Electronic Recording is the process of receiving documents electronically for examination, fee calculation and payment, endorsement of recording information, and return of recorded electronic documents submitted for recording in a county’s land record system.
1. Introductions
Introductions – Who We Are

Escambia County, Florida
Clerk of the Circuit Court and Comptroller
Honorable Ernie Lee Magaha

<table>
<thead>
<tr>
<th>Category</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Population</td>
<td>311,775</td>
</tr>
<tr>
<td>County Seat</td>
<td>Pensacola</td>
</tr>
<tr>
<td># Clerk Employees</td>
<td>180</td>
</tr>
<tr>
<td># Employees in O.R.</td>
<td>10</td>
</tr>
<tr>
<td>Documents Recorded/Year</td>
<td>89,270</td>
</tr>
<tr>
<td>Pages Recorded/Year</td>
<td>268,537</td>
</tr>
<tr>
<td>Names Indexed/Year</td>
<td>261,572</td>
</tr>
</tbody>
</table>

Escambia County, Florida Clerk of the Circuit Court and Comptroller
Florida Clerks

1. Official Records
2. Probate
3. Guardianship
4. Mental Health
5. Family Law
6. Marriage
7. Felony and Misdemeanor
8. Civil and Criminal Traffic
9. Circuit and County Civil
10. Juvenile Delinquency and Dependency
11. Jury Management
12. County Auditor and Accountant
13. Clerk to the Board
14. Tax Deeds
15. Value Adjustment Board
16. Tourist Development Tax
17. Passports

Alabama Probate Judges

1. Deeds and Records
2. Probate
3. Guardianship
4. Involuntary Commitments
5. Adoptions
6. Marriage
7. Other Duties…
As of April, 2010:

- 66 of 67 Clerks and 1 of 1 Comptroller electronically index and image/scan recorded documents.
- 18 Clerks accept E-Recorded documents from external submitters. (~60% of state population)
- 22 Clerks accept E-Recorded documents from their internal court departments.
- Per Florida law, all Clerks provide free internet access to the Official Records index, and most provide access to allowable document images. (F.S. 28.2221)
- 10 different software vendors/applications are used by Florida Clerks for recording.
E-Recorded Documents in Escambia As of April 12, 2010

2007: 223
2008: 1,126
2009: 20,073
2010: 26,000

Escambia County, Florida Clerk of the Circuit Court and Comptroller
Electronic Recording is the process of receiving documents electronically for examination, fee calculation and payment, endorsement of recording information, and return of recorded electronic documents submitted for recording in a county’s land record system.
States That Are ERecording

States that are ERecording

Escambia County, Florida Clerk of the Circuit Court and Comptroller
Prerequisites For ERecording

1. State Law Allows
2. Currently Index and Scan
3. Internet connection
4. Written Business Rules
5. Knowledge of Standards
Standards Setting Bodies

- **PRIA** – Property Records Industry Association
- **MISMO** – Mortgage Industry Standards Maintenance Organization
- **LegalXML**
- **NCCUSL** - National Conference of Commissioners for Uniform State Laws
- **State and Federal Governments**
Standards: UETA

UETA

Uniform Electronic Transactions Act  (1999)

Developed by the National Conference of Commissioners on Uniform State Laws to provide a legal framework for the use of electronic signatures and records in government or business transactions. **UETA makes electronic records and signatures as legal as paper and manually signed signatures.**

Alabama enacted UETA in 2001 under Alabama Code 8-1A-1

Florida enacted UETA in 2000 under Florida Statute 668.50
States Adopting UETA
Standards: URPERA


Authorizes, but does not mandate, local land records officials to begin accepting records in electronic form, store electronic records, convert existing records into electronic form, and set up systems for searching for and retrieving these land records. Equally important, URPERA designates a state authority to set general and technical standards for the practice and process of electronic recording in the enacting state.

Alabama adopted URPERA in 2008 under Alabama Code 35-4-120

Florida enacted URPERA in 2007 under Florida Statute 695.27
# Three Models of E-Recording

<table>
<thead>
<tr>
<th>MODEL</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Originates From</strong></td>
<td>Paper</td>
<td>Paper or Electronic Document</td>
<td>Electronic Document</td>
</tr>
<tr>
<td><strong>Document</strong></td>
<td>Scanned to TIFF or PDF</td>
<td>Scanned or Direct to TIFF or PDF</td>
<td>XHTML, SMART Doc, or PDF</td>
</tr>
<tr>
<td><strong>Index Data</strong></td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Signature</strong></td>
<td>“Wet Ink”</td>
<td>“Wet Ink” or Electronic</td>
<td>Electronic</td>
</tr>
</tbody>
</table>
1. Prepares Document
2. Facilitates Execution
3. Prepares Check or Payment
4. Copies Package
5. Mails or hand delivers package to county recorder

1. Reviews package
2. Returns package to submitter if problems
3. Records document
4. Indexes names on document
5. Scans document and stamp
6. Receipts Payment
7. Makes copies of recorded document, if requested.
8. Returns original document to submitter via mail or pick-up.
Electronic Recording Cycle

1. Prepares Document
2. Facilitates Execution
3. Scans Document TIFF/PDF
4. Indexes Document
5. Submits Document Electronically to County Recorder

Same Day Delivery

1. Retrieves Recorded Document From County Recorder’s website
2. Reviews package
3. Inspects Images and Index Information
4. Rejects package to submitter if problems
5. Records document

Same Day Return
Live Demonstration

LIVE DEMO

Escambia County, Florida Clerk of the Circuit Court and Comptroller
Workflow: Mail-in Customer

1. Open Mail
2. Distribute Work
3. Scan Document
4. Index Names
5. Receipt Payment
6. Repackage Originals / Mail Back
7. Archive / Microfilm
8. Record Document
9. Verify

Escambia County, Florida Clerk of the Circuit Court and Comptroller
Workflow: ERecord Customer

Walk-in Customer

Open Mail → Distribute Work → Scan Document → Index Names

Repackage Originals / Mail Back

Archive / Microfilm → Record Document

Verify

ERecord Customer

Receipt Payment

Escambia County, Florida Clerk of the Circuit Court and Comptroller
Workflow: All Customers

Walk-in Customer

Open Mail → Distribute Work → Scan Document → Index Names

Scan Document → Archive / Microfilm → Record Document

Index Names → Receipt Payment

Verify

Repackage Originals / Mail Back

ERecord Customer

Escambia County, Florida Clerk of the Circuit Court and Comptroller
Implementation Methods

1. Point to Point
2. Third Party Vendor
3. Statewide Portal
4. Florida
Point to Point

**PROS:**
1. Allows for electronic recording

**CONS:**

**Technical and Operational Challenge**
1. Each submitter must enter into an agreement with each county recorder.
2. Each county recorder must setup, test, maintain, and coordinate with each submitter.
Third Party Vendor

County Recorder

Third Party Vendor

Submitter

Submitter

Submitter

Submitter

Submitter

Submitter

Submitter

Submitter

Escambia County, Florida Clerk of the Circuit Court and Comptroller
Third Party Vendor

PROS:

1. Allows for electronic recording
2. Submitter can electronically record with any participating county recorder nationwide with little to no setup
3. County Recorder has a very small number of ERecord accounts to setup, test, maintain, and coordinate.
4. County Recorder is guaranteed payment by third party vendor

CONS:

1. ?

Escambia County, Florida Clerk of the Circuit Court and Comptroller
PROS:
1. Allows for electronic recording
2. Submitter can electronically record with any participating county recorder **statewide** with little to no setup
3. County Recorder has a single ERecord accounts to setup, test, maintain, and coordinate
4. County Recorder is guaranteed payment by statewide portal
5. State agencies can easily electronically record with county recorder

CONS:
1. Potential political ramifications
2. Requires state resources and funding to maintain and operate
3. Submitters are limited to individual state
Florida Implementation

Clerk of Court

Third Party Vendor

Statewide Portal

Submitter

Erecording and EFiling

State Agencies

Attorneys

Escambia County, Florida Clerk of the Circuit Court and Comptroller
Florida Implementation

PROS:

1. Allows for electronic recording of official records, and electronic filing of court documents

2. Submitter can electronically record with any participating Clerk nationwide and/or statewide with little to no setup

3. Clerk has a small number of ERecord accounts to setup, test, maintain, and coordinate

4. Clerk is guaranteed payment by both the third party vendor and the statewide portal

5. Clerk is free to use the software of their choice, and is free to enter into agreements with other third party vendors or submitters.

6. State agencies can easily electronically record with Clerk.

CONS:

Escambia County, Florida Clerk of the Circuit Court and Comptroller
3. Concerns on E-Recording
Electronic recording participants / submitters agree to abide by the County Recorder’s written business rules, including, but not limited to:

1. Defined technical specifications
2. Document and Indexing specifications
3. Hours of operation and processing schedules
4. Payment options
5. Termination terms
6. Document rejection rights
7. Notice requirements for revisions to business rules
Are these electronically recorded documents authentic?

Yes. The documents are as authentic as a paper document.

Electronic recording vendors require an agreement with their submitters whereby the submitters commit to honor the integrity of the system by only submitting authentic documents.

State law may also provide for criminal and civil penalties for submitting unauthentic documents for recordation.

Escambia County, Florida Clerk of the Circuit Court and Comptroller
Security

Is the electronic recording process secure?

Yes. The process is as secure as you make it.

Rules promulgated in Florida require that documents be secured in such a way that both the transmitter and the recipient are assured of each others identity and that no other unauthorized party may view or alter the documents during transmission, processing, or delivery.

Other security include limited access accounts, firewalls, application user privileges, and active system monitoring.
Does the electronic recording system present any challenges in terms of permanent records retention?

No.

The only difference in electronic recording and traditional recording in terms of image capture is the point of scanning. Once captured into the actual recording software, the procedure for permanent storage of the images remains identical.
How will we receive our payment?

If using third party vendors or a statewide portal, the county recorder is guaranteed payment by the vendor or statewide portal. Payments are usually made directly as an electronic credit to recorder’s bank account (ACH).

Submitters, as part of their setup with an electronic recording vendor, will establish an account with that vendor where they will deposit funds to cover recording costs. These accounts will be utilized to pay for recording costs either via electronic credits to the bank account for the County Recorder or via electronic debit by the County Recorder to the accounts.
Which document gets recorded first?

**Florida Statute 28.30(5)**
Except when otherwise provided by law or applicable rule, a document that is submitted to the clerk of the circuit court by electronic transmission is deemed filed when the document is received and the date and time are acknowledged by the clerk, as opposed to the date and time of transmission. The clerk is not liable for malfunctions or errors occurring in the transmission of documents for filing by electronic means.
4. Benefits and Cost Savings
Cost Savings For Submitters

1. No Delays in Recording.
2. No copying of the package before it is sent.
3. No manual calculation of payment.
4. No manual handling of checks.
5. No envelopes to prepare.
6. No postage charges.

Escambia County, Florida Clerk of the Circuit Court and Comptroller
Cost Savings For County Recorders

1. Reduces lines in the office.
2. Reduces the opening of mail.
3. Eliminates handling of papers, including staple removal.
4. No handling of checks.
5. No stamping/labeling of documents.
6. No scanning.
7. Indexing contribution by submitter.
8. Internal electronic recording reduces the risk of loss or damage to original instrument.

Escambia County, Florida Clerk of the Circuit Court and Comptroller
Contact Information

Escambia County, Florida
Clerk of the Circuit Court and Comptroller
Honorable Ernie Lee Magaha

Escamciaclerk.com

Brenda Robinson
Director, Official Records
brobinson@escamciaclerk.com

Lendy Davis
Administrator, MIS, Operations, Archives
lfdavis@escamciaclerk.com
5. Additional Florida Information
<table>
<thead>
<tr>
<th>COUNT</th>
<th>VENDOR – Product</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Affiliated Computer Services (ACS)</strong></td>
</tr>
<tr>
<td>26</td>
<td><strong>Aptitude Solutions</strong> – OnCore</td>
</tr>
<tr>
<td>2</td>
<td><strong>Creative Data Solutions (CDS)</strong> + Aquarius</td>
</tr>
<tr>
<td>19</td>
<td><strong>Florida Association of Court Clerks (FACC)</strong> – ORI</td>
</tr>
<tr>
<td>3</td>
<td>In-House System</td>
</tr>
<tr>
<td>2</td>
<td><strong>Landata</strong> – FORIS</td>
</tr>
<tr>
<td>3</td>
<td><strong>Manatron</strong></td>
</tr>
<tr>
<td>9</td>
<td><strong>NewVision Systems</strong></td>
</tr>
<tr>
<td>1</td>
<td><strong>Nuvivus</strong></td>
</tr>
<tr>
<td>1</td>
<td><strong>Tyler Technologies</strong> – Eagle Recorder</td>
</tr>
<tr>
<td>67</td>
<td><strong>TOTAL</strong></td>
</tr>
</tbody>
</table>
Third Party ERecording Vendors Used By Escambia
(As of 04/15/2010)

Affiliated Computer Services (ACS)
acs-inc.com

INGEO
ingeo.com

Simplifile
simplifile.com

Florida Association of Court Clerks (FACC)
flclerks.com
<table>
<thead>
<tr>
<th>CURRENT</th>
<th></th>
<th>PLANNED</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Duval</td>
<td>15. Pinellas</td>
<td></td>
</tr>
<tr>
<td>7. Escambia</td>
<td>16. Santa Rosa</td>
<td></td>
</tr>
<tr>
<td>8. Highlands</td>
<td>17. Suwanee</td>
<td></td>
</tr>
<tr>
<td>9. Hillsborough</td>
<td>18. Walton</td>
<td></td>
</tr>
</tbody>
</table>
Escambia OR Software Costs

Escambia Official Records Vendors 1996 - 2010

- 1996 – 2004  **Landata / Foresite – FORIS**
  - Text based
  - Unix OS / Informix database
  - Images as files, not as blobs
  - $391,000 for software, hardware, setup, training, conversions

- 2004 – present  **Aptitude Solutions – OnCore**
  - Windows GUI based
  - Windows Server OS / MS SQL Server database
  - Images as files, not as blobs. Does support blobs.
  - $290,000 for software, docs, setup, training, conversion
  - $50,000 approx. annual maintenance
  - Mentis Technology Solutions - aiRedact and aiIndex
ERecord System Architecture

Demilitarized Zone - DMZ

- Web Server
  - ERecord Application
  - Proxy

Firewall

Submitter

Local Area Network - LAN

- ERecord Application
- Official Records Application

- Database
- Images
Automated Redaction

Original Document

MORTGAGE
Joe Shmoe
008-67-5309
Account 43921
2059 Wisteria Ln
Hoover, AL 35216

Automated Redaction

OCR
Optical Character Recognition

Search OCR Text

Manual Review of Candidates

“Burn” Redaction on Copy

OCR’d Document Text

Rules + Knowledge Base

Redacted Copy

MORTGAGE
Joe Shmoe
008-67-5309
Account 43921
2059 Wisteria Ln
Hoover, AL 35216

Escambia County, Florida Clerk of the Circuit Court and Comptroller
Automated Redaction

• OCR’s document image to extract text.
• Hand written text and some word-wrapped text may not be flagged.
• Stores extracted text of each document into a database for future use in case rules or laws are changed. Saves time and money.
• Optional manual review of redaction candidates.
• Original document image is untouched.
• Redacted document image is permanently altered with redacted information obliterated from image.
• Application can present original or redacted image to user, based on security privileges.
• “Best effort” by county recorder
Florida Statute 28.2221 -
Electronic Access to Official Records

The 2009 Florida Statutes 28.2221 Electronic access to official records.--

(1) The Legislature finds that a proper and legitimate state purpose is served by providing the public with access to public records and information on the Internet. The Legislature further finds that a proper and legitimate state purpose is also served by preventing disclosure of records and information made exempt by law from public disclosure.

(2) No later than January 1, 2002, the county recorder in each county shall provide a current index of documents recorded in the official records of the county for the period beginning no later than January 1, 1990, on a publicly available Internet website which shall also contain a document requisition point for obtaining images or copies of the documents reflected in the index and which has the capability of electronically providing the index data to a central statewide search site. The index shall be limited to grantor and grantee names, party names, date, book and page number, comments, and type of record.

(3) Each county recorder shall use appropriate Internet security measures to ensure that no person has the ability to alter or to modify records placed on the Internet by the county recorder.

(4) Unless otherwise provided by law, no information retrieved electronically pursuant to this section shall be admissible in court as an authenticated document.

(5)(a) No county recorder or clerk of the court may place an image or copy of a public record, including an official record, on a publicly available Internet website for general public display if that image or copy is of a military discharge; death certificate; or a court file, record, or paper relating to matters or cases governed by the Florida Rules of Family Law, the Florida Rules of Juvenile Procedure, or the Florida Probate Rules.

(b) Any records specified in this subsection made available by the county recorder or clerk of the court on a publicly available Internet website for general public display prior to June 5, 2002, must be removed if the affected party identifies the record and requests that it be removed. Such request must be in writing and delivered by mail, facsimile, or electronic transmission, or in person to the county recorder or clerk of the court. The request must specify the identification page number of the document to be removed. No fee may be charged for the removal of a document pursuant to such request.

(c) No later than 30 days after June 5, 2002, notice of the right of any affected party to request removal of records pursuant to this subsection shall be conspicuously and clearly displayed by the county recorder or clerk of the court on the publicly available Internet website on which images or copies of the county's public records are placed and in the office of each county recorder or clerk of the court. In addition, no later than 30 days after June 5, 2002, the county recorder or the clerk of the court must have published, on two separate dates, a notice of such right in a newspaper of general circulation in the county where the county recorder's office is located as provided for in chapter 50. Such notice must contain appropriate instructions for making the removal request in person, by mail, by facsimile, or by electronic transmission. The notice shall state, in substantially similar form, that any person has a right to request that a county recorder or clerk of the court remove an image or copy of a public record, including an official record, from a publicly available Internet website if that image or copy is of a military discharge; death certificate; or a court file, record, or paper relating to matters or cases governed by the Florida Rules of Family Law, the Florida Rules of Juvenile Procedure, or the Florida Probate Rules. Such request must be made in writing and delivered by mail, facsimile, or electronic transmission, or in person to the county recorder or clerk of the court. The request must identify the document identification page number of the document to be removed. No fee will be charged for the removal of a document pursuant to such request.

(d) Any affected person may petition the circuit court for an order directing compliance with this subsection.

(e) By January 1, 2006, each county recorder or clerk of the court shall provide for electronic retrieval, at a minimum, of images of documents referenced as the index required to be maintained on the county's official records website by this section.
Scanners Used In Escambia

**Fujitsu fi-4720c**
- 25 ppm
- ADF
- Desktop
- SCSI and USB
- ~ $900

**Fujitsu fi-5750c**
- 57 ppm
- Flat bed and ADF
- Swivel ADF
- SCSI and USB
- ~ $5,000

**Canon 9080c**
- 110 ppm
- ADF
- SCSI and USB
- ~ $7,000

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Escambia County, Florida Clerk of the Circuit Court and Comptroller