

Council Substitute for House Bill No. 1305

An act relating to notaries public; creating s. 117.021, F.S.; authorizing electronic notarization; requiring electronic signatures to include certain information; providing requirements for the use of a notary public seal with electronic signatures; providing that failure to comply with such requirements may result in specified sanctions against the notary public; authorizing the Department of State to adopt rules to ensure the security, reliability, and uniformity of the signatures and seals; providing an effective date.

WHEREAS, notaries public are among the longest serving public officials in the United States, and

WHEREAS, in Florida, notaries public are commissioned and regulated by the Executive Office of the Governor, and

WHEREAS, notaries public are the time-tested defense against identity fraud, mortgage fraud, and other kinds of fraud that represent a threat to a healthy economy, and

WHEREAS, notaries public provide a disinterested third-party witness in a broad spectrum of transactions, ensuring credibility and reliability to signatures on documents vital to our economy, and

WHEREAS, a notary public's signature and seal is vital to the authenticity and integrity of notarized documents, and

WHEREAS, the advent of electronic notarization demands that the issues of security and identity in the electronic notarization process be subject to accountability and uniform standards so as to foster public trust and protect consumers, and

WHEREAS, to ensure that electronic notarizations enjoy the same level of credibility as paper-based notarizations, it is imperative that appropriate, substantive, secure, and uniform standards and procedures be adopted, and

WHEREAS, the absence of uniform standards represents a hindrance to the adoption of technologically available electronic notarization systems, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 117.021, Florida Statutes, is created to read:

117.021 Electronic notarization.—

(1) Any document requiring notarization may be notarized electronically. The provisions of ss. 117.01, 117.03, 117.04, 117.05(1)-(11), (13), and (14), 117.105, and 117.107 apply to all notarizations under this section.

(2) In performing an electronic notarial act, a notary public shall use an electronic signature that is:

(a) Unique to the notary public;

(b) Capable of independent verification;

(c) Retained under the notary public's sole control; and

(d) Attached to or logically associated with the electronic document in a manner that any subsequent alteration to the electronic document displays evidence of the alteration.

(3) When a signature is required to be accompanied by a notary public seal, the requirement is satisfied when the electronic signature of the notary public contains all of the following seal information:

(a) The full name of the notary public exactly as provided on the notary public's application for commission;

(b) The words "Notary Public State of Florida";

(c) The date of expiration of the commission of the notary public; and

(d) The notary public's commission number.

(4) Failure of a notary public to comply with any of the requirements of this section may constitute grounds for suspension of the notary public's commission by the Executive Office of the Governor.

(5) The Department of State may adopt rules to ensure the security, reliability, and uniformity of signatures and seals authorized in this section.

Section 2. This act shall take effect January 1, 2008.

Approved by the Governor June 28, 2007.

Filed in Office Secretary of State June 28, 2007.