26-1535-07

1	A bill to be entitled
2	An act relating to notaries public; creating s.
3	117.021, F.S.; authorizing electronic
4	notarization of documents; prescribing
5	responsibilities of notaries with respect to
6	electronic signatures; prescribing information
7	that must be contained in an electronic
8	signature; providing for rules; providing an
9	effective date.
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11	WHEREAS, notaries public are amongst the
12	longest-serving public officials in the United States, and
13	WHEREAS, in Florida, notaries public are commissioned
14	and regulated by the Governor and licensed by the Secretary of
15	State, and
16	WHEREAS, notaries public are the time-tested defense
17	against identity fraud, mortgage fraud, and other kinds of
18	fraud that represent a threat to a healthy economy, and
19	WHEREAS, notaries public provide the disinterested
20	third-party witness in a broad spectrum of transactions giving
21	a higher level of credibility and reliability to signatures on
22	documents vital to our economy, and
23	WHEREAS, the notary public's signature and seal are
24	vital to the authenticity and integrity of notarized
25	documents, and
26	WHEREAS, the advent of electronic notarization demands
27	that the issues of security and identity in the electronic
28	process be likewise subject to accountability and uniform
29	standards so as to foster public trust and protect consumers,
30	and
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WHEREAS, for electronic notarizations to enjoy the same 2 level of credibility as paper-based notarizations, it is imperative that appropriate, substantive, secure, and uniform 3 standards and procedures be adopted, and 4 WHEREAS, the absence of uniform standards has 5 6 represented a hindrance to the adoption of technologically available e-notarization systems, NOW, THEREFORE, 8 Be It Enacted by the Legislature of the State of Florida: 9 10 Section 1. Section 117.021, Florida Statutes, is 11 12 created to read: 13 117.021 Electronic notarization.--(1) Any document that requires a notarization may be 14 notarized electronically. The provisions of ss. 117.01, 15 117.03, 117.04, 117.05(1)-(11), (13), and (14), 117.105, and 16 117.107 apply to all notarizations under this section except 18 as set forth in this section. (2) Before performing an electronic notarial act, a 19 notary public must register the capability to notarize 20 21 electronically with the Secretary of State on a form to be 22 prescribed by Department of State. 23 (3) In performing an electronic notarial act, a notary shall use an electronic signature that is: 2.4 25 (a) Unique to the notary public; (b) Capable of independent verification; 26 27 (c) Retained under the notary public's sole control; 28 and (d) Attached to or logically associated with the 29 electronic document in such a manner that any subsequent 30 alterations to the document render evidence of the change.

1	(4) When a signature is required to be accompanied by
2	a notary's seal, that requirement is satisfied if the
3	electronic signature of the notary contains all of the
4	following seal information:
5	(a) The name of the notary public exactly as
6	<pre>commissioned;</pre>
7	(b) The words "Notary Public - State of Florida";
8	(c) The date of expiration of the commission of the
9	notary public; and
10	(d) The notary public's commission number.
11	(5) Failure to comply with this section constitutes
12	grounds for suspension from office by the Governor.
13	(6) The Department of State shall adopt rules to
14	ensure the security, reliability, and uniformity of signatures
15	and seals authorized in this section.
16	Section 2. This act shall take effect July 1, 2007.
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19	SENATE SUMMARY
20	Authorizes the use of electronic notarization. Provides procedures therefor and requirements with respect
21	thereto.
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