

By the Committee on Judiciary; and Senator Haridopolos

590-2498-07

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

A bill to be entitled  
An act relating to notaries public; creating s.  
117.021, F.S.; authorizing electronic  
notarization of documents; prescribing  
responsibilities of notaries with respect to  
electronic signatures; prescribing information  
that must be contained in an electronic  
signature; providing for rules; 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 to a broad spectrum of transactions,  
thereby ensuring credibility and reliability to signatures on  
documents vital to our economy, and

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

WHEREAS, the advent of electronic notarization demands  
that 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

1 is imperative that appropriate, substantive, secure, and  
2 uniform standards and procedures be adopted, and

3 WHEREAS, the absence of uniform standards represents a  
4 hindrance to the adoption of technologically available  
5 e-notarization systems, NOW, THEREFORE,

6  
7 Be It Enacted by the Legislature of the State of Florida:

8  
9 Section 1. Section 117.021, Florida Statutes, is  
10 created to read:

11 117.021 Electronic notarization.--

12 (1) Any document requiring notarization may be  
13 notarized electronically. The provisions of ss. 117.01,  
14 117.03, 117.04, 117.05(1)-(11), (13), and (14), 117.105, and  
15 117.107 apply to all notarizations under this section.

16 (2) In performing an electronic notarial act, a notary  
17 must use an electronic signature that is:

18 (a) Unique to the notary public;

19 (b) Capable of independent verification;

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

21 and

22 (d) Attached to or logically associated with an  
23 electronic document in a manner such that any subsequent  
24 alterations to the electronic document display evidence of the  
25 change.

26 (3) If a signature is required to be accompanied by a  
27 notary public seal, the requirement is satisfied if the  
28 electronic signature of the notary contains all of the  
29 following seal information:

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

- 1           (b) The words "Notary Public State of Florida";  
2           (c) The date the commission of the notary public  
3 expires; and  
4           (d) The commission number of the notary public.  
5           (4) Failure of the notary public to comply with any of  
6 the requirements of this section may constitute grounds for  
7 suspension of the notary public's commission by the Executive  
8 Office of the Governor.  
9           (5) The Department of State may adopt rules to ensure  
10 the security, reliability, and uniformity of signatures and  
11 seals authorized under this section.

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

13  
14           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
15           COMMITTEE SUBSTITUTE FOR  
16           SB 2490

17 The committee substitute:

- 18 -- Removes the requirement that a notary public must  
19 register the capability to notarize electronically with  
20 the Secretary of State.  
21 -- Provides that the Department of State's rulemaking  
22 authority is permissive rather than mandatory.  
23 -- Amends the effective date to be January 1, 2008.