

ENROLLED
CS/HB 1305

2007 Legislature

1 A bill to be entitled
2 An act relating to notaries public; creating s. 117.021,
3 F.S.; authorizing electronic notarization; requiring
4 electronic signatures to include certain information;
5 providing requirements for the use of a notary public seal
6 with electronic signatures; providing that failure to
7 comply with such requirements may result in specified
8 sanctions against the notary public; authorizing the
9 Department of State to adopt rules to ensure the security,
10 reliability, and uniformity of the signatures and seals;
11 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
17 WHEREAS, notaries public are the time-tested defense
18 against identity fraud, mortgage fraud, and other kinds of fraud
19 that represent a threat to a healthy economy, and
20 WHEREAS, notaries public provide a disinterested third-
21 party witness in a broad spectrum of transactions, ensuring
22 credibility and reliability to signatures on documents vital to
23 our economy, and
24 WHEREAS, a notary public's signature and seal is vital to
25 the authenticity and integrity of notarized documents, and
26 WHEREAS, the advent of electronic notarization demands that
27 the issues of security and identity in the electronic
28 notarization process be subject to accountability and uniform

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 standards so as to foster public trust and protect consumers,
30 and

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

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

38

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

40

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

43 117.021 Electronic notarization.--

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

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

50 (a) Unique to the notary public;

51 (b) Capable of independent verification;

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

53 (d) Attached to or logically associated with the

54 electronic document in a manner that any subsequent alteration
55 to the electronic document displays evidence of the alteration.

56 (3) When a signature is required to be accompanied by a

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57 notary public seal, the requirement is satisfied when the
58 electronic signature of the notary public contains all of the
59 following seal information:

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

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

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

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

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

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

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