

Virtual SHIP:

Taking Your Government Functions Online

April 21, 2020



The Florida Housing Coalition

- Statewide nonprofit provider of training and technical assistance
- From ending homelessness to first time homeownership
- Professional staff throughout the state
- See www.flhousing.org



Thank you.



AFFORDABLE HOUSING CATALYST PROGRAM

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Finance Corporation**



we make housing affordable™



Hosts



Kody Glazer,
Legal Director
Florida Housing Coalition
Glazer@flhousing.org



Aida Andujar,
Technical Advisor
Florida Housing Coalition
Andujar@flhousing.org



Michael Chaney,
Technical Advisor
Florida Housing Coalition
Chaney@flhousing.org



Guest Speakers



Giovanni Nicosia, Esq.
President/Attorney
Supreme Title & Escrow, Inc.



Matthew Wyman,
Housing Services Manager
Leon County



JoAnn Martin-Onesky,
City of Pompano Beach



Webinar Logistics

- Participants are muted
- Enter your questions in the box in your webinar panel
- Handouts are available with this webinar
- This webinar is being recorded and will be available on our [COVID-19 Resource Page](#) along with the attached handouts and all the questions and answers
- A survey will immediately follow the webinar; ***please*** complete it! Thanks!



Agenda

- Sunshine Law in a Pandemic
- Income Certification
- Remote Online Notarization & Virtual Real Estate Activities
- Local Government Experience – Leon County; City of Pompano Beach
- Electronic Recordkeeping & Signatures





Kody Glazer,
Legal Director
Florida Housing Coalition
Glazer@flhousing.org

Sunshine Law in a Pandemic



DISCLAIMER – Sunshine Law

- The information contained here is for informational purposes only, and should **not** be construed as legal advice on conducting public meetings in accordance with Sunshine Law.
- You should **not** act or refrain from acting on the basis of any content provided here without seeking legal advice from your local government attorney.
- Contact your local government attorney for their direction on conducting public meetings.
- This presentation will only provide considerations on how to comply with Sunshine Law.



Sunshine Law in a Pandemic

- How do we conduct lawful public meetings and socially distance?
- Florida's Sunshine Law provides the public the right of access to the meetings of public bodies.
- Sunshine Law requires 1) open meetings; 2) reasonable notice; 3) meeting minutes.
- Executive Order 20-69:
 - Suspends the statutory requirement that a quorum be present in person
 - Expressly authorizes local governments to utilize communications media technology
 - Does not waive any other requirement



What meetings would trigger the Sunshine?

- Meeting with a formal action taken by a board or commission; meeting of two or more members of the same board or commission to discuss some matter on which foreseeable action will be taken.
- Committees that are delegated decision-making authority.
- Examples: City/County Commission Meeting; Affordable Housing Advisory Committee (AHAC); Community Redevelopment Agency (CRA); Planning Boards
- Sunshine Law has limited application to Fact-finding committees and fact-finding actions. (**ceases when action is turned into a policy-based decision-making function**)



1) Open Meetings

- Meetings of public boards or commissions must be “open to the public.”
- *Herrin v. City of Deltona*: meetings must be properly noticed and “reasonably accessible” to the public.
- How to be reasonably accessible:
 - Livestream meetings and post on as many platforms as reasonably possible
 - Zoom, GotoWebinar meeting
 - Facebook Live, Periscope, Twitter, Local Government Website, etc.
 - ADA compliance



2) Reasonable Notice

- Reasonable public notice is required for all meetings subject to Sunshine Law.
- Type of notice is “variable and depends upon the facts of the situation and the board involved.” ~ **Government in the Sunshine** Manual
- More individual rights at stake, greater individualized notice.
- Guidelines (gathered from Sunshine Manual):
 - Notice should be prominently placed, contain time of meeting, & how to access virtual platforms.
 - Except for emergency/special meetings, notice should be provided at least 7 days prior.
 - Use of press releases, emails, tweets, Facebook posts, calls to local media highly effective



3) Meeting Minutes

- F.S. 286.011(2): minutes of a meeting must be promptly recorded and open to public inspection.
- Content: brief summary or series of brief notes or memorandum reflecting the events of the meeting; verbatim transcript not required.
- Affordable Housing Advisory Committee (AHAC)
- Best practice: post recorded video to web-platform



Reasonable Opportunity To be Heard

- F.S. 286.0114(2): “Members of the public shall be given a **reasonable opportunity to be heard** on a proposition before a board or commission . . . The opportunity to be heard is subject to rules or policies adopted by the board or commission, as provided in subsection (4).”
- Subsection (4): Rules which govern opportunity to be heard are limited to those that:
 - Provide guidelines for the amount of time a person has to address the board
 - Prescribe procedures for allowing representatives to speak for the whole where there a large number of individuals that wish to be heard
 - **Prescribe forms for an individual to inform the board of the desire to be heard; to indicate support, opposition**
 - **Designate a specified period of time for public comment**



Accepting Public Comments

- Public boards and agencies are allowed to adopt reasonable rules and regulations which ensure the orderly conduct of a public meeting.
- Can accept comments prior to the meeting. Keep record of all comments & be transparent.
- Live comments through Facebook or other platform: be aware of First Amendment concerns.
- **Leon County:**

Public comment will be accepted via electronic submission. Citizens wishing to provide input for the next scheduled meeting may [submit their comments electronically by clicking here](#). To ensure adequate time for Commissioner review, comments should be submitted by 8 p.m. on April 13, 2020. Comments will be distributed to the Commissioners prior to the April 14, 2020 3 p.m. meeting. Comments submitted after the 8 p.m. deadline will be added to the official record of the meeting, but the County cannot guarantee that the Commissioners will have adequate time to review those comments prior to the meeting. For assistance submitting comments, citizens may call (850) 606-5300.



Accepting & Moderating Public Comments

- **City of Lake Worth Beach:** allows public comment up to 15 minutes before start of meeting.
- **Pinellas County:** citizens must complete BCC Agenda Comment form and submit by 5pm the day prior to the meeting.
 - If the Chair or Commission finds an individual to be out of order, he or she may be muted by the moderator.
- **St. Augustine** (4/29 meeting): live stream available on City's YouTube Channel and the audio of the meeting will be broadcast outside of the City Building. Emailed comments preferred but public is allowed to enter building one at a time to make comments.



Key Points

- Live stream all videos and provide links on **as many communication platforms as reasonably possible** to provide openness and reasonable notice.
- Be sure your meetings are accessible.
- Can allow comments prior to meeting w/possibility of in-person testimony (in accordance with CDC guidelines).
- Make rules for decorum – if someone on the line is unruly, proscribe rules to mute them.
- Be aware of First Amendment concerns - don't selectively choose comments based on viewpoint or content.
- Talk to your local government attorney!!



HUD Meetings

- The CARES Act expressly authorized local governments to create “expedited” procedures for public meetings.
- Allows for a notice and reasonable opportunity to comment period of no less than 5 days.
- Follow the more strict guidelines.



City of West Palm Beach Con Plan

- The **City of West Palm Beach** hosted a virtual public meeting on Apr. 15 as part of the HUD Consolidated Planning Process.
- Meeting held on GotoWebinar.
- Comments were typed in and most were read during the meeting. As a follow-up, comments posted to City website, webinar recording emailed to all registrants, and posted to HCD webpage.
- Outreach:
 - 1. Direct email to interested parties/stakeholder list
 - 2. Posted on social media
 - 3. Included in CWPB Insider Newsletter (Mayor's newsletter)
 - 4. Posted to HCD's webpage
 - 5. Ad in the Palm Beach Post



Last Thoughts

- **City of Miami:** prior to building closings, allowed access to a screening room to watch virtual meetings.
 - <https://www.miamigov.com/Government/Instructions-for-Virtual-Commission-Meeting> (for example of how a local gov't is advertising the process)
- Florida Association of Counties/League of Cities keeping track of who is conducting virtual Commission meetings.
- If you would like to share how your local government is conducting public meetings, please let us know.



Service	Pricing	Participant limits
Gotomeeting	a. \$12/mo/organizer b. \$16/mo/organizer	a. Up to 150 participants b. Up to 250 participants
Gotowebinar	a. \$89/mo b. \$199/mo c. \$429/mo	a. Up to 100 participants b. Up to 500 participants c. Up to 1000 participants
Zoom	a. Basic free b. \$14.99/mo/host c. \$19.99/mo/host	a. Up to 100 participants up to 40 minutes b. Up to 100 participants c. Up to 300 participants
GoogleHangout	Free	
Microsoft Teams	Free with Office365 license	
Webex	a. Free b. \$13.50/mo/host c. \$17.95/mo/host d. \$26.95/mo/host	a. Up to 100 participants up to 40 minutes b. Up to 50 participants c. Up to 100 participants d. Up to 200 participants

Platforms

There are marginal differences in terms of call quality, service reliability, support availability and ease of use.





Michael Chaney,
Technical Advisor
Florida Housing Coalition
Chaney@flhousing.org

SHIP Survey Results Income Certification



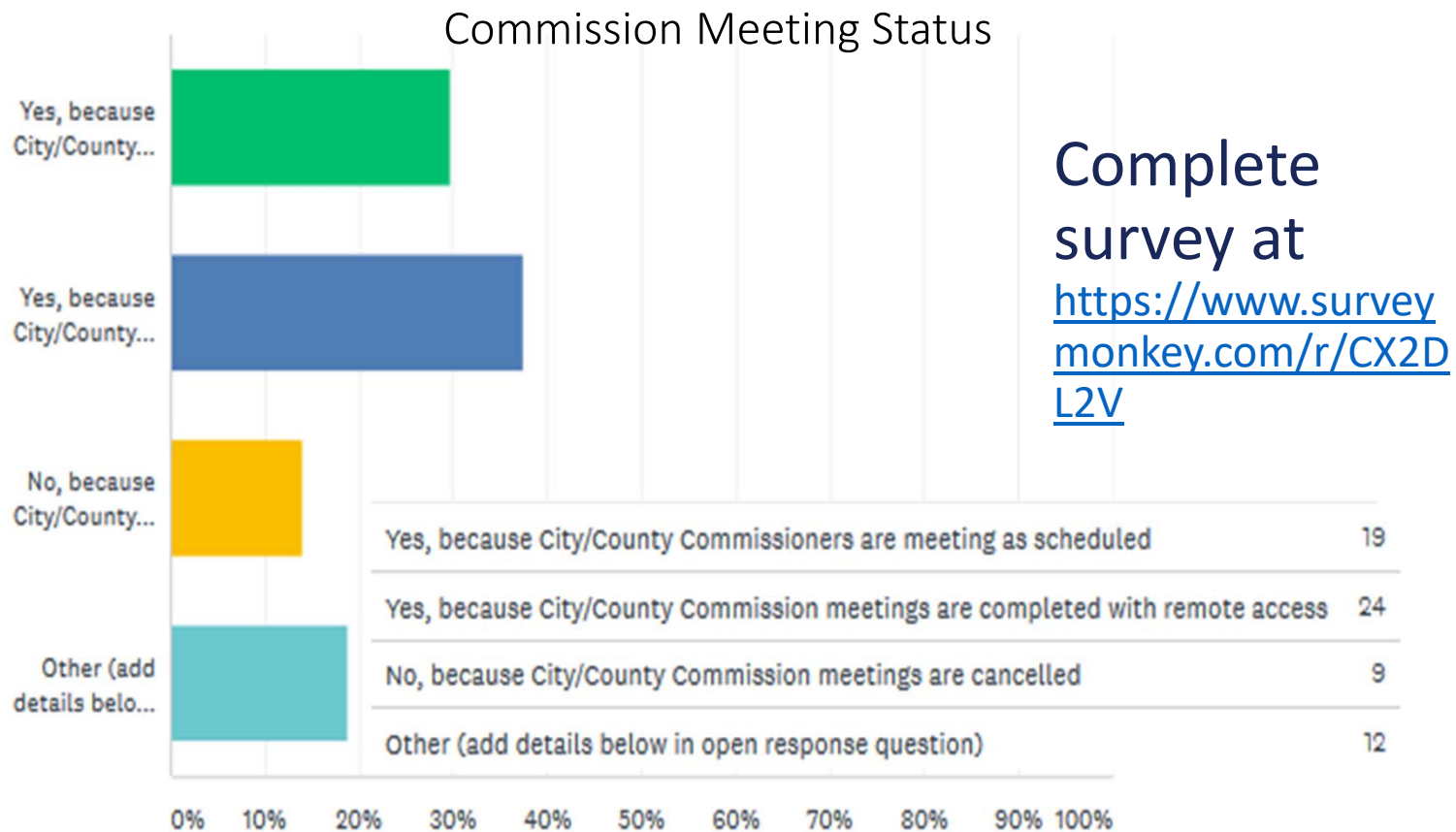
Recent COVID-19 Trainings

Recordings:

- Emergency SHIP Assistance for Renters
<https://vimeo.com/403418248>
- Helping Homeowners with COVID-19 SHIP
Emergency Assistance <https://vimeo.com/407646578>
- Assisting Homeless and Special Needs Populations
through COVID-19 <https://vimeo.com/405609513>



SHIP Survey Results

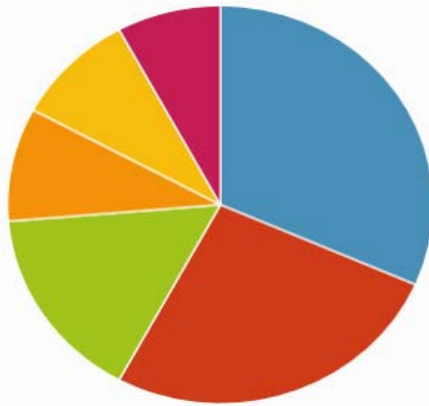


Regular BOCC Meetings

54

Counties

What virtual format is your BOCC using?



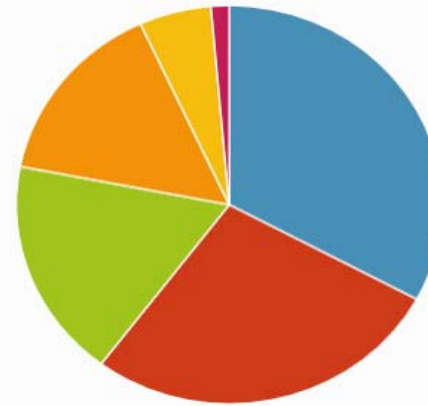
- Other
- Zoom
- Facebook Live
- GoTo Meeting/Webinar
- No answer
- YouTube Live

Meeting in Person

39

Counties

How are citizens able to give public comment?



- Other
- Email
- Through electronic chat function
- In person
- No answer
- They cannot

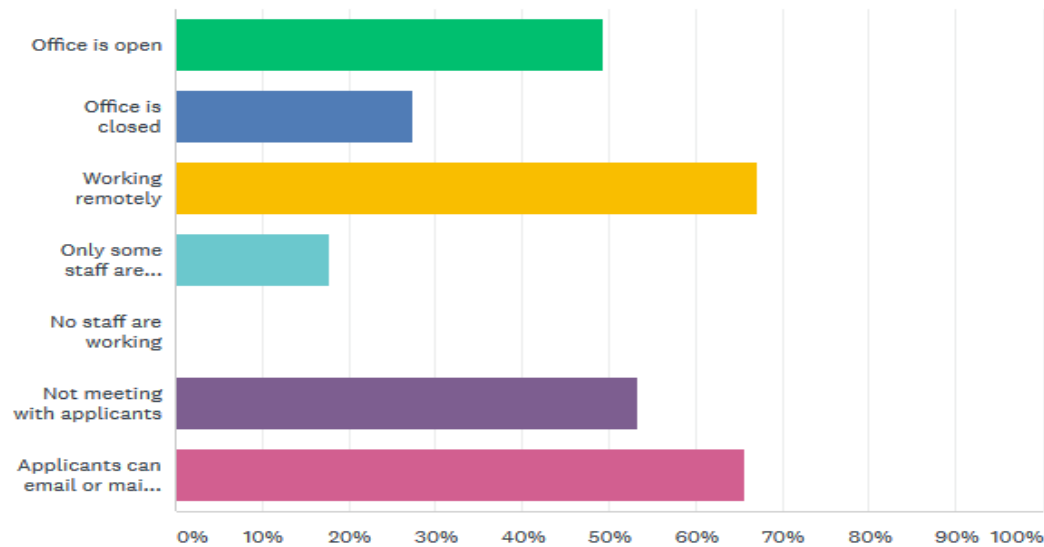
Institute for County Government Survey Results

More survey
results at
<https://flicg.org/covid-19-resources-2/?>



What is the status of your SHIP office? Check all the following that apply

Answered: 73 Skipped: 0

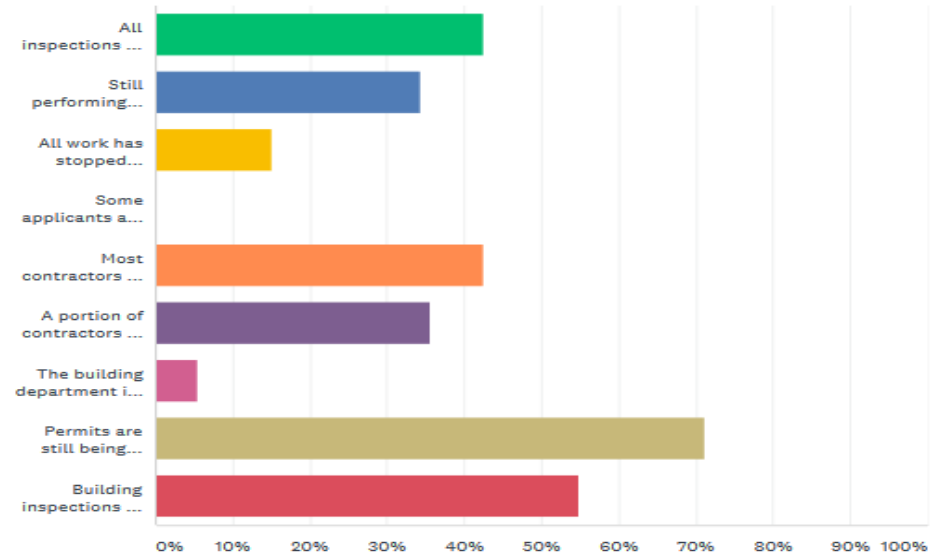


ANSWER CHOICES	RESPONSES	
Office is open	49.32%	36
Office is closed	27.40%	20
Working remotely	67.12%	49
Only some staff are working	17.81%	13
No staff are working	0.00%	0
Not meeting with applicants	53.42%	39
Applicants can email or mail applications and supporting documents	65.75%	48
Total Respondents: 73		



What is the status of your SHIP home rehabilitation work? Check all the following that apply

Answered: 73 Skipped: 0

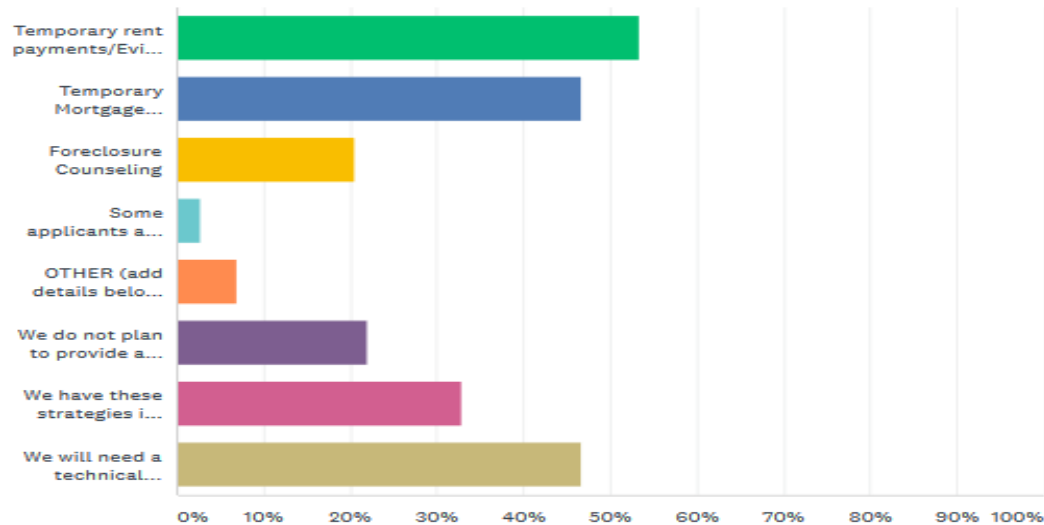


ANSWER CHOICES	RESPONSES	
▼ All inspections and pre-bids meetings temporarily cancelled	42.47%	31
▼ Still performing inspections and pre-bids	34.25%	26
▼ All work has stopped temporarily	15.07%	11
▼ Some applicants are displaced from their homes	0.00%	0
▼ Most contractors are still working	42.47%	31
▼ A portion of contractors are still working	35.62%	26
▼ The building department is closed, no permits or inspections	5.48%	4
▼ Permits are still being processed	71.23%	52
▼ Building inspections are still being performed	54.79%	40
Total Respondents: 73		



Do you plan to provide any emergency assistance? Check all the following that apply

Answered: 73 Skipped: 0



ANSWER CHOICES	RESPONSES	
Temporary rent payments/Eviction Prevention	53.42%	39
Temporary Mortgage payments/Foreclosure prevention	46.58%	34
Foreclosure Counseling	20.55%	15
Some applicants are displaced from their homes	2.74%	2
OTHER (add details below in open response question)	6.85%	5
We do not plan to provide any emergency assistance	21.92%	16
We have these strategies in our current LHAP	32.88%	24
We will need a technical revision to the LHAP provide these services	46.58%	34
Total Respondents: 73		



Income Verification Methods

Much of the usual SHIP Process is VIRTUAL

When possible, collect written third-party verifications

- Verbal Third-Party Verification is acceptable



Items to Verify

- Employment including overtime and tips
- Social Security
- Child Support/Alimony
- Regular Cash Contributions
- Unemployment Compensation
- Assets like bank accounts, stocks, retirement accounts





Self-Certification may be used for SHIP COVID Emergency Assistance

- Self-Certification Form can expedite COVID-19 SHIP assistance
- Same policy as HOME Waiver from April 2020
- Permits self-certification of income **provided staff conducts income reviews within 90 days after the waiver period ends**
- SHIP and HOME waiver in effect until December 31, 2020
 - **Add income documentation to file by March 31, 2021**



Therefore I certify my anticipated gross annual income

Under penalty of perjury, I certify that the information presented is true and correct. The undersigned further understand(s) that providing false or incomplete information may result in the termination of a loan or other financial assistance from the county or eligible municipality.

Signature of Applicant

Printed

FOR AN OATH OR AFFIRMATION:

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and described before me this ____ day of _____

(NOTARY SEAL)

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

Self-Certification Form of SHIP COVID Emergency Assistance

- Self-Certification Form does NOT require a notary
- INSTEAD
 - Housing staff may witness family signature(s)
 - Applicant may sign along with two witnesses
- Inform SHIP emergency recipients of income verification to be collected later



Another Option: Third Party Verification Provided by the Applicant

- Applicant-provided document defined in Section 5-13 of HUD Handbook 4350.3, Chapter 5
- This is considered third party verification
- Examples: Pay stubs, SSA retirement benefit letter, Unemployment benefit notices



MORE on Applicant Provided Document

- Documents dated within last 120 days
- Rent & Mortgage Assistance income eligibility may be based on pay stub verification
 - HUD Handbook: “Most recent 4 to 6 consecutive pay stubs”
 - Best Practice- use a specific time frame, like 1 month of paystubs



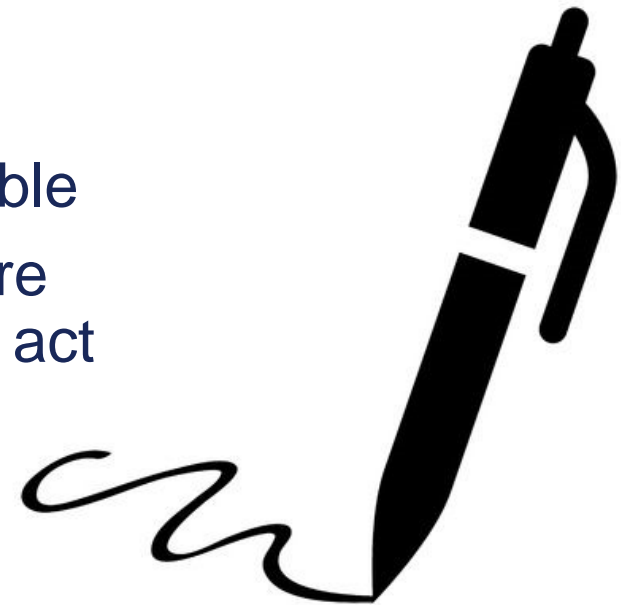
Acceptable Verification: Upfront-Income Verification (UIV)

- UIV is “the verification of income through an independent source that... maintains income information in computerized form...”
- Example: The Work Number



Applicant and Verification Signatures

- Use the mail
- Scan, take photos and/or email
- Electronic signatures are acceptable
- Ensure that the electronic signature attributable to the person was the act of the person



Timing

Verifications shall be dated no more than **120 days** from each other.

- Re-verify those out of compliance

Once Verifications Completed and RIC Signed

- Issue Award Letter
- and fully provide assistance



Income Calculations

Review recordings of
Income Webinars
from October 2019

Part 1: <https://vimeo.com/366582683>

Part 2: <https://vimeo.com/368080221>



Recently Unemployed Applicants

- Unemployment benefits are proof that no job income is being received
- Or obtain other documentation of job loss
- Estimate 12 months of income based on current circumstances
- Stimulus funding is not income



Self-Employed Applicants who are Unemployed

CARES Act allows self-employed individuals to apply for unemployment benefits.

If Receiving Unemployment Benefits:

- This proves loss of work. Do not estimate self-employment income based on recent months
- Project benefits for a 12-month period



Self Employed Applicants Not Receiving Unemployment Benefits

COLLECT:

- Profit and Loss Statement
 - Based on income from Mid-March to present
 - Can be handwritten or Schedule C of tax return
- One or two tax returns
 - This will likely show current income reduction
- If necessary, signed statement explaining current circumstances



Self Employed Applicants

Count NET Income from a Business

- Annualize based on income from Mid-March to present
- For Net Income, Subtract
 - Business expenses
 - Interest on loans
 - Depreciation computed on straight-line basis
- Count any salaries paid to household members
- If the net income from a business is negative, count it as zero



Signing Income Certification Form

Guidance from SHIP Monitors

Florida Housing's SHIP Compliance Monitoring section will emulate HUD and apply the extenuating circumstances principals to **postpone execution of all verification and certification documents.**

1. The Local Government must document the extenuating circumstances for the delay of signatures in the file ("Applicant did not sign due to COVID-19 risk.") and
2. The Local Government will indicate how and when the applicant/resident will provide the proper signature.
3. Use the date when the original signature was actually obtained.





Giovanni Nicosia, Esq.
Supreme Title & Escrow, Inc.

Remote Online Notarization (RON)
Real Estate Activities & COVID-19





Virtual SHIP: What We're Doing

Matthew Wyman, Housing Services Manager

People Focused. Performance Driven.





A Hybrid Process

- Process is near fully electronic
 - Downloadable Agreements, Authorizations, etc.
- However:
 - Paper Based Residential Income Certification
 - Paper Based Loan & Contract Closings
- All major program activities are managed in ONE app

People
Focused.
Performance
Driven.





Customer Related Considerations

Technological Capability of Clientele

- Accessibility
 - Devices
 - Internet Access
 - Applications
- Competency or Computer Literacy
 - Even if they had access would they be able to navigate
 - Next of Kin are often helpful



- Adapt your procedures continually, especially early on
 - It may not be best for the Paperless/Electronic process to follow the Paper based
 - Use the software to help ensure protocol is followed
 - Align the flow of your electronic application process with your retention system

Name	Date modified	Type	Size
0 Property Review Documents	3/12/2020 2:59 PM	File folder	
1 Application Review	3/12/2020 2:59 PM	File folder	
2 Neighborly Ren	3/12/2020 2:59 PM	File folder	
3 Third-Party Fin	3/12/2020 2:59 PM	File folder	
4 Initial Inspection Report & Photos MM...	3/5/2020 1:44 PM	File folder	
5 RIC & Eligibility MMDDYYYY	5/10/2019 1:46 PM	File folder	
6 Local Data & External Reports	2/4/2020 12:28 PM	File folder	
6b External Reports Payment(s)	12/16/2019 12:27 ...	File folder	
7 ALL WWU & Feasibility	3/7/2020 2:42 PM	File folder	
8 All Bids - Tabs & Contractor Docs	12/17/2019 9:08 AM	File folder	
9 Closing Docs-ALL or No Mtg	2/26/2020 2:37 PM	File folder	
10 Recorded Mortgages & Addendums	5/10/2019 1:49 PM	File folder	
10b ALL Recording Fee Payment(s)	12/16/2019 12:28 ...	File folder	
11 NTP Permits Issued & Recorded NOC	1/16/2020 8:42 AM	File folder	
12 Relocation Payment if applicable	12/17/2019 9:57 AM	File folder	
12b Insurance Deductible Reimbursement	1/16/2020 8:41 AM	File folder	
13 Contractor A Payments & Projects	12/16/2019 12:35 ...	File folder	
13b Contractor B Payments & Projects if ...	12/16/2019 12:35 ...	File folder	
14 Final Construction Data	3/1/2020 9:31 PM	File folder	
15 Contractor Evaluations	1/16/2020 8:45 AM	File folder	

Create a system for file retention and backup



Adapting Procedures & Workflow





What are we asking of our clientele?

- For some, the anxieties of using technology are REAL
- Customers must answer questions that would otherwise be completed on paper. The format is the difference
- Request customers to share photos to evidence need

How & when to support them?

- How much and when is Staff assistance provided?
 - On-Site Kiosk, Over the phone, One-on-One appointment, etc.

People
Focused.
Performance
Driven.





Legal Considerations

- Federal Uniform Electronic Transactions Act (UETA) 1999 and
- Electronic Signatures in Global and National Commerce Act (ESIGN)
- Florida's version of UETA can be found in Florida Statutes § 668.50
- County or City Attorney Review





Reducing our face to face contact?

- Request Contractors to share photos to evidence need for change orders and show project completion
- Considering use of software to share documents with clients via e-mail to capture signatures
 - Downloadable Agreements, Authorizations, etc.
 - Residential Income Certifications
 - Loan & Contract Closings
- Remote Notarization in lieu of Traditional Closing
 - Considering partnership with a local Notary or Closing Company could be an option





Questions & Contact Info

- Matthew Wyman
 - Housing Services Manager
 - 918 Railroad Avenue
 - Tallahassee, Florida 32310
 - 850-606-1916
 - wymanm@leoncountyfl.gov
 - www.leoncountyfl.gov/housing





JoAnn Martin-Onesky,
City of Pompano Beach

Moving Government Functions Online





Aida Andujar

Technical Advisor
Florida Housing Coalition
Andujar@flhousing.org

Electronic Recordkeeping
Electronic Signatures



Public Records Management

Florida Statutes, Chapter 119, Public Records

- Defines the term “public records.” 119.011(4), F.S.
- “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”
- Dictates that agencies must comply with the retention and disposition rules adopted by the Division of Library and Information Services. 119.021(2)(b), F.S.
- Establishes the right of the public to inspect records unless there is an exemption or restriction. 119.07, F.S.

The 2019 Florida Statutes

[Title X](#)
PUBLIC OFFICERS, EMPLOYEES, AND RECORDS

[Chapter 119](#)
PUBLIC RECORDS

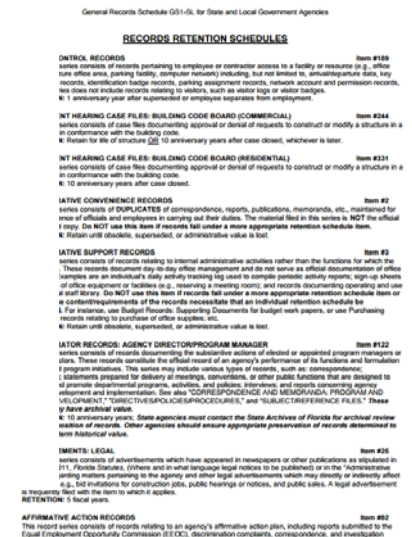
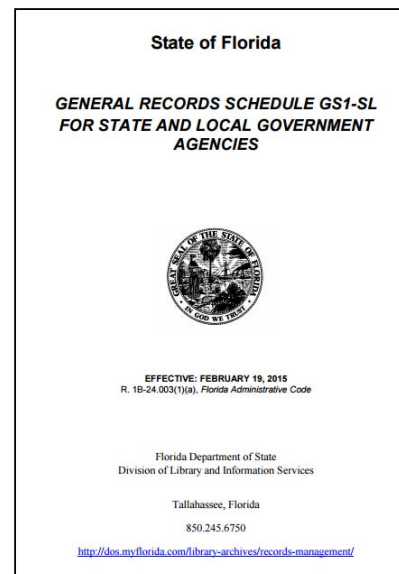
[View Entire Chapter](#)

CHAPTER 119
PUBLIC RECORDS



Most of your agency's **records will be covered by a series** ("item") in one or several of the **general schedules**.

This is the first place to look.



Public Records

- Are created or received in **connection with agency business**.
- Are defined by their **content**, not their format.
- Can be **open to inspection OR restricted** by law.
- Must be **retained for the minimum time frame** set by the Division of Library and Information Services.



Record Series

A **record series** is a grouping of related public records that have common characteristics or relate to the same subject or activity.

Each record series is described by **four** elements:

- **Title:** name of record series.
- **Item number:** method of identification along with title.
- **Description:** types of records and information included, examples, relevant statutes.
- **Retention:** minimum time frame required to maintain.



Record Series

Four elements of a record series:

Record series title	EQUIPMENT/VEHICLE USAGE RECORDS	Item #224	Item number
Description	This record series documents use of agency equipment and vehicles, including, but not limited to, vehicle logs indicating driver, destination, fuel/service stops, and odometer readings and/or total trip mileage; equipment usage logs and/or reports; and other usage documentation.		
Retention	RETENTION: 1 calendar year.		



Photographic/Electronic Record Copies

In most cases, Section **92.29, F.S.** permits agencies to maintain a **photographic reproduction or electronic record** as the **record copy** of a record.

The 2019 Florida Statutes

[Title VII](#)
EVIDENCE

[Chapter 92](#)
WITNESSES, RECORDS, AND DOCUMENTS

[View Entire Chapter](#)

92.29 Photographic or electronic copies.—Photographic reproductions or reproductions through electronic recordkeeping systems made by any federal, state, county, or municipal governmental board, department or agency, in the regular course of business, of any original record, document, paper or instrument in writing or in an electronic recordkeeping system, which is, or may be, required or authorized to be made, filed, or recorded with that board, department or agency shall in all cases and in all courts and places be admitted and received as evidence with a like force and effect as the original would be, whether the original record, document, paper, or instrument in writing or in an electronic recordkeeping system is in existence or not.

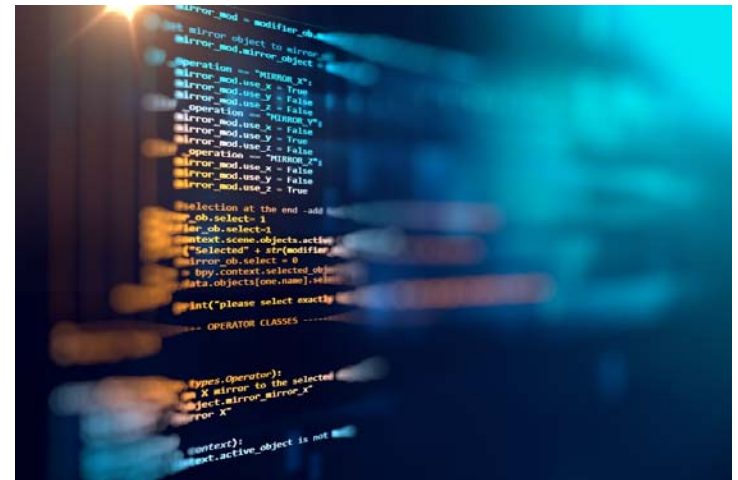
History.—s. 1, ch. 20866, 1941; s. 7, ch. 94-348.



Electronic Recordkeeping

When keeping records electronically:

- **Must allow** for compliance with **retention schedules** and **disposition requirements**.
- **Cannot impair** the **right of the public** to inspect or copy records.
- **Must protect** confidential and/or exempt **information**.



Records Storage: Electronic Long-Term/Permanent Records

Standards in 1B-26.003, F.A.C.

Scan at minimum of 300 PPI (300 DPI)

Store in ISO open standard format
Ex: PDF, PDF/A, TIFF

Do not use floppy discs, audio cassettes,
or VHS-format video cassettes



DOS Records Management Resources

info.florida.gov

FLORIDA DEPARTMENT OF STATE | Corporations | Cultural Affairs | Elections | Historical Resources | Library and Information Services

DIVISION OF LIBRARY and INFORMATION SERVICES

The Division manages the State Library and Archives, supports public libraries, directs records management services, and is the designated information resource provider for the state of Florida.

How can we serve you? Search

► About Us | Research | Archives | Records Management | Services for Libraries | Contact Us

Para español, seleccione de la lista Select Language Powered by Google Translate

Native American Images From the State Archives

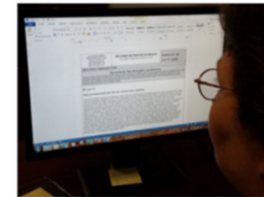
RESEARCH	RECORDS MANAGEMENT	SERVICES FOR LIBRARIES
Research at the State Archives	General Records Schedules	Grants
Services for State Employees	Records Management Liaison Officers	Continuing Education
Search Our Catalogs	Dispose of Public Records	Community Engagement
Get a Library Card	Training	Florida Library Services
Preserve Your Collections	Forms and Publications	Find a Florida Library
MORE IN RESEARCH	MORE IN RECORDS MANAGEMENT	MORE IN SERVICES FOR LIBRARIES

Department of State / Division of Library and Information Services / Records Management

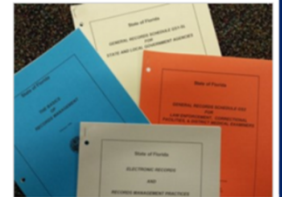
Records Management



General Records Schedules



Records Management Liaison Officers



Forms and Publications



Records Management Training



Dispose of Public Records



State Records Center



Records Management Program Contact Information

Records Management:

Recmgt@DOS.MyFlorida.com | 850.245.6750, Option 2

Records Management Training:

RMTraining@DOS.MyFlorida.com

Stephanie Boggs:

Stephanie.Boggs@DOS.MyFlorida.com | 850.245.6745

Tim Few:

Tim.Few@DOS.MyFlorida.com | 850.245.6746



Electronic Signatures

Chapter 668., subsection 668.50 (7) Fla. Stat.

states:

- LEGAL RECOGNITION OF ELECTRONIC RECORDS, ELECTRONIC SIGNATURES, AND
- ELECTRONIC CONTRACTS.—
- (a) A record or signature may not be denied legal effect or enforceability solely because the
- record or signature is in electronic form.
- (b) A contract may not be denied legal effect or enforceability solely because an electronic
- record was used in the formation of the contract.
- (c) If a provision of law requires a record to be in writing, an electronic record satisfies such
- provision.
- (d) If a provision of law requires a signature, an electronic signature satisfies such
- provision.



Florida Statutes § 668.004

“[u]nless otherwise provided by law, an electronic signature may be used to sign a writing and shall have the same force and effect as a written signature.” Florida Statutes § 668.006 places the burden on the agency head to implement proper protocols when using electronic commerce.¹



Security Instruments

The best evidence rule is in the Florida Evidence Code linked here: http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0000-0099/0090/Sections/0090.953.html

Florida law requires that only the originals of these documents be admitted in a court of law under Florida's "best evidence rule."

Summary:

If the contents of a note or security instrument is at issue, only the original can be allowed in court. Duplicates will not suffice. Thus, original signed copies should be kept at all times in paper-form to be safe.



Bottom Line

- Check with your City or County attorney and/or Clerks office before disposing of original documents.
- Check with your funding agency whether it's federal/state/local to ensure compliance with their rules and specific requirements on record retention.



COVID 19 Weekly Update Webinar

– April 23 @ 1:30pm

Continue to get updates on COVID-19 response and hear from housing professionals and advocates across the state.

Panelists:*

- Gladys Cook, Florida Housing Coalition
- Sidra Goldwater, Fannie Mae
- Joe Savage, United States Interagency Council on Homelessness

*panelists subject to change



Questions?



Contact Us

For Assistance Contact

Kody Glazer

Legal Director

Florida Housing Coalition

Glazer@FLHousing.org

(954) 804-1320



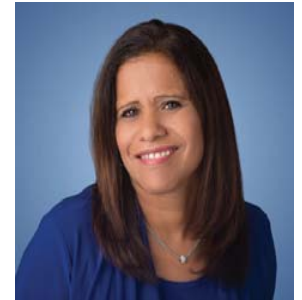
Aida Andujar

Technical Advisor

Florida Housing Coalition

Andujar@FLHousing.org

(954) 593-8988



Michael Chaney

Technical Advisor

Florida Housing Coalition

Chaney@FLHousing.org

(850) 980-1307

