

1                                   A bill to be entitled  
 2       An act relating to notaries public; creating s. 117.021,  
 3       F.S.; authorizing electronic notarization; providing  
 4       registration requirements; requiring electronic signatures  
 5       to include certain information; providing requirements for  
 6       the use of a notary public seal with electronic  
 7       signatures; providing that failure to comply with such  
 8       requirements may result in specified sanctions against the  
 9       notary public; requiring the Department of State to adopt  
 10      rules to ensure the security, reliability, and uniformity  
 11      of the signatures and seals; providing an effective date.

12  
 13           WHEREAS, notaries public are among the longest serving  
 14      public officials in the United States, and

15           WHEREAS, in Florida, notaries public are commissioned and  
 16      regulated by the Executive Office of the Governor and licensed  
 17      by the Secretary of State, and

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

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

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

27           WHEREAS, the advent of electronic notarization demands that  
 28      the issues of security and identity in the electronic

29 | notarization process be subject to accountability and uniform  
 30 | standards so as to foster public trust and protect consumers,  
 31 | and

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

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

39 |

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

41 |

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

44 |         117.021 Electronic notarization.--

45 |         (1) Any document requiring notarization may be notarized  
 46 | electronically. The provisions of ss. 117.01, 117.03, 117.04,  
 47 | 117.05(1)-(11), (13), and (14), 117.105, and 117.107 apply to  
 48 | all notarizations under this section.

49 |         (2) Before performing an electronic notarial act, a notary  
 50 | public shall register the capability to notarize electronically  
 51 | with the Secretary of State on a form to be prescribed by  
 52 | Department of State.

53 |         (3) In performing an electronic notarial act, a notary  
 54 | public shall use an electronic signature that is:

55 |         (a) Unique to the notary public;

56 |         (b) Capable of independent verification;

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

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

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

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

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

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

70 (d) The notary public's commission number.

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

75 (6) The Department of State shall adopt rules to ensure  
76 the security, reliability, and uniformity of signatures and  
77 seals authorized in this section.

78 Section 2. This act shall take effect July 1, 2007.