

Implementing eRecording In Your Office

FACC New Clerk Training
Records Maintenance and Management Module

August 20, 2009

Agenda

- ◆ Electronic Recording Advisory Committee
- ◆ PRIA
- ◆ eRecording Standards
- ◆ FACC ePortal

Electronic Recording Advisory Committee

- ◆ Committee was created by the Florida Legislature in 2007 with SB 2038 – “Real Property Electronic Recording Act”
- ◆ Committee was tasked with establishing standards and practices for eRecording
- ◆ Standards and practices are promulgated by rule by the Florida Secretary of State after consultation with the Committee

Electronic Recording Advisory Committee

- ◆ Committee was made up of the following:
 - ◆ 5 Members appointed by Florida Association of Court Clerks
 - ◆ 2 Title Company Representatives
 - ◆ 1 Banking Representative
 - ◆ 1 Real Estate Attorney

Electronic Recording Advisory Committee

◆ FACC Appointed Members:

- ◆ Hon. Martha O. Haynie, chair
 - ◆ Orange County Comptroller
- ◆ Hon. J. K. "Buddy" Irby
 - ◆ Alachua County Clerk of the Circuit Court
- ◆ Hon. James Jett
 - ◆ Clay County Clerk of the Circuit Court
- ◆ Hon. R.B. "Chips" Shore
 - ◆ Manatee Clerk of the Circuit Court
- ◆ Ms. Sue Baldwin, Director
 - ◆ Broward County Records Division

Electronic Recording Advisory Committee

◆ Meetings

- ◆ Initial organizational meeting was held on August 20, 2007
- ◆ The final report was completed on November 30th, 2007
- ◆ Meeting information can be found on www.flclerks.com
 - ◆ Click the "eRecording Committee" button on the bottom left

Technical and Operational Issues

- ◆ Prior laws provide for:
 - ◆ Electronic Signatures
 - ◆ Electronic Notarization
- ◆ Prior Laws did not clearly provide for electronic recording of documents that affect real property titles
- ◆ SB 2038 authorizes county recorders to receive records in electronic form and store electronic records
- ◆ Standards are now in place for this process

Technical and Operational Issues

- ◆ The Committee considered the following:
 - ◆ Standards and practices of other jurisdictions
 - ◆ The most recent standards adopted by national standard setting bodies, such as PRIA (Property Records Industry Association)
 - ◆ The views of interested persons and government officials and entities
 - ◆ The needs of counties of varying size, population and resources
 - ◆ Standards required adequate security protection

Electronic Recording Advisory Committee Final Rules

Florida eRecording Rule 1B-31

The screenshot displays the Florida Department of State website. At the top, there is a navigation bar with the following links: Home, Search, Subscribe, Comment, About Us, Contact Us, and Help. The main heading reads "FLORIDA ADMINISTRATIVE WEEKLY & FLORIDA ADMINISTRATIVE CODE". Below this, the "Rule Chapter: 1B-31" is highlighted, with the chapter title "Real Property Electronic Recording".

Navigation options include "Department of State" and "Division of Library and Information Services". A "1B-31 : Real Property Electronic Recording" link is present, along with an "Add to Favorite" button.

Summary statistics are provided:

- Proposed rules open for public comment: 0
- Index of Rules Filed During Preceding Week: 0
- List of Rules Affected (Section XIV): 0

Recent activities are shown for the date 5/21/2009 (90 days), with a refresh button. The following statistics are listed:

- Recent F.A.W. Notices: 0
- Rule versions that became effective: 0
- Rule Proposals published: 0
- Meeting and Hearing notices published: 0

Instructions: "Click on the rule number to see the detail of the rule. Press **Ctrl-F** to search by text."

Rule No	Rule Title	Latest Version	Effective Date
1B-31.001	General		5/22/2008
1B-31.002	Florida Real Property Electronic Recording Standards		5/22/2008

Footer text: "Copyright and Privacy Policies Accessibility Statement Copyright ©1999-2007 State of Florida, Department of State"

System tray: Internet | Protected Mode: Off 100%

PRIA

Property Records Industry Association

- ◆ Property Records Industry Joint Task Force (PRIJTF) created in 1998 as a 3-year project
- ◆ PRIJTF converted to the Property Records Industry Association (PRIA) in August 2002
 - ◆ As a 501(c)(6) Non-Profit Corporation
 - ◆ As a Government/Business **Partnership**
- ◆ PRIA is a **standard-setting** organization
- ◆ Improve performance in the property records industry in terms of accuracy, access, speed, standards and education

PRIA Web Site

◆ PRIA Web Site

◆ www.pria.us

◆ PRIA Membership

- ◆ Open to all Clerks for a nominal fee
- ◆ Access to all information, training materials, technical standards

PRIA - eRecording Standards

- ◆ PRIA creates and defines eRecording Standards
- ◆ In alliance with the Mortgage Industry Standards Maintenance Organization (MISMO)
- ◆ Private/Public partnership

Record Industry Changes

- ◆ Number of documents recorded = + 250% in the last 10 years
- ◆ Number of pages per document = doubled
- ◆ Go to the Internet for recorder information
- ◆ Documents arrive from all over the U.S. and world
- ◆ Loan origination to closing down from 60-90 days to one week or less
- ◆ Ever-changing closing requirements
- ◆ RESPA Reform, eMortgages, eRecording, etc.

eRecording Standards

◆ Interoperability

- ◆ Multiple Vendors
- ◆ Multiple Recorders

◆ Development & Maintenance Costs

- ◆ Re-Use
- ◆ Write one set of services/API's

◆ Consistency

- ◆ Data definitions
- ◆ Operational Efficiencies

eRecording uses "XML"

- eXtensible Markup Language
- Text-based, human-readable
- Tags identify each field as data:
 - `<BorrowersamearrayorrowersameFitN>H</BFitN>`
- Defines rules for tagging data:
 - Pre-defined standard transactions
 - Extend standard transactions with custom data, without "breaking" them
- De facto standard for data communications via the internet

eSignatures

- ◆ Electronic signatures
 - ◆ Buyer/seller signatures
 - ◆ Common form: signing pad at checkout
- ◆ Digital signatures
 - ◆ Apply PKI digital certificate
 - ◆ Can be used for the “legal” signatures required on an electronic contract, or
 - ◆ Can be applied as tamper-evident seal to secure an electronic document

eRecording Levels

◆ Models (levels) of eRecording

◆ Model 1

- ◆ Scanned paper, images transmitted

◆ Model 2

- ◆ Scanned paper or electronically signed documents, images and data transmitted

◆ Model 3

- ◆ SMART docs, intelligent PDF or xhtml
- ◆ eSignature and eNotary

eRecording Levels Advantages for Counties

➤ Model 1

- reduces scanning

➤ Model 2

- reduces scanning
- can automate review
- can automate indexing

➤ Model 3

- reduces scanning
- can automate review
- can automate indexing

eRecording Levels Advantages for Submitters

➤ Model 1

- minimal internal process change
- helps county speed overall process

➤ Model 2

- minimal internal process change
- automates recording process

➤ Model 3

- major enterprise changes provide significant automation & analysis tools

eRecording Benefits

- ◆ Speedy Recordings
- ◆ Productivity gains
- ◆ Better ability to handle volumes
- ◆ Improved data accuracy
- ◆ Online services for submitters

ePortal Project



Road Map to eRecording in Florida

- ◆ The road to eRecording in Florida:
 - ◆ Official Records indexes on the internet
 - ◆ MyFloridaCounty.com statewide index search
 - ◆ Images on the internet
 - ◆ Redaction of personally identifiable information
 - ◆ Individual counties eRecording initiatives

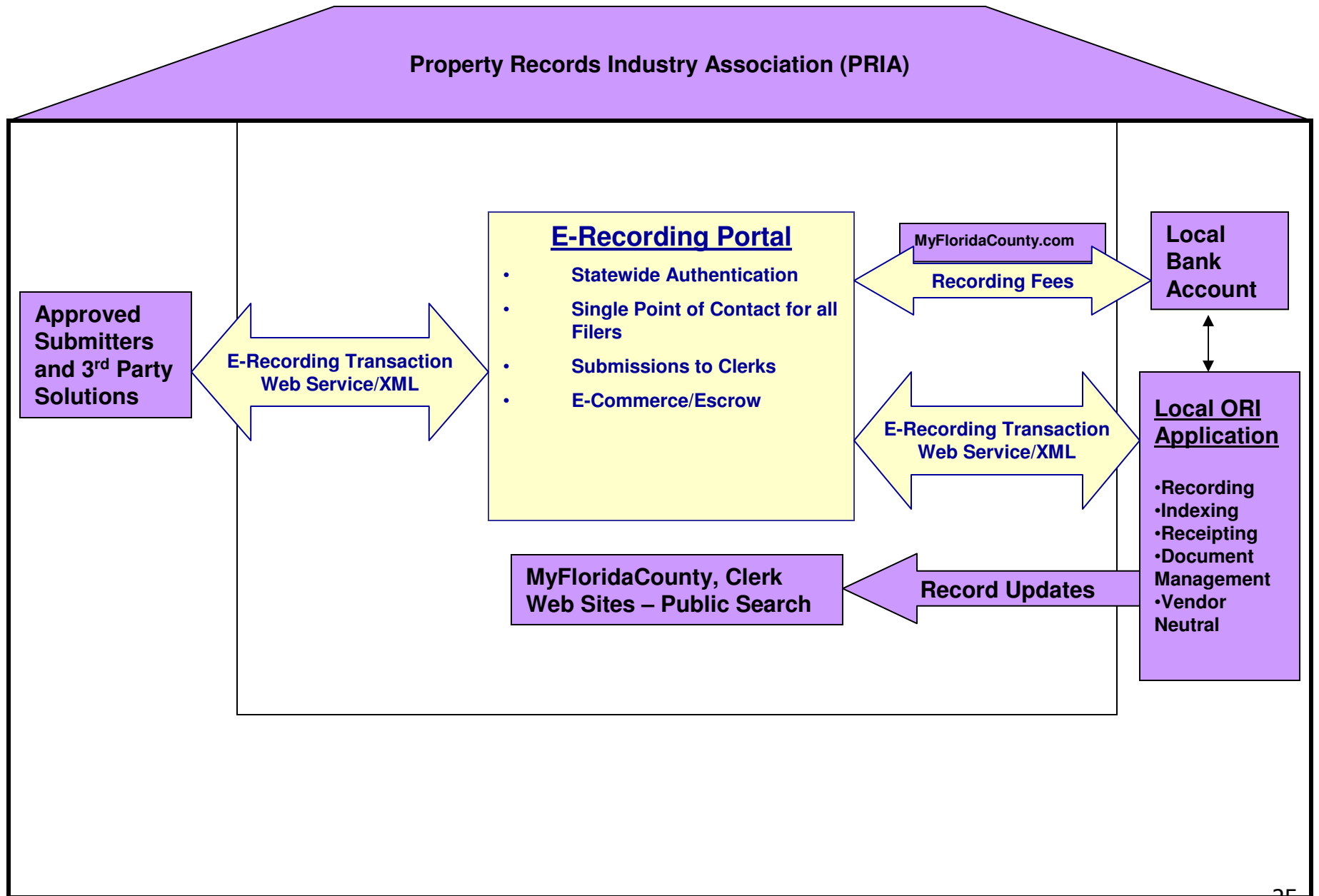
Submission Options

- Single source point-to-point
 - Vendor provides both submitter & recorder software for preparing and recording eDocs respectively
- Agnostic recording receiver
 - Recorder accepts from anyone who conforms to published standard
- Statewide portals: 2 types
 - Private-sector portals – single point of entry to all counties supported by portal vendor
 - Recorder-led initiatives – single point of entry for all counties in a particular state

eRecording Portals

- ◆ Many states have started to build eRecording portals
 - ◆ New Jersey
 - ◆ Missouri
 - ◆ Iowa
- ◆ In their April 2007 executive session, Florida Clerks decided to move forward with the eRecording portal concept

eRecording Portal Concept



FACC Committee Activities in 2008

- ◆ Issued Invitation to Negotiate (ITN) to evaluate vendor capabilities and pricing
- ◆ ITN defines the ePortal scope and functionality at a high level
- ◆ In September 2008, the Technology Committee authorized the FACC Services Group to begin development of the ePortal in compliance with the ITN
- ◆ ePortal will include both an eRecording and eFiling component

ePortal Project Summary

- The ePortal will consist of:
 - eFiling and eRecording Capability
 - Single statewide login for all users
 - Single web access used to submit documents
 - Automated interfaces with other submitter systems
 - Provide for transmissions to/from the local case/recording systems
 - Provide electronic notifications and service

ePortal Project Summary

- ◆ Development will be completed in one year (January – December 2009)
- ◆ ePortal will be based on existing national standards for eRecording and eFiling
- ◆ ePortal will be owned (license and royalty free) and operated by the FACCSG
- ◆ ePortal will be integrated with existing FACCSG statewide systems (CCIS, MyFloridaCounty)

Proposed Road Map for ePortal

- ◆ Develop Detailed Statement of Work (SOW) for FACC Services Group
 - ◆ Completed - December 2008
- ◆ Build ePortal with Initial Functionality
 - ◆ January 2009 – June 2009
- ◆ Build Full Functionality
 - ◆ July 2009 – December 2009
- ◆ County Integrations/Implementations
 - ◆ 2009 - ongoing

ePortal Statement of Work (SOW) Components

- ◆ Defines HW/SW Infrastructure
- ◆ Web Site Development (including County Branding)
- ◆ Initial Functionality
 - ◆ eRecording Pilot – DOR Tax Liens
 - ◆ Orange County ECF Integration Pilot
 - ◆ One Button Functionality - All Counties
 - ◆ Supreme Court Demo
 - ◆ Supreme Court Approval Process for eFiling

Portal Statement of Work (SOW) Components (Continued)

- ◆ User Authentication Integration
- ◆ MyFloridaCounty Payment Functionality
- ◆ CCIS Integration
- ◆ eRecording Full Functionality
- ◆ eFiling Full Functionality
- ◆ County Integration

DOR Tax Liens Statewide ePortal Pilot

State of Florida
Department of Revenue

**Electronic Tax Liens
Confirmation –
Book/Page**

Statewide ePortal - Hosted at FACC SG Facility

eRecording Portal

- Statewide Authentication
- Single Point of Contact for Filer
- Submissions to Clerks

MyFloridaCounty.com 

PRIA Transaction
Web Service/XML

Record Updates

Local Recording Application – 67 Recorders

- Electronically Filed
- Index Data
- Images
- Electronic Recording Fees

eRecording Portal DOR System Description

- Messages used by the DOR Interface are based on PRIA standards, Versions 2.4.1.
- Operations supported by the DOR Interface will be in compliance with The Florida Electronic Recording Advisory Committee Report and associated state laws
- DOR is responsible for extracting information to be recorded from their system(s) into an agreed upon format and submitting it to the ePortal. The format will be defined during the Planning Phase of the project.
- DOR is responsible for updating their internal system(s) with recordation information.

eRecording Portal

DOR System Description (Cont'd)

- Collection of recording fees and distribution of fees to individual Court Clerks is handled through MyFloridaCounty OpenPay.
- Implementation of the DOR Interface will utilize standards which allows for integration of the ePortal with Court Clerk's Recording Systems. In a situation where a Clerk's recording system cannot be integrated with the DOR interface, the DOR interface will support the capability for the Clerk's staff to retrieve the electronic images from the portal.
- DOR Interface functionality without Clerk Recording System integration will be available for all Clerks offices. FACCSG will support Clerk Recording System integration initiated and funded by each local Clerk.

eRecording Portal

DOR Business Requirements

- Portal will support DOR to submit a file in an agreed upon format to the ePortal for recordation.
- Portal will generate document images in TIF/PDF format from the file submitted by DOR
- Portal will generate PRIA 2.4.1 messages with data from the file submitted by DOR
- Portal will submit generated PRIA messages to the ePortal E-Recording interfaces
- Portal will support optional review of documents by staff.
- Portal will support automatic recordation of Model 3 documents as defined in PRIA specification

eRecording Portal

DOR Business Requirements (Cont'd)

- System will add accepted documents to Court Clerk Official Records systems.
- System will update the file received from DOR with recordation information and return to the DOR.
- System will use the Electronic payment subsystem of the ePortal to handle any payments
- Messages generated will be based on PRIA 2.4.1 specification.
- System will support the capability for the Clerk's staff to retrieve the electronic images from the portal and manually enter recording information if Clerks Recording system can't be integrated with DOR Interface.

eRecording Portal

DOR Functional Requirements

◆ Filing Creation and Submission

- ◆ Ability to receive a file from DOR in an agreed upon format
- ◆ Ability to generate documents in TIF/PDF formats from the file
- ◆ Ability to use different templates for different documents
- ◆ Ability to generate PRIA XML messages with data from the file
- ◆ Ability to include the generated document in the PRIA Message
- ◆ Ability to provide payment information
- ◆ Ability to submit message in the PRIA format to the ePortal E-Recording interface
- ◆ Ability to notify DOR that file is received

eRecording Portal

DOR Functional Requirements

◆ Filing Status

- ◆ System allows DOR to check the status of their submissions from the ePortal.

eRecording Portal

DOR Functional Requirements

◆ Submission Review

- ◆ System provides for review of received data and/or documents by staff prior to acceptance.
- ◆ Ability for authorized individuals to take multiple actions on a submitted document, including indicating acceptance or rejection
- ◆ Ability to require reason for rejection
- ◆ Ability to select rejection reason from a list
- ◆ Ability to bypass submission review process for Model 3 documents
- ◆ Ability to print, save submitted document(s)

eRecording Portal

DOR Functional Requirements

◆ Officials Records Local System Integration

- ◆ Ability to retrieve County Specific Document Types
- ◆ Accepted filings are recorded automatically into Court Clerks recording system
- ◆ System converts submitted documents to PDF/TIF when a submission is accepted, stamps document with Recordation information (e.g., time and date of acceptance, Book Page , File number), and stores the PDF/TIF in the County Document Management System (DMS)

eRecording Portal

DOR Functional Requirements

- ◆ Returning Recordation Information to DOR
 - ◆ Ability to update the file submitted by DOR with recordation information (Example Book, Page , File Number, Recording Time) for accepted documents
 - ◆ Ability to update the file submitted by DOR with rejection reason for rejected documents
 - ◆ Ability to return file with recordation information to DOR

eRecording Portal DOR Functional Requirements

◆ General Requirements

- ◆ User Interface requirements will comply with requirements of the American Disabilities Act (ADA) and Section 508 of the Federal Rehabilitation Act of 1973, as amended (29 U.S.C. 794d) and Florida Statutes Chapter 282.
- ◆ Ability to manage a list of rejection reasons

ePortal Demo

