Public Depositor or the Provider is to remit their own funds and is reimbursed by the eRecording customer. The Provider must document their business process as a separate attachment (“E”) to this document.

eRecording Providers will immediately notify the Clerk & 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 Clerk & Comptroller’s data systems.

eRecording Providers shall ensure that all security measures and credentials implemented are protected. Documents submitted for recording are to be authenticated and transmitted without modification. eRecording Providers are expected to maintain an audit trail of all activity, available to the Clerk & Comptroller, at its request, to resolve issues or investigate potential fraudulent activity. The audit trail must contain, at a minimum, Provider ID, submitted content at point of receipt from the eRecording Provider’s Clients, submitted content at point of delivery to Clerk & Comptroller, dates and times submitted, size, and checksum.

eRecording Providers are responsible for coordinating all technical problems and issues through the Clerk & Comptroller and the software vendor(s) supporting this program.



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eRECORDING BUSINESS RULES

Clerk & Comptroller Responsibilities:

Clerk & Comptroller will attempt to protect the integrity of the eRecording process through ongoing monitoring of documents received and recorded through eRecording means.

Clerk & Comptroller will test and maintain eRecording software and hardware required to operate the eRecording capability. Clerk & 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.

Clerk & Comptroller will apply the same level of diligence in handling documents submitted electronically as those submitted through the normal manual process.

General Understandings:

The Clerk & Comptroller will not incur any liability for the information electronically transmitted by eRecording Providers, including but not limited to any breach of security, fraud or deceit.

The Clerk & Comptroller and eRecording Providers will attempt in good faith to resolve any dispute or claim arising out of or relating to electronic recording through negotiation prior to initiating 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 Palm Beach County.

eRecording Providers expressly waive 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 the Clerk & Comptroller's office is located. Nothing contained herein waives or is intended to waive any protections that may be applicable to the Clerk & Comptroller 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 of the Clerk & Comptroller or such related parties that are provided by law.

The Clerk & Comptroller may terminate any eRecording Provider's authorization to eRecord for any reason. Upon termination, the parties shall be responsible for compliance with this agreement only to the extent of the electronic recording services provided prior to the effective date of termination. However, termination shall not impact the Provider's obligation to make all payments in connection with the Recording of documents electronically submitted.

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 Clerk & Comptroller is authorized to accept for recording, or the document fails to meet any other applicable legal or statutory requirements.



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The parties acknowledge that best practices and governing standards will continue to evolve. Consequently, the parties shall confer as needed to discuss changes to electronic recording procedures and standards and any necessary modification to this Agreement. The Clerk reserves the right to amend the provisions of this Agreement without prior notice or Providers' consent if necessary to comply with applicable state or federal laws, rules or regulations; provided, however, that the Clerk & Comptroller shall use its good-faith efforts to provide notice of such changes, or any proposed changes, to the Providers at the earliest time reasonably possible under the then circumstances.

Personally Identifying Information:

The eRecording Provider 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 Provider to any individual or other legal entity who would not otherwise have access to such information.

Termination:

The Clerk & Comptroller may cease eRecording at any time for any reason. The Clerk & Comptroller will attempt to timely notify the eRecording Provider.

Agreed and Accepted

By: _____

Name: _____

Title: _____

Company Name: _____

Date: _____

Agreed and Accepted

By: _____

Printed Name: _____

Title: _____

Clerk & Comptroller, Palm Beach County

Date: _____



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eRECORDING BUSINESS RULES

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: Providers transmit scanned images of original ink signed documents to the Palm Beach Clerk & Comptroller’s recording department. The Clerk & Comptroller’s Office completes the recording process in the same way as paper using the imaged copy as the source document. Once the Clerk & Comptroller 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 Clerk & Comptroller’s Recording department, as with paper documents. A copy of the recorded image(s) is electronically returned to the Provider, together with the recording endorsement data.

Model 2: Providers transmits 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 Clerk & Comptroller. The Clerk & Comptroller performs an electronic review of the imaged document and indexing data, corrects indexing errors and then completes the recording process using the imaged copy and electronic indexing information. The electronic version of the recorded document is electronically returned to the Provider, together with the recording endorsement data.

Model 3: Providers 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 Clerk & Comptroller performs an electronic review of the electronic documents and indexing information, corrects indexing errors and then completes the recording process using the electronic documents. Images of electronic and SMART™ documents are made, and electronically returned to the Provider, together with the recording endorsement data.

Feature/Function	Model 1	Model 2	Model 3
Paper documents / static images	X	X	
Wet-ink signatures	X	X	
Automated index population		X	X
Electronic signatures		X	X
Tagged data (XML)		X	X
Interactive data & view sections			X
Rules-based processing			X

The models are separated primarily by the origination of the document(s), electronic or paper, and the amount of data indexed. Each Provider may employ any of the eRecording models.



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eRECORDING BUSINESS RULES

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 and must be so specified.

COMMUNICATIONS PROTOCOL AND OPTIONS:

Web Service or API 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 Provider and must be monitored/or changed periodically to ensure security. Computers on which documents originate must have all critical operating system patches applied, have a firewall (hardware or software) installed, and 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 TIFF format.

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 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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eRECORDING BUSINESS RULES

ATTACHMENT B

DOCUMENT SPECIFICATIONS

Eligible Document Types:

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

County Specific Document Type Coding:

It is not our office's intention to reject documents based on "incorrect or non-County specific" document types. The Clerk & Comptroller will correct the document type as part of the eRecording process provided the correction is clerical and does not increase fees by more than \$100.00.

Fields for each Document:

Providers are asked to provide the following fields for each document: 1) document type, 2) each grantor, 3) each grantee, 4) amount of consideration (for applicable documents), 5) number of abstracts, and 6) number of legal description searches. The grantor and grantee indexing information for all party names, including name and spelling variations should be included. Our office will not reject documents submitted for recording for incomplete or inaccurate indexing information.

Recording, Indexing, Abstract and Search Fees:

Recording, indexing and search fees are collected in accordance with state law F.S. Section 28.24, Florida Statutes. An Abstract fee in the amount of .60¢ each for the first two legal descriptions and .20¢ for each legal description thereafter are collected in accordance with Section 703.01, Florida Statutes and Palm Beach County Board of County Commission Resolution #2004-2566. A search fee of \$ 2.00 is collected for each book and page number reference or Clerk's File Number cited, if the corresponding legal description is not contained in the document.

Document Imaging Quality Control Standards:

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

Notary Requirements per Document:

It is the responsibility of the eRecording Provider Client to confirm that notary signatures and seals are present on all documents as required by Florida law. Notarial seals are not required although the data contained on a notarial stamp is required. All electronic notary signatures must adhere to Section 117.021, Florida Statutes 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 25mb.



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DOCUMENTS AND DOC TYPES AVAILABLE TO eRECORD

<u>DOC TYPE CODE</u>	<u>DOCUMENT</u>
AFF	AFFIDAVIT
AFF TX	AFFIDAVIT OF LOST MORTGAGE (Mortgage Stamps & Intangible Tax)
AGR	AGREEMENT
AGR TX	AGREEMENT TAXABLE (Mortgage Stamps & Intangible Tax)
AGD	AGREEMENT FOR DEED (Deed & Mortgage Stamps & Intangible Tax)
ASG	ASSIGNMENT
ASG TX	ASSIGNMENT TAXABLE (Deed Stamps)
CTF	CERTIFICATE
CP	COURT PAPERS
CP FGM	COURT PAPERS FAMILY GUARDIANSHIP MENTAL HEALTH (Web Protected)
CND	DECLARATION OF CONDOMINIUM
CND A	DECLARATION OF CONDOMINIUM AMENDMENT
DC	DEATH CERTIFICATE (Web Protected)
D	DEED
D SMP	DEED WITH ASSUMPTION (Deed & Mortgage Stamps)
D TR	TRUSTEES NON-JUDICIAL FORECLOSURE DEED (\$50.00 DOR Admin fee)
DM	DEED/MORTGAGE (Deed & Mortgage Stamps & Intangible Tax)
EAS	EASEMENT
FIN	FINANCING STATEMENT
GOV	GOVERNMENT RELATED
IA	INTERLOCAL AGREEMENT
JUD FGM	JUDGMENT FAMILY GUARDIANSHIP MENTAL HEALTH (Web Protected)
JUD C	JUDGMENT CERTIFIED
LN	LIEN
LN TX	TAX LIEN
LN TX NC	TAX LIEN NO CHARGE (PER CH 201)
LN HSP	HOSPITAL LIEN (\$2.00 Flat Fee)
MAR	MARRIAGE RECORD
MOD	MODIFICATION
MTG	MORTGAGE
MTG EXE	MORTGAGE EXEMPT
MTG INT EX	MORTGAGE INTANGIBLE TAX EXEMPT
NT	PROMISSORY NOTE
NT RP	PROMISSORY NOTE SECURED BY REAL PROPERTY
NOT	NOTICE
NOB	NOTICE OF BOND (Conditional Payment Bond)
NOC	NOTICE OF COMMENCEMENT
ORD	ORDER
ORD FGM	ORDER FAMILY GUARDIANSHIP MENTAL HEALTH (Web Protected)
PR	PARTIAL RELEASE
PLR	PLAT RELATED
POA	POWER OF ATTORNEY
PRO C	PROBATE DOCUMENT CERTIFIED (Web Protected)
REL	RELEASE
LN TX R	RELEASE/SATISFACTION OF TAX LIEN
LN TX R NC	RELEASE/SATISFACTION OF TAX LIEN NO CHARGE (PER CH 201)
RES	RESTRICTIONS
SAT	SATISFACTION
TER	TERMINATION



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ATTACHMENT C

SERVICE OFFERING

Hours of Operation:

Documents may be submitted for eRecording 24/7 although routine maintenance, system outages or other issues beyond the Clerk & Comptroller's control may disrupt services. These documents will be placed in a queue for processing in the order in which they were received. The Clerk & Comptroller will process recordings during normal business hours, typically 8:00 a.m. to 5:00 p.m., Monday through Friday, except observed holidays, weekends, planned maintenance and unplanned times beyond the Clerk & Comptroller's control. We will attempt to timely notify all participating eRecording Providers of any disruption in service.

Processing Schedules:

Documents/batches will normally be processed or rejected within twenty-four (24) business hours of receipt.

Alternative Delivery Options:

There are no other electronic delivery options at this time.

Return Options:

Submitted documents that are accepted for recording will be made available to the eRecording Provider in electronic format after recording. Submitted documents that are rejected will be made available to the eRecording Provider in electronic format after rejection, along with a description of the reason(s) for rejection. The failure of the Provider to receive actual notice of confirmation or rejection of a recording shall not affect the validity of the confirmation or rejection.

Service Help Contact Information:

Providers may use the following contact information to reach a Clerk & Comptroller's staff member to address eRecording issues or communicate operational information:

- eMAIL: eRecordinfo@mypalmbeachclerk.com (preferred method of contact)
- PHONE: (561) 355-2296



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ATTACHMENT D

PAYMENT OPTIONS

ACH DEPOSIT:

It is the Clerk & Comptroller's decision to accept Automated Clearing House (ACH) deposit transactions as the payment method for an eRecording transaction. The eRecording Provider must authorize a deposit into our designated account for the total amount of all fees relating to transactions accepted and completed by the Clerk & Comptroller before midnight Eastern Standard Time for that day. The eRecording Provider must notify our office by email of the deposit before 7:30 A.M. the following business day.

The Clerk & Comptroller's office may terminate the Provider's access and authorization to eRecord for failure to provide ACH deposits for all associated fees related to recorded documents. Any and all amounts due at the time of closure of the authorization to eRecord will be paid to the Clerk & Comptroller through an ACH deposit before 7:30 A.M. the following business day.



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ATTACHMENT E

(Provider's Documented Payment Remittance Process - [Ref: Page #2 Paragraph #5](#))