

Bill No. SB 2490

Barcode 380502

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Fasano) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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 must 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 an

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1 electronic document in a manner such that any subsequent
2 alterations to the electronic document display evidence of the
3 change.

4 (3) If a signature is required to be accompanied by a
5 notary public seal, the requirement is satisfied if the
6 electronic signature of the notary contains all of the
7 following seal information:

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

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

11 (c) The date the commission of the notary public
12 expires; and

13 (d) The commission number of the notary public.

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

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

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

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23

24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Delete everything before the enacting clause

27

28 and insert:

29 A bill to be entitled

30 An act relating to notaries public; creating s.

31 117.021, F.S.; authorizing electronic

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1 notarization of documents; prescribing
 2 responsibilities of notaries with respect to
 3 electronic signatures; prescribing information
 4 that must be contained in an electronic
 5 signature; providing for rules; providing an
 6 effective date.

7
 8 WHEREAS, notaries public are among the longest-serving
 9 public officials in the United States, and

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

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

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

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

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

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

30 WHEREAS, the absence of uniform standards represents a
 31 hindrance to the adoption of technologically available

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1 e-notarization systems, NOW, THEREFORE,

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