

**By** the Committee on Governmental Oversight and Accountability;  
and Senators Brandes and Passidomo

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1                                   A bill to be entitled  
2       An act relating to notaries public; providing  
3       directives to the Division of Law Revision and  
4       Information; amending s. 117.01, F.S.; revising  
5       provisions relating to use of the office of notary  
6       public; amending s. 117.021, F.S.; requiring  
7       electronic signatures to include access protection;  
8       prohibiting a person from requiring a notary public to  
9       perform a notarial act with certain technology;  
10      requiring the Department of State, in collaboration  
11      with the Agency for State Technology, to adopt rules  
12      for certain purposes; amending s. 117.05, F.S.;  
13      revising limitations on notary fees to conform to  
14      changes made by the act; providing for inclusion of  
15      certain information in a jurat or notarial  
16      certificate; providing for compliance with online  
17      notarization requirements; providing for notarial  
18      certification of a printed electronic record; revising  
19      statutory forms for jurats and notarial  
20      certifications; amending s. 117.107, F.S.; providing  
21      applicability; revising prohibited acts; creating s.  
22      117.201, F.S.; providing definitions; creating s.  
23      117.209, F.S.; authorizing online notarizations;  
24      providing an exception; creating s. 117.215, F.S.;  
25      specifying the application of other laws in relation  
26      to online notarizations; creating s. 117.225, F.S.;  
27      specifying registration and qualification requirements  
28      for online notaries public; creating s. 117.235, F.S.;  
29      authorizing the performance of certain notarial acts;

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30 creating s. 117.245, F.S.; requiring a notary public  
31 to keep an electronic journal of online notarizations;  
32 specifying the information that must be included for  
33 each online notarization; requiring an online notary  
34 public to take certain steps regarding the maintenance  
35 and security of the electronic journal; creating s.  
36 117.255, F.S.; specifying requirements for the use of  
37 electronic journals, signatures, and seals; requiring  
38 a notary public to provide notification of the theft,  
39 vandalism, or loss of an electronic journal,  
40 signature, or seal; authorizing an online notary  
41 public to make copies of electronic journal entries  
42 and to provide access to related recordings under  
43 certain circumstances; authorizing an online notary  
44 public to charge a fee for making and delivering such  
45 copies; creating s. 117.265, F.S.; prescribing online  
46 notarization procedures; specifying the manner by  
47 which an online notary public must verify the identity  
48 of a principal or a witness; requiring an online  
49 notary public to take certain measures as to the  
50 security of technology used; specifying that an  
51 electronic notarial certificate must identify the  
52 performance of an online notarization; specifying that  
53 noncompliance does not impair the validity of a  
54 notarial act or the notarized electronic record;  
55 providing construction; creating s. 117.275, F.S.;  
56 providing fees for online notarizations; creating s.  
57 117.285, F.S.; specifying the manner by which an  
58 online notary public may supervise the witnessing of

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59 electronic records of online notarizations; creating  
60 s. 117.295, F.S.; providing standards for electronic  
61 and online notarizations; authorizing the Department  
62 of State, in collaboration with the Agency for State  
63 Technology, to adopt certain rules; creating s.  
64 117.305, F.S.; superseding certain provisions of  
65 federal law regulating electronic signatures; amending  
66 s. 28.222, F.S.; requiring the clerk of the circuit  
67 court to record certain instruments; amending s.  
68 95.231, F.S.; providing a limitation period for  
69 certain recorded instruments; amending s. 689.01,  
70 F.S.; providing for witnessing of documents in  
71 connection with real estate conveyances; providing for  
72 validation of certain recorded documents; amending s.  
73 694.08, F.S.; providing for validation of certain  
74 recorded documents; amending s. 695.03, F.S.;  
75 providing and revising requirements for making  
76 acknowledgments, proofs, and other documents; amending  
77 ss. 695.04 and 695.05, F.S.; conforming provisions to  
78 changes made by the act; amending s. 695.28, F.S.;  
79 providing for validity of recorded documents;  
80 conforming provisions to changes made by the act;  
81 providing an effective date.

82

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

84

85 Section 1. The Division of Law Revision and Information is  
86 directed to:

87 (1) Create part I of chapter 117, Florida Statutes,

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88 consisting of ss. 117.01-117.108, Florida Statutes, to be  
89 entitled "General Provisions."

90 (2) Create part II of chapter 117, Florida Statutes,  
91 consisting of ss. 117.201-117.305, Florida Statutes, to be  
92 entitled "Online Notarizations."

93 Section 2. Subsection (1) of section 117.01, Florida  
94 Statutes, is amended to read:

95 117.01 Appointment, application, suspension, revocation,  
96 application fee, bond, and oath.—

97 (1) The Governor may appoint as many notaries public as he  
98 or she deems necessary, each of whom must ~~shall~~ be at least 18  
99 years of age and a legal resident of this ~~the~~ state. A permanent  
100 resident alien may apply and be appointed and shall file with  
101 his or her application a recorded Declaration of Domicile. The  
102 residence required for appointment must be maintained throughout  
103 the term of appointment. A notary public ~~Notaries public~~ shall  
104 be appointed for 4 years and may only ~~shall~~ use and exercise the  
105 office of notary public if he or she is within the boundaries of  
106 this state. An applicant must be able to read, write, and  
107 understand the English language.

108 Section 3. Present subsections (4) and (5) of section  
109 117.021, Florida Statutes, are renumbered as subsections (5) and  
110 (6), respectively, a new subsection (4) and subsection (7) are  
111 added to that section, and subsection (2) and present subsection  
112 (5) of that section are amended, to read:

113 117.021 Electronic notarization.—

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

116 (a) Unique to the notary public;

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117 (b) Capable of independent verification;

118 (c) Retained under the notary public's sole control and  
119 includes access protection through the use of passwords or codes  
120 under control of the notary public; and

121 (d) Attached to or logically associated with the electronic  
122 document in a manner that any subsequent alteration to the  
123 electronic document displays evidence of the alteration.

124 (4) A person may not require a notary public to perform a  
125 notarial act with respect to an electronic record with a form of  
126 technology that the notary public has not selected to use.

127 (6)~~(5)~~ The Department of State, in collaboration with the  
128 Agency for State Technology, may adopt rules to ensure the  
129 security, reliability, and uniformity of signatures and seals  
130 authorized in this section.

131 (7) The Department of State, in collaboration with the  
132 Agency for State Technology, shall adopt rules establishing  
133 standards for tamper-evident technologies that will indicate any  
134 alteration or change to an electronic record after completion of  
135 an electronic notarial act and shall publish a list of  
136 technologies that satisfy those standards and are approved for  
137 use in electronic notarizations, effective January 1, 2019. All  
138 electronic notarizations performed on or after January 1, 2019,  
139 must comply with the adopted standards and use an approved  
140 technology.

141 Section 4. Subsection (1), paragraph (a) of subsection (2),  
142 subsections (4) and (5), paragraph (a) of subsection (12), and  
143 subsections (13) and (14) of section 117.05, Florida Statutes,  
144 are amended, and paragraph (c) is added to subsection (12) of  
145 that section, to read:

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146 117.05 Use of notary commission; unlawful use; notary fee;  
 147 seal; duties; employer liability; name change; advertising;  
 148 photocopies; penalties.-

149 (1) A ~~No~~ person may not ~~shall~~ obtain or use a notary public  
 150 commission in other than his or her legal name, and it is  
 151 unlawful for a notary public to notarize his or her own  
 152 signature. Any person applying for a notary public commission  
 153 must submit proof of identity to the Department of State if so  
 154 requested. Any person who violates ~~the provisions of~~ this  
 155 subsection commits is guilty of a felony of the third degree,  
 156 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

157 (2) (a) The fee of a notary public may not exceed \$10 for  
 158 any one notarial act, except as provided in s. 117.045 or s.  
 159 117.275.

160 (4) When notarizing a signature, a notary public shall  
 161 complete a jurat or notarial certificate in substantially the  
 162 same form as those found in subsection (13). The jurat or  
 163 certificate of acknowledgment shall contain the following  
 164 elements:

165 (a) The venue stating the location of the notary public at  
 166 the time of the notarization in the format, "State of Florida,  
 167 County of ....."

168 (b) The type of notarial act performed, an oath or an  
 169 acknowledgment, evidenced by the words "sworn" or  
 170 "acknowledged."

171 (c) That the signer personally appeared before the notary  
 172 public at the time of the notarization either by physical  
 173 presence or by means of audio-video communication technology as  
 174 authorized under part II of this chapter.

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175 (d) The exact date of the notarial act.

176 (e) The name of the person whose signature is being  
177 notarized. It is presumed, absent such specific notation by the  
178 notary public, that notarization is to all signatures.

179 (f) The specific type of identification the notary public  
180 is relying upon in identifying the signer, either based on  
181 personal knowledge or satisfactory evidence specified in  
182 subsection (5).

183 (g) The notary's official signature.

184 (h) The notary's name, typed, printed, or stamped below the  
185 signature.

186 (i) The notary's official seal affixed below or to either  
187 side of the notary's signature.

188 (5) A notary public may not notarize a signature on a  
189 document unless he or she personally knows, or has satisfactory  
190 evidence, that the person whose signature is to be notarized is  
191 the individual who is described in and who is executing the  
192 instrument. A notary public shall certify in the certificate of  
193 acknowledgment or jurat the type of identification, either based  
194 on personal knowledge or other form of identification, upon  
195 which the notary public is relying. In the case of an online  
196 notarization, the online notary public shall comply with the  
197 requirements set forth in part II of this chapter.

198 (a) For purposes of this subsection, the term "personally  
199 knows" means having an acquaintance, derived from association  
200 with the individual, which establishes the individual's identity  
201 with at least a reasonable certainty.

202 (b) For the purposes of this subsection, the term  
203 "satisfactory evidence" means the absence of any information,

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204 evidence, or other circumstances which would lead a reasonable  
205 person to believe that the person whose signature is to be  
206 notarized is not the person he or she claims to be and any one  
207 of the following:

208 1. The sworn written statement of one credible witness  
209 personally known to the notary public or the sworn written  
210 statement of two credible witnesses whose identities are proven  
211 to the notary public upon the presentation of satisfactory  
212 evidence that each of the following is true:

213 a. That the person whose signature is to be notarized is  
214 the person named in the document;

215 b. That the person whose signature is to be notarized is  
216 personally known to the witnesses;

217 c. That it is the reasonable belief of the witnesses that  
218 the circumstances of the person whose signature is to be  
219 notarized are such that it would be very difficult or impossible  
220 for that person to obtain another acceptable form of  
221 identification;

222 d. That it is the reasonable belief of the witnesses that  
223 the person whose signature is to be notarized does not possess  
224 any of the identification documents specified in subparagraph  
225 2.; and

226 e. That the witnesses do not have a financial interest in  
227 nor are parties to the underlying transaction; or

228 2. Reasonable reliance on the presentation to the notary  
229 public of any one of the following forms of identification, if  
230 the document is current or has been issued within the past 5  
231 years and bears a serial or other identifying number:

232 a. A Florida identification card or driver license issued



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- 233 by the public agency authorized to issue driver licenses;
- 234       b. A passport issued by the Department of State of the  
235 United States;
- 236       c. A passport issued by a foreign government if the  
237 document is stamped by the United States Bureau of Citizenship  
238 and Immigration Services;
- 239       d. A driver license or an identification card issued by a  
240 public agency authorized to issue driver licenses in a state  
241 other than Florida, a territory of the United States, or Canada  
242 or Mexico;
- 243       e. An identification card issued by any branch of the armed  
244 forces of the United States;
- 245       f. A veteran health identification card issued by the  
246 United States Department of Veterans Affairs;
- 247       g. An inmate identification card issued on or after January  
248 1, 1991, by the Florida Department of Corrections for an inmate  
249 who is in the custody of the department;
- 250       h. An inmate identification card issued by the United  
251 States Department of Justice, Bureau of Prisons, for an inmate  
252 who is in the custody of the department;
- 253       i. A sworn, written statement from a sworn law enforcement  
254 officer that the forms of identification for an inmate in an  
255 institution of confinement were confiscated upon confinement and  
256 that the person named in the document is the person whose  
257 signature is to be notarized; or
- 258       j. An identification card issued by the United States  
259 Bureau of Citizenship and Immigration Services.
- 260       (12) (a) A notary public may supervise the making of a copy  
261 of a tangible or an electronic record or a printout of an

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262 electronic record, ~~photocopy of an original document~~ and attest  
 263 to the trueness of the copy or of the printout, provided the  
 264 document is neither a vital record in this state, another state,  
 265 a territory of the United States, or another country, nor a  
 266 public record, if a copy can be made by the custodian of the  
 267 public record.

268 (c) A notary public must use a certificate in substantially  
 269 the following form in notarizing a copy of a tangible or an  
 270 electronic record or a printout of an electronic record:

271  
 272 STATE OF FLORIDA  
 273 COUNTY OF .....

274  
 275 On this .... day of ....., ...(year)..., I attest that the  
 276 preceding or attached document is a true, exact, complete, and  
 277 unaltered ...(copy of a tangible or an electronic record  
 278 presented to me by the document's custodian)... or a  
 279 ...(printout made by me from an electronic record presented to  
 280 me by the document's custodian).... At the time of printing, no  
 281 security features, if any, present on the electronic record,  
 282 indicated that the record had been altered since execution.

283  
 284 ...(Signature of Notary Public - State of Florida)...  
 285 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...

286  
 287 (13) The following notarial certificates are sufficient for  
 288 the purposes indicated, if completed with the information  
 289 required by this chapter. The specification of forms under this  
 290 subsection does not preclude the use of other forms.

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291 (a) For an oath or affirmation:

292

293 STATE OF FLORIDA

294 COUNTY OF .....

295

296 Sworn to (or affirmed) and subscribed before me by means of  
297 [] physical presence or [] online notarization, this .... day of  
298 ....., ... (year) ..., by ... (name of person making  
299 statement)....

300

301 ... (Signature of Notary Public - State of Florida)...

302 ... (Print, Type, or Stamp Commissioned Name of Notary Public)...

303 Personally Known ..... OR Produced Identification

304 .....

305 Type of Identification Produced.....

306

307 (b) For an acknowledgment in an individual capacity:

308

309 STATE OF FLORIDA

310 COUNTY OF .....

311

312 The foregoing instrument was acknowledged before me by means of  
313 [] physical presence or [] online notarization, this .... day of  
314 ....., ... (year) ..., by ... (name of person acknowledging)....

315

316 ... (Signature of Notary Public - State of Florida)...

317 ... (Print, Type, or Stamp Commissioned Name of Notary Public)...

318 Personally Known ..... OR Produced Identification

319 .....

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320 Type of Identification Produced.....

321

322 (c) For an acknowledgment in a representative capacity:

323

324 STATE OF FLORIDA

325 COUNTY OF .....

326

327 The foregoing instrument was acknowledged before me by means of  
328 [] physical presence or [] online notarization, this .... day of  
329 ....., ... (year)..., by ... (name of person)... as ... (type of  
330 authority, . . . e.g. officer, trustee, attorney in fact)... for  
331 ... (name of party on behalf of whom instrument was executed)....

332

333 ... (Signature of Notary Public - State of Florida)...

334 ... (Print, Type, or Stamp Commissioned Name of Notary Public)...

335

Personally Known ..... OR Produced Identification

336

.....

337 Type of Identification Produced.....

338

339 (14) A notary public must make reasonable accommodations to  
340 provide notarial services to persons with disabilities.

341

342 (a) A notary public may notarize the signature of a person  
343 who is blind after the notary public has read the entire  
344 instrument to that person.

344

345 (b) A notary public may notarize the signature of a person  
346 who signs with a mark if:

346

347 1. The document signing is witnessed by two disinterested  
348 persons;

348

2. The notary public prints the person's first name at the

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349 beginning of the designated signature line and the person's last  
350 name at the end of the designated signature line; and

351 3. The notary public prints the words "his (or her) mark"  
352 below the person's signature mark.

353 (c) The following notarial certificates are sufficient for  
354 the purpose of notarizing for a person who signs with a mark:

355 1. For an oath or affirmation:

356  
357 ... (First Name)... ... (Last Name)...  
358 ... His (or Her) Mark...  
359

360 STATE OF FLORIDA  
361 COUNTY OF .....

362  
363 Sworn to and subscribed before me by means of [] physical  
364 presence or [] online notarization, this .... day of .....,  
365 ... (year)..., by ... (name of person making statement)..., who  
366 signed with a mark in the presence of these witnesses:

367  
368 ... (Signature of Notary Public - State of Florida)...  
369 ... (Print, Type, or Stamp Commissioned Name of Notary Public)...  
370 Personally Known ..... OR Produced Identification  
371 .....  
372 Type of Identification Produced.....  
373

374 2. For an acknowledgment in an individual capacity:

375  
376 ... (First Name)... ... (Last Name)...  
377 ... His (or Her) Mark...

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STATE OF FLORIDA  
COUNTY OF .....

The foregoing instrument was acknowledged before me by means of  
 [] physical appearance or [] online notarization, this .... day  
of ....., ...(year)...., by ...(name of person  
acknowledging)...., who signed with a mark in the presence of  
these witnesses:

...(Signature of Notary Public - State of Florida)...  
...(Print, Type, or Stamp Commissioned Name of Notary Public)...  
Personally Known ..... OR Produced Identification  
.....  
Type of Identification Produced.....

(d) A notary public may sign the name of a person whose  
signature is to be notarized when that person is physically  
unable to sign or make a signature mark on a document if:

1. The person with a disability directs the notary public  
to sign in his or her presence;
2. The document signing is witnessed by two disinterested  
persons;
3. The notary public writes below the signature the  
following statement: "Signature affixed by notary, pursuant to  
s. 117.05(14), Florida Statutes," and states the circumstances  
of the signing in the notarial certificate.

(e) The following notarial certificates are sufficient for  
the purpose of notarizing for a person with a disability who

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407 directs the notary public to sign his or her name:

408 1. For an oath or affirmation:

409

410 STATE OF FLORIDA

411 COUNTY OF .....

412

413 Sworn to (or affirmed) before me by means of [] physical  
414 presence or [] online notarization, this .... day of .....,  
415 ...(year)..., by ...(name of person making statement)..., and  
416 subscribed by ...(name of notary)... at the direction of ~~and in~~  
417 ~~the presence of~~ ...(name of person making statement)..., and in  
418 the presence of these witnesses:

419

420 ...(Signature of Notary Public - State of Florida)...

421 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...

422 Personally Known ..... OR Produced Identification

423 .....

424 Type of Identification Produced.....

425

426 2. For an acknowledgment in an individual capacity:

427

428 STATE OF FLORIDA

429 COUNTY OF .....

430

431 The foregoing instrument was acknowledged before me by means of  
432 [] physical presence or [] online notarization, this .... day of  
433 ....., ...(year)..., by ...(name of person acknowledging)...  
434 and subscribed by ...(name of notary)... at the direction of ~~and~~  
435 ~~in the presence of~~ ...(name of person acknowledging)..., and in

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436 the presence of these witnesses:

437  
438           ...(Signature of Notary Public - State of Florida)...

439           ...(Print, Type, or Stamp Commissioned Name of Notary Public)...

440           Personally Known ..... OR Produced Identification

441           .....

442           Type of Identification Produced.....

443

444           Section 5. Subsections (2) and (9) of section 117.107,  
445 Florida Statutes, are amended to read:

446           117.107 Prohibited acts.-

447           (2) A notary public may not sign notarial certificates  
448 using a facsimile signature stamp unless the notary public has a  
449 physical disability that limits or prohibits his or her ability  
450 to make a written signature and unless the notary public has  
451 first submitted written notice to the Department of State with  
452 an exemplar of the facsimile signature stamp. This subsection  
453 does not apply to or prohibit the use of an electronic signature  
454 and seal by a notary public performing an electronic or online  
455 notarization in accordance with this chapter.

456           (9) A notary public may not notarize a signature on a  
457 document if the person whose signature is being notarized does  
458 not appear before the notary public either by means of physical  
459 presence or by means of audio-video communication technology as  
460 authorized under part II of this chapter ~~is not in the presence~~  
461 ~~of the notary public~~ at the time the signature is notarized. Any  
462 notary public who violates this subsection is guilty of a civil  
463 infraction, punishable by penalty not exceeding \$5,000, and such  
464 violation constitutes malfeasance and misfeasance in the conduct



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465 of official duties. It is no defense to the civil infraction  
466 specified in this subsection that the notary public acted  
467 without intent to defraud. A notary public who violates this  
468 subsection with the intent to defraud is guilty of violating s.  
469 117.105.

470 Section 6. Section 117.201, Florida Statutes, is created to  
471 read:

472 117.201 Definitions.—As used in this part, the term:

473 (1) "Appear before," "before," "appear personally before,"  
474 or "in the presence of" mean:

475 (a) In the same physical location as another person and  
476 close enough to see, hear, communicate with, and exchange  
477 credentials with that person; or

478 (b) In a different physical location from another person,  
479 but able to see, hear, and communicate with the person by means  
480 of audio-video communication technology.

481 (2) "Audio-video communication technology" means technology  
482 meeting the requirements of this part and of any rules adopted  
483 hereunder which enables real-time, two-way communication using  
484 electronic means in which participants are able to see, hear,  
485 and communicate with one another.

486 (3) "Credential analysis" means a process or service  
487 meeting the requirements of this part and of any rules adopted  
488 hereunder through which a third party affirms the validity of a  
489 government-issued identity credential or data thereon through  
490 review of public or proprietary data sources.

491 (4) "Errors and omissions insurance" means a type of  
492 insurance that provides coverage for potential errors or  
493 omissions in or relating to the notarial act.

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494 (5) "Government-issued identity credential" means any  
495 approved credential for verifying identity under s.  
496 117.05(5)(b)2.

497 (6) "Identity proofing" means a process or service meeting  
498 the requirements of this part and of any rules adopted hereunder  
499 through which a third party affirms the identity of an  
500 individual through use of public or proprietary data sources,  
501 which may include by means of knowledge-based authentication or  
502 biometric verification.

503 (7) "Knowledge-based authentication" means a form of  
504 identity proofing based on a set of questions formulated from  
505 public and proprietary data sources for which the principal has  
506 not provided a previous answer.

507 (8) "Online notarization" means the performance of an  
508 electronic notarization by means of audio-video communication  
509 technology and which meets the requirements of this chapter and  
510 of any rules adopted hereunder.

511 (9) "Online notary public" means a notary public who has  
512 registered with the Executive Office of the Governor to perform  
513 online notarizations under this part, a civil-law notary  
514 appointed under chapter 118, or a commissioner of deeds  
515 appointed under part IV of chapter 721.

516 (10) "Principal" means an individual whose electronic  
517 signature is acknowledged, witnessed, or attested to in an  
518 online notarization or who takes an oath or affirmation from the  
519 online notary public.

520 (11) "Remote presentation" means transmission of an image  
521 of a government-issued identity credential that is of sufficient  
522 quality to enable the online notary public to identify the

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523 individual seeking the notary's services and to perform  
524 credential analysis through audio-video communication  
525 technology.

526  
527 Except where the context otherwise requires, any term defined in  
528 s. 668.50 has the same meaning when used in this part.

529 Section 7. Section 117.209, Florida Statutes, is created to  
530 read:

531 117.209 Authority to perform online notarizations.-

532 (1) An online notary public may perform any of the  
533 functions authorized under part I of this chapter as an online  
534 notarization, excluding solemnizing the rites of matrimony.

535 (2) If a notarial act requires a principal to appear before  
536 or in the presence of the online notary public, the principal  
537 may appear before the online notary public by means of audio-  
538 video communication technology that meets the requirements of  
539 this chapter and any rules adopted by the Executive Office of  
540 the Governor under s. 117.295.

541 (3) An online notary public may perform a notarial act as  
542 an online notarization as authorized under this chapter,  
543 regardless of the physical location of the principal at the time  
544 of the notarial act, provided the notary public is physically  
545 located in this state while performing the online notarization.

546 (4) The validity of an online notarization performed by an  
547 online notary public appointed in this state shall be determined  
548 by applicable laws of this state regardless of the physical  
549 location of the principal at the time of the notarial act.

550 Section 8. Section 117.215, Florida Statutes, is created to  
551 read:

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552 117.215 Relation to other laws.—

553 (1) If a provision of law requires a notary public or other  
554 authorized official of this state to notarize a signature or a  
555 statement, to take an acknowledgement of an instrument, or to  
556 administer an oath or affirmation so that a document may be  
557 sworn, made under oath, or subject to penalty of perjury, an  
558 online notarization performed in accordance with the provisions  
559 of this part and any rules adopted hereunder satisfies such  
560 requirement.

561 (2) If a provision of law requires a signature or an act to  
562 be witnessed, compliance with the online electronic witnessing  
563 standards prescribed in s. 117.285 and any rules adopted  
564 thereunder satisfies that requirement.

565 Section 9. Section 117.225, Florida Statutes, is created to  
566 read:

567 117.225 Registration; qualifications.—A notary public may  
568 apply to be registered as an online notary public with the  
569 Executive Office of the Governor by:

570 (1) Satisfying the qualification requirements for  
571 appointment as a notary public under part I of this chapter or  
572 the qualifications for appointment as a commissioner of deeds  
573 under part IV of chapter 721.

574 (2) Certifying that the notary public has completed a live  
575 or online course covering the duties, obligations, and  
576 technology requirements for serving as an online notary public.

577 (3) Paying an online notary public application fee in the  
578 amount of \$25.

579 (4) Submitting a registration as an online notary public to  
580 the Executive Office of the Governor, signed and sworn to by the

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581 applicant.

582 (5) Identifying the audio-video communication technology  
583 and identity proofing methods that the online notary public  
584 intends to use in performing online notarizations. If the  
585 Department of State and the Agency for State Technology have  
586 established standards for approval of technology pursuant to  
587 this part, the technology and methods selected by the online  
588 notary must be in conformance with such standards. If a form of  
589 technology conforms to the standards, the Department of State  
590 and the Agency for State Technology must approve the use of the  
591 technology. If the Department of State and the Agency for State  
592 Technology have not yet established such standards, the online  
593 notary public must identify technologies that are consistent  
594 with the requirements of s. 117.295(2).

595 (6) Providing evidence satisfactory to the Executive Office  
596 of the Governor that the notary public has obtained a bond,  
597 payable to any individual harmed as a result of a breach of duty  
598 by the online notary public acting in his or her official  
599 capacity, conditioned for the due discharge of the office, in  
600 the minimum amount of \$25,000 and on such terms as are specified  
601 by rule by the Department of State as reasonably necessary to  
602 protect the public. The bond shall be approved and filed with  
603 the Department of State and executed by a surety company duly  
604 authorized to transact business in this state. Compliance by the  
605 notary public with this requirement shall satisfy the  
606 requirement of obtaining a bond under s. 117.01(7).

607 (7) Providing evidence satisfactory to the Executive Office  
608 of the Governor that the notary public is covered by an errors  
609 and omissions insurance policy from an insurer authorized to

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610 transact business in this state, in the minimum amount of \$1  
611 million and on such terms as are specified by rule by the  
612 Department of State as reasonably necessary to protect the  
613 public.

614 Section 10. Section 117.235, Florida Statutes, is created  
615 to read:

616 117.235 Performance of notarial acts.-

617 (1) An online notary public is subject to part I to the  
618 same extent as a notary public appointed and commissioned only  
619 under that part, including the provisions of s. 117.021 relating  
620 to electronic notarizations.

621 (2) An online notary public may perform notarial acts as  
622 provided by part I in addition to performing online  
623 notarizations as authorized and pursuant to the provisions of  
624 this part.

625 Section 11. Section 117.245, Florida Statutes, is created  
626 to read:

627 117.245 Electronic journal of online notarizations.-

628 (1) An online notary public shall keep a secure electronic  
629 journal of electronic records notarized by the online notary  
630 public. For each online notarization, the electronic journal  
631 entry must contain all of the following:

632 (a) The date and time of the notarization.

633 (b) The type of notarial act.

634 (c) The type, the title, or a description of the electronic  
635 record or proceeding.

636 (d) The printed name and address of each principal involved  
637 in the transaction or proceeding.

638 (e) Evidence of identity of each principal involved in the

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- 639 transaction or proceeding in the form of:
- 640 1. A statement that the person is personally known to the
- 641 online notary public;
- 642 2. A notation of the type of government-issued identity
- 643 credential provided to the online notary public;
- 644 3. A copy of the government-issued identity credential
- 645 provided; and
- 646 4. A copy of any other identity credential or information
- 647 provided.
- 648 (f) An indication that the principal satisfactorily passed
- 649 the identity proofing.
- 650 (g) An indication that the government-issued identity
- 651 credential satisfied the credential analysis.
- 652 (h) A recording of the audio-video communication in which:
- 653 1. The principal and any witnesses appeared before the
- 654 notary public.
- 655 2. The identity of each was confirmed.
- 656 3. Electronic records were signed by the principal and any
- 657 witnesses.
- 658 4. The notarial act was performed.
- 659 (i) The fee, if any, charged for the notarization.
- 660 (2) The online notary public shall take reasonable steps
- 661 to:
- 662 (a) Ensure the integrity, security, and authenticity of
- 663 online notarizations.
- 664 (b) Maintain a backup record of the electronic journal
- 665 required by subsection (1).
- 666 (c) Protect the electronic journal, the backup record, and
- 667 any other records received by the online notary public from

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668 unauthorized access or use.

669 (3) The electronic journal required by subsection (1) shall  
670 be maintained by the online notary public, or a custodian acting  
671 on his or her behalf, for at least 10 years after the date of  
672 the notarial act.

673 (4) An omitted or incomplete entry in the electronic  
674 journal does not impair the validity of the notarial act or of  
675 the electronic record notarized, but may be introduced as  
676 evidence to establish violations of this chapter; as an  
677 indication of possible fraud, forgery, or impersonation; or for  
678 other evidentiary purposes.

679 Section 12. Section 117.255, Florida Statutes, is created  
680 to read:

681 117.255 Use of electronic journal, signature, and seal.—An  
682 online notary public shall:

683 (1) Take reasonable steps to ensure that any registered  
684 device used to create an electronic signature is current and has  
685 not been revoked or terminated by the device's issuing or  
686 registering authority.

687 (2) Keep his or her electronic journal, electronic  
688 signature, and electronic seal secure and under his or her sole  
689 control, which includes control in the form of access protection  
690 using passwords or codes under control of the online notary  
691 public. The online notary public may not allow another person to  
692 use or access his or her electronic journal, electronic  
693 signature, or electronic seal.

694 (3) Only use an electronic signature for performing online  
695 notarization.

696 (4) Attach or logically associate the online notary



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697 public's electronic signature and seal to the electronic  
698 notarial certificate of an electronic record in a manner that is  
699 capable of independent verification using tamper-evident  
700 technology that renders any subsequent change or modification to  
701 the electronic record evident.

702 (5) Immediately notify an appropriate law enforcement  
703 agency and the Executive Office of the Governor of theft or  
704 vandalism of his or her electronic journal, electronic  
705 signature, or electronic seal. An online notary public shall  
706 immediately notify the Executive Office of the Governor of the  
707 loss or use by another person of the online notary public's  
708 electronic journal, electronic signature, or electronic seal.

709 (6) Make electronic copies, upon request, of the pertinent  
710 entries in the electronic journal and provide access to the  
711 related audio-video communication technology recordings to the  
712 parties to the electronic records notarized, and to the title  
713 agent, settlement agent, or title insurer who engaged the online  
714 notary with regard to a real estate transaction. The online  
715 notary public may charge a reasonable fee for making and  
716 delivering electronic copies of a given series of related  
717 electronic records. The online notary public shall disclose the  
718 amount of such fee to the requester before making the electronic  
719 copies.

720 Section 13. Section 117.265, Florida Statutes, is created  
721 to read:

722 117.265 Online notarization procedures.—

723 (1) An online notary public physically located in this  
724 state may perform an online notarization that meets the  
725 requirements of this part regardless of whether the principal or

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726 any witnesses are physically located in this state at the time  
727 of the online notarization. An online notarial act performed in  
728 accordance with this part is deemed to have been performed  
729 within this state and is governed by the applicable laws of this  
730 state.

731 (2) In performing an online notarization, an online notary  
732 public shall confirm the identity of a principal at the time  
733 that the signature is taken by using audio-video communication  
734 technology and processes that meet the requirements of this part  
735 and of any rules adopted hereunder and record the entire two-way  
736 audio-video conference session between the notary public and the  
737 principal and any witnesses. A principal may not act in the  
738 capacity of a witness for his or her own signature in an online  
739 notarization.

740 (3) In performing an online notarization of a principal not  
741 located within this state, an online notary public must confirm  
742 that the principal desires for the notarial act to be performed  
743 by a Florida notary public and governed by the applicable laws  
744 of this state.

745 (4) An online notary public shall confirm the identity of  
746 the principal or any witness by:

747 (a) The online notary public's personal knowledge of each  
748 such individual; or

749 (b) All of the following, as the same may be refined or  
750 supplemented in rules adopted pursuant to s. 117.295:

751 1. Remote presentation of a government-issued identity  
752 credential by each individual;

753 2. Credential analysis of each government-issued identity  
754 credential; and

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755 3. Identity proofing of each individual which meets the  
756 requirements of this part and of any rules adopted hereunder.

757  
758 If the online notary public is unable to satisfy subparagraphs  
759 (b)1.-3., or if the databases consulted for identity proofing do  
760 not contain sufficient information to permit authentication, the  
761 online notary public may not perform the online notarization.

762 (5) The online notary public shall take reasonable steps to  
763 ensure that the audio-video communication technology used in an  
764 online notarization is secure from unauthorized interception.

765 (6) The electronic notarial certificate for an online  
766 notarization must include a notation that the notarization is an  
767 online notarization.

768 (7) Except as expressly modified in this part, the  
769 requirements of part I of this chapter apply to an online  
770 notarization and an online notary public.

771 (8) Any failure to comply with the procedures set forth in  
772 this section does not impair the validity of the notarial act or  
773 the electronic record that was notarized, but may be introduced  
774 as evidence to establish violations of this chapter; as an  
775 indication of possible fraud, forgery, or impersonation; or for  
776 other evidentiary purposes. This subsection may not be construed  
777 to alter the duty of an online notary public to comply with this  
778 chapter and any rules adopted hereunder.

779 Section 14. Section 117.275, Florida Statutes, is created  
780 to read:

781 117.275 Fees for online notarization.—An online notary  
782 public or the online notary public's employer may charge a fee,  
783 not to exceed \$25, for performing an online notarization in

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784 addition to any other fees authorized under part I of this  
785 chapter. Fees for services other than the provision of notarial  
786 acts are not governed by this section.

787 Section 15. Section 117.285, Florida Statutes, is created  
788 to read:

789 117.285 Witnessing of online notarization.—An online notary  
790 public may supervise the witnessing of electronic records by the  
791 same audio-video communication technology used for online  
792 notarization, as follows:

793 (1) The identity of each witness must be verified in the  
794 same manner as the identity of the principal.

795 (2) The witness may physically be present with the  
796 principal or remote from the principal provided the witness and  
797 principal are using audio-video communication technology.

798 (3) The witness is present in either physical proximity to  
799 the principal or through audio-video communication technology at  
800 the time the principal affixes the electronic signature and  
801 hears the principal make a statement to the effect that the  
802 principal has signed the electronic record.

803 Section 16. Section 117.295, Florida Statutes, is created  
804 to read:

805 117.295 Standards for electronic and online notarization;  
806 rulemaking authority.—

807 (1) The Legislature intends that the standards applicable  
808 to electronic notarization under s. 117.021 and for online  
809 notarization under this part reflect future improvements in  
810 technology and methods of assuring the identity of principals  
811 and the security of an electronic record. The Department of  
812 State, in collaboration with the Agency for State Technology,

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813 may adopt rules and standards necessary to implement the  
814 requirements of this chapter and such other rules and standards  
815 as may be required to facilitate the integrity, security, and  
816 reliability of online notarization, including the minimum  
817 amounts of and required terms of bonds and errors and omissions  
818 insurance to be held by an online notary public; education  
819 requirements for online notaries public; standards regarding  
820 identity proofing, credential analysis, unauthorized  
821 interception, remote presentation, tamper-evident technology,  
822 and audio-video communication technology; and may publish lists  
823 of technologies that satisfy the standards and are approved for  
824 use in online notarizations.

825 (2) Until the Department of State adopts applicable rules,  
826 identity proofing, credential analysis, unauthorized  
827 interception, remote presentation, tamper-evident technology,  
828 and audio-video communication technology shall be governed by  
829 the following minimum standards:

830 (a) Identity proofing by means of knowledge-based  
831 authentication shall have, at a minimum, the following security  
832 characteristics:

833 1. The principal must be presented with five or more  
834 questions with a minimum of five possible answer choices per  
835 question.

836 2. Each question must be drawn from a third-party provider  
837 of public and proprietary data sources and be identifiable to  
838 the principal's social security number or other identification  
839 information, or the principal's identity and historical events  
840 records.

841 3. Responses to all questions must be made within a 2-

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842 minute time constraint.

843 4. The principal must answer a minimum of 80 percent of the  
844 questions correctly.

845 5. The principal may be offered one additional attempt in  
846 the event of a failed attempt.

847 6. During the second attempt, the principal may not be  
848 presented with more than three questions from the prior attempt.

849 (b) Credential analysis must confirm that the credential is  
850 valid and matches the signer's claimed identity using one or  
851 more automated processes which scan the credential, including  
852 its format features, data, barcodes, or other security features.

853 (c) Tamper-evident technology requirements are deemed  
854 satisfied by use of technology that renders any subsequent  
855 change or modification to the electronic record evident.

856 (d) Audio-video communication technology used in completing  
857 online notarizations must meet the following requirements:

858 1. The signal transmission must be secure from  
859 interception, access, or viewing by anyone other than the  
860 participants communicating.

861 2. The technology must provide sufficient audio clarity and  
862 video resolution to enable the notary to communicate with the  
863 principal and to confirm the identity of the principal using  
864 identification methods described in s. 117.265.

865

866 An online notary public is not responsible for the security of  
867 the systems used by the principal or others to access the online  
868 notarization session.

869 Section 17. Section 117.305, Florida Statutes, is created  
870 to read:

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871 117.305 Relation to federal law.—This part supersedes the  
872 Electronic Signatures in Global and National Commerce Act as  
873 authorized under 15 U.S.C. s. 7002, but does not modify, limit,  
874 or supersede the requirements set forth in 15 U.S.C. s. 7001(c)  
875 or authorize the electronic delivery of any order, notice, or  
876 document described in 15 U.S.C. s. 7003(b).

877 Section 18. Present paragraph (h) of subsection (3) of  
878 section 28.222, Florida Statutes, is redesignated as paragraph  
879 (i), and a new paragraph (h) is added to that subsection, to  
880 read:

881 28.222 Clerk to be county recorder.—

882 (3) The clerk of the circuit court shall record the  
883 following kinds of instruments presented to him or her for  
884 recording, upon payment of the service charges prescribed by  
885 law:

886 (h) Copies of any instruments originally created and  
887 executed using an electronic signature, as defined in s. 695.27,  
888 and certified to be a true and correct paper printout by a  
889 notary public in accordance with chapter 117, if the county  
890 recorder is not prepared to accept electronic documents for  
891 recording electronically.

892 Section 19. Subsection (1) of section 95.231, Florida  
893 Statutes, is amended to read:

894 95.231 Limitations where deed or will on record.—

895 (1) Five years after the recording of an instrument  
896 required to be executed in accordance with s. 689.01; 5 years  
897 after the recording of a power of attorney accompanying and used  
898 for an instrument required to be executed in accordance with s.  
899 689.01; or 5 years after the probate of a will purporting to

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900 convey real property, from which it appears that the person  
901 owning the property attempted to convey, affect, or devise it,  
902 the instrument, power of attorney, or will shall be held to have  
903 its purported effect to convey, affect, or devise, the title to  
904 the real property of the person signing the instrument, as if  
905 there had been no lack of seal or seals, witness or witnesses,  
906 defect in, failure of, or absence of acknowledgment or  
907 relinquishment of dower, in the absence of fraud, adverse  
908 possession, or pending litigation. The instrument is admissible  
909 in evidence. A power of attorney validated under this subsection  
910 shall be valid only for the purpose of effectuating the  
911 instrument with which it was recorded.

912 Section 20. Section 689.01, Florida Statutes, is amended to  
913 read:

914 689.01 How real estate conveyed.—

915 (1) No estate or interest of freehold, or for a term of  
916 more than 1 year, or any uncertain interest of, in or out of any  
917 messuages, lands, tenements or hereditaments shall be created,  
918 made, granted, transferred or released in any other manner than  
919 by instrument in writing, signed in the presence of two  
920 subscribing witnesses by the party creating, making, granting,  
921 conveying, transferring or releasing such estate, interest, or  
922 term of more than 1 year, or by the party's lawfully authorized  
923 agent, unless by will and testament, or other testamentary  
924 appointment, duly made according to law; and no estate or  
925 interest, either of freehold, or of term of more than 1 year, or  
926 any uncertain interest of, in, to, or out of any messuages,  
927 lands, tenements or hereditaments, shall be assigned or  
928 surrendered unless it be by instrument signed in the presence of



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929 two subscribing witnesses by the party so assigning or  
930 surrendering, or by the party's lawfully authorized agent, or by  
931 the act and operation of law. No seal shall be necessary to give  
932 validity to any instrument executed in conformity with this  
933 section. Corporations may execute any and all conveyances in  
934 accordance with the provisions of this section or ss. 692.01 and  
935 692.02.

936 (2) For purposes of this chapter:

937 (a) Any requirement that an instrument be signed in the  
938 presence of two subscribing witnesses may be satisfied by  
939 witnesses being present and electronically signing by means of  
940 audio-video communication technology that meets the requirements  
941 of part II of chapter 117 and any rules adopted thereunder.

942 (b) The act of witnessing an electronic signature is  
943 satisfied if a witness is present either in physical proximity  
944 to the principal or by audio-video communication technology at  
945 the time the principal affixes his or her electronic signature  
946 and hears the principal make a statement acknowledging that the  
947 principal has signed the electronic record.

948 (3) All acts of witnessing heretofore made or taken  
949 pursuant to subsection (2) are validated and, upon recording,  
950 may not be denied to have provided constructive notice based on  
951 any alleged failure to have strictly complied with this section,  
952 as currently or previously in effect, or the laws governing  
953 notarization of instruments, including online notarization, in  
954 this state.

955 Section 21. Section 694.08, Florida Statutes, is amended to  
956 read:

957 694.08 Certain instruments validated, notwithstanding lack

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958 of seals or witnesses, or defect in acknowledgment,~~—ete.—~~

959 (1) Whenever any power of attorney has been executed and  
960 delivered, or any conveyance has been executed and delivered to  
961 any grantee by the person owning the land therein described, or  
962 conveying the same in an official or representative capacity,  
963 and has, for a period of 7 years or more been spread upon the  
964 records of the county wherein the land therein described has  
965 been or was at the time situated, and one or more subsequent  
966 conveyances of said land or parts thereof have been made,  
967 executed, delivered and recorded by parties claiming under such  
968 instrument or instruments, and such power of attorney or  
969 conveyance, or the public record thereof, shows upon its face a  
970 clear purpose and intent of the person executing the same to  
971 authorize the conveyance of said land or to convey the said  
972 land, the same shall be taken and held by all the courts of this  
973 state, in the absence of any showing of fraud, adverse  
974 possession, or pending litigation, to have authorized the  
975 conveyance of, or to have conveyed, the fee simple title, or any  
976 interest therein, of the person signing such instruments, or the  
977 person in behalf of whom the same was conveyed by a person in an  
978 official or representative capacity, to the land therein  
979 described as effectively as if there had been no defect in,  
980 failure of, or absence of the acknowledgment or the certificate  
981 of acknowledgment, if acknowledged, or the relinquishment of  
982 dower, and as if there had been no lack of the word "as"  
983 preceding the title of the person conveying in an official or  
984 representative capacity, of any seal or seals, or of any witness  
985 or witnesses, and shall likewise be taken and held by all the  
986 courts of this state to have been duly recorded so as to be

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987 admissible in evidence;

988 (2) Provided, however, that this section shall not apply to  
989 any conveyance the validity of which shall be contested or have  
990 been contested by suit commenced heretofore or within 1 year of  
991 the effective date of this law.

992 Section 22. Section 695.03, Florida Statutes, is amended to  
993 read:

994 695.03 Acknowledgment and proof; validation of certain  
995 acknowledgments; legalization or authentication before foreign  
996 officials.—To entitle any instrument concerning real property to  
997 be recorded, the execution must be acknowledged by the party  
998 executing it, proved by a subscribing witness to it, or  
999 legalized or authenticated by a civil-law notary or notary  
1000 public who affixes her or his official seal, before the officers  
1001 and in the following form and manner ~~following~~:

1002 (1) WITHIN THIS STATE.—An acknowledgment or a proof of a  
1003 person located ~~made within~~ this state may be made before a  
1004 judge, clerk, or deputy clerk of any court; a United States  
1005 commissioner or magistrate; or a notary public or civil-law  
1006 notary of this state, and the certificate of acknowledgment or  
1007 proof must be under the seal of the court or officer, as the  
1008 case may be. The affixing of the official seal, or the  
1009 electronic equivalent authorized under s. 117.021 or any other  
1010 state law, conclusively establishes that the acknowledgment or  
1011 proof was made in full compliance with the laws of this state.  
1012 ~~All affidavits and acknowledgments heretofore made or taken in~~  
1013 ~~this manner are hereby validated.~~

1014 (2) OUT OF ~~WITHOUT THIS~~ STATE BUT WITHIN THE UNITED  
1015 STATES.—An acknowledgment or a proof of a person located outside

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1016 ~~made out~~ of this state but within the United States may be made  
 1017 before an online notary public, a civil-law notary, ~~of this~~  
 1018 ~~state~~ or by a commissioner of deeds appointed by the Governor of  
 1019 this state; a judge or clerk of any court of the United States  
 1020 or of any state, territory, or district; a United States  
 1021 commissioner or magistrate; or a notary public, justice of the  
 1022 peace, master in chancery, or registrar or recorder of deeds of  
 1023 any state, territory, or district having a seal, and the  
 1024 certificate of acknowledgment or proof must be under the seal of  
 1025 the court or officer, as the case may be. If the acknowledgment  
 1026 or proof is made before a notary public who does not affix a  
 1027 seal, it is sufficient for the notary public to type, print, or  
 1028 write by hand on the instrument, "I am a Notary Public of the  
 1029 State of ...(state)..., and my commission expires on  
 1030 ...(date)...."

1031 (3) OUTSIDE OF THE UNITED STATES OR WITHIN FOREIGN  
 1032 COUNTRIES.—~~An If the~~ acknowledgment, an affidavit, an oath, a  
 1033 legalization, an authentication, or a proof of a person located  
 1034 outside the United States or is made in a foreign country, ~~it~~  
 1035 may be made before a commissioner of deeds appointed by the  
 1036 Governor of this state to act in such country; before a notary  
 1037 public of such foreign country, an online notary public, or a  
 1038 civil-law notary of this state or of such foreign country who  
 1039 has an official seal; before an ambassador, envoy extraordinary,  
 1040 minister plenipotentiary, minister, commissioner, charge  
 1041 d'affaires, consul general, consul, vice consul, consular agent,  
 1042 or other diplomatic or consular officer of the United States  
 1043 appointed to reside in such country; or before a military or  
 1044 naval officer authorized by 10 U.S.C. s. 1044a ~~the Laws or~~

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1045 ~~Articles of War of the United States~~ to perform the duties of  
1046 notary public, and the certificate of acknowledgment,  
1047 legalization, authentication, or proof must be under the seal of  
1048 the officer. A certificate legalizing or authenticating the  
1049 signature of a person executing an instrument concerning real  
1050 property and to which a civil-law notary or notary public of  
1051 that country has affixed her or his official seal is sufficient  
1052 as an acknowledgment. For the purposes of this section, the term  
1053 "civil-law notary" means a civil-law notary as defined in  
1054 chapter 118 or an official of a foreign country who has an  
1055 official seal and who is authorized to make legal or lawful the  
1056 execution of any document in that jurisdiction, in which  
1057 jurisdiction the affixing of her or his official seal is deemed  
1058 proof of the execution of the document or deed in full  
1059 compliance with the laws of that jurisdiction.

1060 (4) VALIDATION.—All affidavits, oaths, acknowledgments,  
1061 legalizations, authentications, or proofs made or taken in any  
1062 manner as set forth in subsections (1)-(3) are validated and  
1063 upon recording may not be denied to have provided constructive  
1064 notice based on any alleged failure to have strictly complied  
1065 with this section, as currently or previously in effect, or the  
1066 laws governing notarization of instruments.

1067  
1068 ~~All affidavits, legalizations, authentications, and~~  
1069 ~~acknowledgments heretofore made or taken in the manner set forth~~  
1070 ~~above are hereby validated.~~

1071 Section 23. Section 695.04, Florida Statutes, is amended to  
1072 read:

1073 695.04 Requirements of certificate.—The certificate of the

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1074 officer before whom the acknowledgment or proof is taken, except  
1075 for a certificate legalizing or authenticating the signature of  
1076 a person executing an instrument concerning real property  
1077 pursuant to s. 695.03(3), shall contain and set forth  
1078 substantially the matter required to be done or proved to make  
1079 such acknowledgment or proof effectual as set forth in s.  
1080 117.05.

1081 Section 24. Section 695.05, Florida Statutes, is amended to  
1082 read:

1083 695.05 Certain defects cured as to acknowledgments and  
1084 witnesses.—All deeds, conveyances, bills of sale, mortgages or  
1085 other transfers of real or personal property within the limits  
1086 of this state, heretofore or hereafter made and received bona  
1087 fide and upon good consideration by any corporation, and  
1088 acknowledged for record by ~~before~~ some officer, stockholder or  
1089 other person interested in the corporation, grantee, or  
1090 mortgagee as a notary public or other officer authorized to take  
1091 acknowledgments of instruments for record within this state,  
1092 shall be held, deemed and taken as valid as if acknowledged by  
1093 the proper notary public or other officer authorized to take  
1094 acknowledgments of instruments for record in this state not so  
1095 interested in said corporation, grantee or mortgagee; and said  
1096 instrument whenever recorded shall be deemed notice to all  
1097 persons; provided, however, that this section shall not apply to  
1098 any instrument heretofore made, the validity of which shall be  
1099 contested by suit commenced within 1 year of the effective date  
1100 of this law.

1101 Section 25. Section 695.28, Florida Statutes, is amended to  
1102 read:

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1103 695.28 Validity of recorded electronic documents.—

1104 (1) A document that is otherwise entitled to be recorded  
1105 and that was or is submitted to the clerk of the court or county  
1106 recorder by electronic or other means and accepted for  
1107 recordation is deemed validly recorded and provides notice to  
1108 all persons notwithstanding:

1109 (a) That the document was received and accepted for  
1110 recordation before the Department of State adopted standards  
1111 implementing s. 695.27; ~~or~~

1112 (b) Any defects in, deviations from, or the inability to  
1113 demonstrate strict compliance with any statute, rule, or  
1114 procedure relating to electronic signatures, electronic  
1115 witnesses, electronic notarization, or online notarization, or  
1116 for submitting or recording to submit or record an electronic  
1117 document in effect at the time the electronic document was  
1118 executed or was submitted for recording;

1119 (c) That the document was signed, witnessed, or notarized  
1120 electronically or that witnessing or notarization may have been  
1121 done outside the physical presence of the notary public or  
1122 principal; or

1123 (d) That the document recorded was a certified printout of  
1124 a document to which one or more electronic signatures have been  
1125 affixed.

1126 (2) This section does not alter the duty of the clerk or  
1127 recorder to comply with s. 28.222, s. 695.27, or any rules  
1128 adopted pursuant to those sections ~~that section~~.

1129 (3) This section does not preclude a challenge to the  
1130 validity or enforceability of an instrument or electronic record  
1131 based upon fraud, forgery, impersonation, duress, undue

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1132 influence, minority, illegality, unconscionability, or any other  
1133 basis not in the nature of those matters described in subsection  
1134 (1).

1135 Section 26. This act shall take effect January 1, 2019.