By Senator Brandes

24-00789A-18 20181042__

A bill to be entitled

An act relating to notaries public; providing directives to the Division of Law Revision and Information; amending s. 117.01, F.S.; revising provisions relating to use of the office of notary public; requiring a notary public who registers as an online notary public to maintain certain liability insurance; amending s. 117.021, F.S.; requiring electronic signatures to include access protection; prohibiting a person from requiring a notary public to perform a notarial act with certain technology; authorizing the Department of State, in collaboration with the Agency for State Technology, to adopt rules for certain purposes; amending s. 117.05, F.S.; providing that a person applying for a notary public commission must provide proof of identity to the Executive Office of the Governor, rather than the Department of State, upon request; revising limitations on notary fees to conform to changes made by the act; providing for inclusion of certain information in a jurat or notarial certificate; providing for compliance with online notarization requirements; providing for notarial certification of a printed electronic record; revising statutory forms for jurats and notarial certifications; amending s. 117.107, F.S.; providing applicability; revising prohibited acts; creating s. 117.201, F.S.; providing definitions; creating s. 117.209, F.S.; authorizing online notarizations; providing an exception; creating

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30 s. 117.215, F.S.; specifying the application of other
31 laws in relation to online notarizations; creating s.
32 117.225, F.S.; providing registration and
33 qualification requirements for online notaries public;
34 creating s. 117.235, F.S.; authorizing the performance
35 of certain notarial acts; creating s. 117.245, F.S.;
36 requiring a notary public to keep an electronic
37 journal of online notarizations; specifying the
38 information that must be included for each online
39 notarization; requiring an online notary public to
40 take certain steps regarding the maintenance and
41 security of the electronic journal; creating s.
42 117.255, F.S.; providing requirements for the use of
43 electronic journals, signatures, and seals; requiring
44 a notary public to provide notification of the theft,
45 vandalism, or loss of an electronic journal,
46 signature, or seal; authorizing an online notary
47 public to make copies of electronic journal entries
48 and provide access to related recordings under certain
49 circumstances; authorizing an online notary public to
50 charge a fee for making and delivering such copies;
51 creating s. 117.265, F.S.; prescribing online
52 notarization procedures; specifying the manner by
53 which an online notary public must verify the identity
54 of a principal or a witness; requiring an online
55 notary public to take certain measures as to the
56 security of technology used; specifying that an
57 electronic notarial certificate must identify the
58 performance of an online notarization; specifying that

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59 noncompliance does not impair the validity of a
60 notarial act or the notarized electronic record;
61 creating s. 117.275, F.S.; providing fees for online
62 notarizations; creating s. 117.285, F.S.; authorizing
63 a notary public to supervise the witnessing of
64 electronic records of online notarizations; creating
65 s. 117.295, F.S.; providing standards for electronic
66 and online notarizations; authorizing the Executive
67 Office of the Governor, in collaboration with the
68 Agency for State Technology, to adopt certain rules;
69 creating s. 117.305, F.S.; superseding certain
70 provisions of federal law regulating electronic
71 signatures; amending s. 28.222, F.S.; requiring the
72 clerk of the circuit court to record certain
73 instruments; amending s. 92.50, F.S.; defining the
74 term “before”; amending s. 95.231, F.S.; providing a
75 limitation period for certain recorded instruments;
76 amending s. 689.01, F.S.; providing for witnessing of
77 documents in connection with real estate conveyances;
78 providing for validation of certain recorded
79 documents; amending s. 694.08, F.S.; providing for
80 validation of certain recorded documents; amending s.
81 695.03, F.S.; providing and revising requirements for
82 making acknowledgments, proofs, and other documents;
83 defining the term “before”; amending ss. 695.04,
84 695.05, and 695.09, F.S.; conforming provisions to
85 changes made by the act; amending s. 695.28, F.S.;
86 providing for validity of recorded documents;
87 conforming provisions to changes made by the act;

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88 providing an effective date.
89
90 Be It Enacted by the Legislature of the State of Florida:
91
92 Section 1. The Division of Law Revision and Information is
93 directed to:
94 (1) Create part I of chapter 117, Florida Statutes,
95 consisting of ss. 117.01-117.108, Florida Statutes, to be
96 entitled "General Provisions."
97 (2) Create part II of chapter 117, Florida Statutes,
98 consisting of ss. 117.201-117.305, Florida Statutes, to be
99 entitled "Online Notarizations."
100 Section 2. Subsection (1) of section 117.01, Florida
101 Statutes, is amended, and subsection (9) is added to that
102 section, to read:
103 117.01 Appointment, application, suspension, revocation,
104 application fee, bond, and oath.—
105 (1) The Governor may appoint as many notaries public as he
106 or she deems necessary, each of whom must ~~shall~~ be at least 18
107 years of age and a legal resident of this ~~the~~ state. A permanent
108 resident alien may apply and be appointed and shall file a
109 recorded declaration of domicile with his or her application ~~a~~
110 ~~recorded Declaration of Domicile~~. The residence required for
111 appointment must be maintained throughout the term of
112 appointment. Notaries public are ~~shall be~~ appointed for 4 years
113 and shall use and exercise the office of notary public only
114 while the notary public is within the boundaries of this state.
115 An applicant must be able to read, write, and understand the
116 English language.

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117 (9) A notary public who registers as an online notary
118 public with the Executive Office of the Governor must maintain a
119 liability insurance policy providing coverage in the amount of
120 at least $1 million which protects errors and omissions related
121 to online notarization.
122 Section 3. Present subsections (4) and (5) of section
123 117.021, Florida Statutes, are renumbered as subsections (5) and
124 (6), respectively, a new subsection (4) is added to that
125 section, and subsection (2) and present subsection (5) of that
126 section are amended, to read:
127 117.021 Electronic notarization.—
128 (2) In performing an electronic notarial act, a notary
129 public shall use an electronic signature that is:
130 (a) Unique to the notary public;
131 (b) Capable of independent verification;
132 (c) Retained under the notary public's sole control and
133 includes access protection through the use of passwords or codes
134 under control of the notary public; and
135 (d) Attached to or logically associated with the electronic
136 document in a manner that any subsequent alteration to the
137 electronic document displays evidence of the alteration.
138 (4) A person may not require a notary public to perform a
139 notarial act with respect to an electronic record with a form of
140 technology that the notary public has not selected to use.
141 (6) ~~(5)~~ The Department of State, in collaboration with the
142 Agency for State Technology, may adopt rules to ensure the
143 security, reliability, and uniformity of signatures and seals
144 authorized in this section.
145 Section 4. Subsection (1), paragraph (a) of subsection (2),

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146 subsections (4) and (5), paragraph (a) of subsection (12), and
147 subsections (13) and (14) of section 117.05, Florida Statutes,
148 are amended, and paragraph (c) is added to subsection (12) of
149 that section, to read:
150 117.05 Use of notary commission; unlawful use; notary fee;
151 seal; duties; employer liability; name change; advertising;
152 photocopies; penalties.—
153 (1) A ~~No~~ person may not ~~shall~~ obtain or use a notary public
154 commission in other than his or her legal name, and it is
155 unlawful for a notary public to notarize his or her own
156 signature. Any person applying for a notary public commission
157 must submit proof of identity to the Executive Office of the
158 Governor ~~Department of State~~ if so requested. Any person who
159 violates ~~the provisions of~~ this subsection commits ~~is guilty of~~
160 a felony of the third degree, punishable as provided in s.
161 775.082, s. 775.083, or s. 775.084.
162 (2)(a) The fee of a notary public may not exceed $10 for
163 any one notarial act, except as provided in s. 117.045 or s.
164 117.275.
165 (4) When notarizing a signature, a notary public shall
166 complete a jurat or notarial certificate in substantially the
167 same form as those found in subsection (13). The jurat or
168 certificate of acknowledgment shall contain the following
169 elements:
170 (a) The venue stating the location of the notary at the
171 time of the notarization in the format, “State of Florida,
172 County of .....”
173 (b) The type of notarial act performed, an oath or an
174 acknowledgment, evidenced by the words “sworn” or

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175 "acknowledged."
176 (c) That the signer personally appeared before the notary
177 public at the time of the notarization either by physical
178 presence or by means of audio-video communication technology as
179 authorized under part II of this chapter.
180 (d) The exact date of the notarial act.
181 (e) The name of the person whose signature is being
182 notarized. It is presumed, absent such specific notation by the
183 notary public, that notarization is to all signatures.
184 (f) The specific type of identification the notary public
185 is relying upon in identifying the signer, either based on
186 personal knowledge or satisfactory evidence specified in
187 subsection (5).
188 (g) The notary's official signature.
189 (h) The notary's name, typed, printed, or stamped below the
190 signature.
191 (i) The notary's official seal affixed below or to either
192 side of the notary's signature.
193 (5) A notary public may not notarize a signature on a
194 document unless he or she personally knows, or has satisfactory
195 evidence, that the person whose signature is to be notarized is
196 the individual who is described in and who is executing the
197 instrument. A notary public shall certify in the certificate of
198 acknowledgment or jurat the type of identification, either based
199 on personal knowledge or other form of identification, upon
200 which the notary public is relying. In the case of an online
201 notarization, the online notary public shall comply with the
202 requirements set forth in part II of this chapter.
203 (a) For purposes of this subsection, the term "personally

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204 knows” means having an acquaintance, derived from association
205 with the individual, which establishes the individual’s identity
206 with at least a reasonable certainty.
207 (b) For the purposes of this subsection, the term
208 “satisfactory evidence” means the absence of any information,
209 evidence, or other circumstances which would lead a reasonable
210 person to believe that the person whose signature is to be
211 notarized is not the person he or she claims to be and any one
212 of the following:
213 1. The sworn written statement of one credible witness
214 personally known to the notary public or the sworn written
215 statement of two credible witnesses whose identities are proven
216 to the notary public upon the presentation of satisfactory
217 evidence that each of the following is true:
218 a. That the person whose signature is to be notarized is
219 the person named in the document;
220 b. That the person whose signature is to be notarized is
221 personally known to the witnesses;
222 c. That it is the reasonable belief of the witnesses that
223 the circumstances of the person whose signature is to be
224 notarized are such that it would be very difficult or impossible
225 for that person to obtain another acceptable form of
226 identification;
227 d. That it is the reasonable belief of the witnesses that
228 the person whose signature is to be notarized does not possess
229 any of the identification documents specified in subparagraph
230 2.; and
231 e. That the witnesses do not have a financial interest in
232 nor are parties to the underlying transaction; or

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233 2. Reasonable reliance on the presentation to the notary
234 public of any one of the following forms of identification, if
235 the document is current or has been issued within the past 5
236 years and bears a serial or other identifying number:
237 a. A Florida identification card or driver license issued
238 by the public agency authorized to issue driver licenses;
239 b. A passport issued by the Department of State of the
240 United States;
241 c. A passport issued by a foreign government if the
242 document is stamped by the United States Bureau of Citizenship
243 and Immigration Services;
244 d. A driver license or an identification card issued by a
245 public agency authorized to issue driver licenses in a state
246 other than Florida, a territory of the United States, or Canada
247 or Mexico;
248 e. An identification card issued by any branch of the armed
249 forces of the United States;
250 f. A veteran health identification card issued by the
251 United States Department of Veterans Affairs;
252 g. An inmate identification card issued on or after January
253 1, 1991, by the Florida Department of Corrections for an inmate
254 who is in the custody of the department;
255 h. An inmate identification card issued by the United
256 States Department of Justice, Bureau of Prisons, for an inmate
257 who is in the custody of the department;
258 i. A sworn, written statement from a sworn law enforcement
259 officer that the forms of identification for an inmate in an
260 institution of confinement were confiscated upon confinement and
261 that the person named in the document is the person whose

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262 signature is to be notarized; or
263 j. An identification card issued by the United States
264 Bureau of Citizenship and Immigration Services.
265 (12)(a) A notary public may supervise the making of a
266 photocopy of an original document or the duplication or printout
267 of an electronic record and attest to the trueness of the copy,
268 provided the document is neither a vital record in this state,
269 another state, a territory of the United States, or another
270 country, nor a public record, if a copy can be made by the
271 custodian of the public record.
272 (c) A notary public must use a certificate in substantially
273 the following form in notarizing an attested copy of an
274 electronic document:
275
276 STATE OF FLORIDA
277 COUNTY OF .....
278
279 On this .... day of ....., ...(year)..., I attest that the
280 preceding or attached document is a true, exact, complete, and
281 unaltered copy duplicated before me or printed by me from an
282 electronic record of ...(description of electronic record)...
283 presented to me by the document's custodian, ...
284 At the time of duplication or printing, no security features, if
285 any present on the electronic record, indicated that the record
286 had been altered since execution.
287
288 ...(Signature of Notary Public — State of Florida)...
289 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...
290

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291 (13) The following notarial certificates are sufficient for
292 the purposes indicated, if completed with the information
293 required by this chapter. The specification of forms under this
294 subsection does not preclude the use of other forms.
295 (a) For an oath or affirmation:
296
297 STATE OF FLORIDA
298 COUNTY OF .....
299
300 Sworn to (or affirmed) and subscribed before me by means of
301 [] physical presence or [] online notarization, this .... day of
302 ....., ...(year)..., by ...(name of person making
303 statement)....
304
305 ...(Signature of Notary Public - State of Florida)...
306 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...
307 Personally Known ..... OR Produced Identification
308 .....
309 Type of Identification Produced.....
310
311 (b) For an acknowledgment in an individual capacity:
312
313 STATE OF FLORIDA
314 COUNTY OF .....
315
316 The foregoing instrument was acknowledged before me by means of
317 [] physical presence or [] online notarization, this .... day of
318 ....., ...(year)..., by ...(name of person acknowledging)....
319

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320 ...(Signature of Notary Public - State of Florida)...
321 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...
322 Personally Known ..... OR Produced Identification
323 .....
324 Type of Identification Produced.....
325
326 (c) For an acknowledgment in a representative capacity:
327
328 STATE OF FLORIDA
329 COUNTY OF .....
330
331 The foregoing instrument was acknowledged before me by means of
332 [] physical presence or [] online notarization, this .... day of
333 ....., ...(year)..., by ...(name of person)... as ...(type of
334 authority, . . . e.g. officer, trustee, attorney in fact)... for
335 ...(name of party on behalf of whom instrument was executed)....
336
337 ...(Signature of Notary Public - State of Florida)...
338 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...
339 Personally Known ..... OR Produced Identification
340 .....
341 Type of Identification Produced.....
342
343 (14) A notary public must make reasonable accommodations to
344 provide notarial services to persons with disabilities.
345 (a) A notary public may notarize the signature of a person
346 who is blind after the notary public has read the entire
347 instrument to that person.
348 (b) A notary public may notarize the signature of a person

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349 who signs with a mark if:
350 1. The document signing is witnessed by two disinterested
351 persons;
352 2. The notary prints the person's first name at the
353 beginning of the designated signature line and the person's last
354 name at the end of the designated signature line; and
355 3. The notary prints the words "his (or her) mark" below
356 the person's signature mark.
357 (c) The following notarial certificates are sufficient for
358 the purpose of notarizing for a person who signs with a mark:
359 1. For an oath or affirmation:
360
361 ...(First Name)... ...(Last Name)...
362 ...His (or Her) Mark...
363
364 STATE OF FLORIDA
365 COUNTY OF .....
366
367 Sworn to and subscribed before me <u>by means of [] physical</u>
368 <u>presence or [] online notarization,</u> this .... day of .....,
369 ...(year)..., by ...(name of person making statement)..., who
370 signed with a mark in the presence of these witnesses:
371
372 ...(Signature of Notary Public - State of Florida)...
373 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...
374 Personally Known ..... OR Produced Identification
375 .....
376 Type of Identification Produced.....
377

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378 2. For an acknowledgment in an individual capacity:
379
380 ...(First Name)... ...(Last Name)...
381 ...His (or Her) Mark...
382
383 STATE OF FLORIDA
384 COUNTY OF .....
385
386 The foregoing instrument was acknowledged before me by means of
387 [] physical appearance or [] online notarization, this .... day
388 of ....., ...(year)..., by ...(name of person
389 acknowledging)..., who signed with a mark in the presence of
390 these witnesses:
391
392 ...(Signature of Notary Public - State of Florida)...
393 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...
394 Personally Known ..... OR Produced Identification
395 .....
396 Type of Identification Produced.....
397
398 (d) A notary public may sign the name of a person whose
399 signature is to be notarized when that person is physically
400 unable to sign or make a signature mark on a document if:
401 1. The person with a disability directs the notary to sign
402 in his or her presence;
403 2. The document signing is witnessed by two disinterested
404 persons;
405 3. The notary writes below the signature the following
406 statement: "Signature affixed by notary, pursuant to s.

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407 117.05(14), Florida Statutes," and states the circumstances of
408 the signing in the notarial certificate.
409 (e) The following notarial certificates are sufficient for
410 the purpose of notarizing for a person with a disability who
411 directs the notary to sign his or her name:
412 1. For an oath or affirmation:
413
414 STATE OF FLORIDA
415 COUNTY OF .....
416
417 Sworn to (or affirmed) before me by means of [] physical
418 presence or [] online notarization, this .... day of .....,
419 ...(year)..., by ...(name of person making statement)..., and
420 subscribed by ...(name of notary)... at the direction of ~~and in~~
421 ~~the presence of~~ ...(name of person making statement)..., and in
422 the presence of these witnesses:
423
424 ...(Signature of Notary Public - State of Florida)...
425 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...
426 Personally Known ..... OR Produced Identification
427 .....
428 Type of Identification Produced.....
429
430 2. For an acknowledgment in an individual capacity:
431
432 STATE OF FLORIDA
433 COUNTY OF .....
434
435 The foregoing instrument was acknowledged before me by means of

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436 [] physical presence or [] online notarization, this .... day of
437 ....., ...(year)..., by ...(name of person acknowledging)...
438 and subscribed by ...(name of notary)... at the direction of ~~and~~
439 ~~in the presence of~~ ...(name of person acknowledging)..., and in
440 the presence of these witnesses:
441
442 ...(Signature of Notary Public - State of Florida)...
443 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...
444 Personally Known ..... OR Produced Identification
445 .....
446 Type of Identification Produced.....
447
448 Section 5. Subsections (2) and (9) of section 117.107,
449 Florida Statutes, are amended to read:
450 117.107 Prohibited acts.—
451 (2) A notary public may not sign notarial certificates
452 using a facsimile signature stamp unless the notary public has a
453 physical disability that limits or prohibits his or her ability
454 to make a written signature and unless the notary public has
455 first submitted written notice to the Department of State with
456 an exemplar of the facsimile signature stamp. This subsection
457 does not apply to or prohibit the use of an electronic signature
458 and seal by a notary public performing online notarizations in
459 accordance with the requirements of this chapter.
460 (9) A notary public may not notarize a signature on a
461 document if the person whose signature is being notarized does
462 not appear before the notary public either by means of physical
463 presence or by means of audio-video communication technology as
464 authorized under part II of this chapter ~~is not in the presence~~

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465 ~~of the notary public~~ at the time the signature is notarized. Any
466 notary public who violates this subsection is guilty of a civil
467 infraction, punishable by penalty not exceeding $5,000, and such
468 violation constitutes malfeasance and misfeasance in the conduct
469 of official duties. It is no defense to the civil infraction
470 specified in this subsection that the notary public acted
471 without intent to defraud. A notary public who violates this
472 subsection with the intent to defraud is guilty of violating s.
473 117.105.
474 Section 6. Section 117.201, Florida Statutes, is created to
475 read:
476 117.201 Definitions.—As used in this part, the term:
477 (1) "Appear before," "before," "appear personally before,"
478 or "in the presence of," as used in this chapter and in ss.
479 92.50 and 695.03, means in:
480 (a) The same physical location as another person and close
481 enough to see, hear, communicate with, and exchange credentials
482 with that person; or
483 (b) A different physical location from another person, but
484 able to see, hear, and communicate with the person by means of
485 audio-video communication technology.
486 (2) "Audio-video communication technology" means technology
487 approved by the Executive Office of the Governor or authorized
488 in this part which enables real-time, two-way communication
489 using electronic means in which participants are able to see,
490 hear, and communicate with one another.
491 (3) "Credential analysis" means a process or service
492 operating according to criteria approved by the Executive Office
493 of the Governor or by this part through which a third party

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494 confirms the validity of a government-issued identity credential
495 or data thereon through review of public and proprietary data
496 sources.
497 (4) "Government-issued identity credential" means any
498 approved credential for verifying identity set forth in s.
499 117.05(5)(b)2.
500 (5) "Identity proofing" means a process or service
501 operating according to criteria approved by the Executive Office
502 of the Governor or by this part, through which a third party
503 confirms the identity of an individual through review of public
504 and proprietary data sources.
505 (6) "Knowledge-based authentication" means a form of
506 identity proofing based on a set of questions formulated from
507 public and proprietary data sources for which the principal has
508 not provided a previous answer during the course of the identity
509 proofing.
510 (7) "Online notarization" means the performance of an
511 electronic notarization by means of audio-video communication
512 technology and which meets standards provided in this chapter.
513 (8) "Online notary public" means a notary public who has
514 registered with the Executive Office of the Governor to perform
515 online notarizations under this part or a civil-law notary
516 appointed under chapter 118.
517 (9) "Principal" means an individual whose electronic
518 signature is acknowledged, witnessed, or attested to in an
519 online notarization or who takes an oath or affirmation from the
520 online notary public.
521 (10) "Remote presentation" means transmission of an image
522 of a government-issued identity credential that is of sufficient

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523 quality to enable the online notary public through communication
524 technology to identify the individual seeking the notary's
525 services and to perform credential analysis through audio-video
526 communication technology.
527
528 Except where the context otherwise requires, any term defined in
529 s. 668.50(2) has the same meaning when used in this part.
530 Section 7. Section 117.209, Florida Statutes, is created to
531 read:
532 117.209 Authority to perform online notarizations.—
533 (1) An online notary public may perform any of the
534 functions authorized under part I of this chapter as an online
535 notarization, excluding solemnizing the rites of matrimony.
536 (2) If a notarial act requires a principal to appear before
537 or in the presence of the online notary public, the principal
538 may appear before the online notary public by means of audio-
539 video communication technology that meets the requirements of
540 this chapter and any rules adopted by the Executive Office of
541 the Governor under s. 117.295.
542 (3) An online notary public may perform a notarial act as
543 an online notarization as authorized under this chapter,
544 regardless of the physical location of the principal at the time
545 of the notarial act, provided the notary public is physically
546 located in this state while performing the online notarization.
547 (4) The validity of an online notarization performed by an
548 online notary public appointed in this state shall be determined
549 by applicable laws of this state regardless of the physical
550 location of the principal at the time of the notarial act.
551 Section 8. Section 117.215, Florida Statutes, is created to

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552 read:
553 117.215 Relation to other laws.—
554 (1) If a provision of law requires a signature, a
555 statement, or an instrument to be acknowledged, sworn, affirmed,
556 or made under oath, or is subject to penalty of perjury:
557 (a) The acknowledgement or proof may be made by any of the
558 officials listed and in the manner described in s. 695.03.
559 (b) The requirement may be satisfied by an online
560 notarization if made in accordance with the online notarization
561 provisions of this part or in conformance with the laws of the
562 notary public's appointing state.
563 (2) If a provision of law requires a signature or an act to
564 be witnessed, compliance with the online electronic witnessing
565 standards prescribed in s. 117.285 satisfies that requirement.
566 Section 9. Section 117.225, Florida Statutes, is created to
567 read:
568 117.225 Registration; qualifications.—A notary public may
569 complete registration as an online notary public with the
570 Executive Office of the Governor by:
571 (1) Satisfying the qualification requirements for
572 appointment as a notary public under part I of this chapter.
573 (2) Paying an online notary public application fee in the
574 amount of $25.
575 (3) Providing proof of a professional liability insurance
576 policy as required under s. 117.01(9).
577 (4) Submitting a registration as an online notary public to
578 the Executive Office of the Governor, signed and sworn to by the
579 applicant.
580 (5) Identifying the audio-video communication technology

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581 and identity proofing methods that the online notary public
582 intends to use in performing online notarizations. If the
583 Executive Office of the Governor and the Agency for State
584 Technology has established standards for approval of technology
585 pursuant to this part, the technology and methods selected by
586 the online notary must be in conformance with such standards. If
587 a form of technology conforms to the standards, the Executive
588 Office of the Governor and the Agency for State Technology must
589 approve the use of the technology. If the Executive Office of
590 the Governor and the Agency for State Technology have not yet
591 established such standards, the online notary public must
592 identify technologies that are consistent with the requirements
593 of s. 117.295(2).
594 Section 10. Section 117.235, Florida Statutes, is created
595 to read:
596 117.235 Performance of notarial acts.—
597 (1) An online notary public is subject to part I to the
598 same extent as a notary public appointed and commissioned only
599 under that part, including the provisions of s. 117.021 relating
600 to electronic notarizations.
601 (2) An online notary public may perform notarial acts as
602 provided by part I in addition to performing online
603 notarizations as authorized and pursuant to the provisions of
604 this part.
605 Section 11. Section 117.245, Florida Statutes, is created
606 to read:
607 117.245 Electronic journal of online notarizations.—
608 (1) An online notary public shall keep a secure electronic
609 journal of electronic records notarized by the online notary

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610 public. For each online notarization, the electronic journal
611 entry must contain all of the following:
612 (a) The date and time of the notarization.
613 (b) The type of notarial act.
614 (c) The type, the title, or a description of the electronic
615 record or proceeding.
616 (d) The printed name and address of each principal involved
617 in the transaction or proceeding.
618 (e) Evidence of identity of each principal involved in the
619 transaction or proceeding in the form of:
620 1. A statement that the person is personally known to the
621 online notary public;
622 2. A notation of the type of identification document
623 provided to the online notary public;
624 3. A copy of the government-issued identity credential
625 provided; and
626 4. A copy of any other identity credential or information
627 provided.
628 (f) An indication that the principal satisfactorily passed
629 the identity proofing.
630 (g) An indication that the government-issued identity
631 credential satisfied the credential analysis.
632 (h) A recording of the audio-video communication in which:
633 1. The principal and any witnesses appeared before the
634 notary public.
635 2. The identity of each was confirmed.
636 3. The notarial act was performed.
637 (i) The fee, if any, charged for the notarization.
638 (2) The online notary public shall take reasonable steps

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639 to:
640 (a) Ensure the integrity, security, and authenticity of
641 online notarizations.
642 (b) Maintain a backup record of the electronic journal
643 required by subsection (1).
644 (c) Protect the backup record from unauthorized access or
645 use.
646 (3) The electronic journal required by subsection (1) shall
647 be maintained for at least 10 years after the date of the
648 notarial act.
649 (4) An omitted or incomplete entry in the electronic
650 journal does not impair the validity of the notarial act or of
651 the electronic record notarized, but may be introduced as
652 evidence to establish violations of this chapter; as an
653 indication of possible fraud, forgery, or impersonation; or for
654 other evidentiary purposes.
655 Section 12. Section 117.255, Florida Statutes, is created
656 to read:
657 117.255 Use of electronic journal, signature, and seal.—An
658 online notary public shall:
659 (1) Take reasonable steps to ensure that any registered
660 device used to create an electronic signature is current and has
661 not been revoked or terminated by the device’s issuing or
662 registering authority.
663 (2) Keep his or her electronic journal, electronic
664 signature, and electronic seal secure and under his or her sole
665 control, which includes control in the form of access protection
666 using passwords or codes under control of the online notary
667 public. The online notary public may not allow another person to

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668 use or access his or her electronic journal, electronic
669 signature, or electronic seal.
670 (3) Use his or her electronic signature only for performing
671 online notarization.
672 (4) Attach or logically associate the online notary
673 public's electronic signature and seal to the electronic
674 notarial certificate of an electronic record in a manner that is
675 capable of independent verification using tamper-evident
676 technology that renders any subsequent change or modification to
677 the electronic record evident.
678 (5) Immediately notify an appropriate law enforcement
679 agency and the Executive Office of the Governor of theft or
680 vandalism of his or her electronic journal, electronic
681 signature, or electronic seal. An online notary public shall
682 immediately notify the Executive Office of the Governor of the
683 loss or use by another person of the online notary public's
684 electronic journal, electronic signature, or electronic seal.
685 (6) Make electronic copies, upon request, of the pertinent
686 entries in the electronic journal and provide access to the
687 related audio-video communication recordings to the title agent,
688 settlement agent, or title insurer who engaged the online notary
689 with regard to a real estate transaction. The online notary
690 public may charge a reasonable fee for making and delivering
691 electronic copies of a given series of related electronic
692 records. The online notary public shall disclose the amount of
693 such fee to the requester before making the electronic copies.
694 Section 13. Section 117.265, Florida Statutes, is created
695 to read:
696 117.265 Online notarization procedures.—

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697 (1) An online notary public physically located in this
698 state may perform an online notarization that meets the
699 requirements of this part regardless of whether the principal or
700 any witnesses are physically located in this state at the time
701 of the online notarization. An online notarial act performed in
702 accordance with this part is deemed to have been performed
703 within this state and is governed by the applicable laws of this
704 state.
705 (2) In performing an online notarization, an online notary
706 public shall verify the identity of a principal at the time that
707 the signature is taken by using audio-video communication
708 technology and processes that meet the requirements of this part
709 and record the entire two-way audio-video conference session
710 between the notary public and the principal and any subscribing
711 witnesses. A principal may not act in the capacity of a witness
712 for the online notarization.
713 (3) In performing an online notarization of a principal not
714 located within the state, an online notary public must confirm
715 that the principal desires for the notarial act to be performed
716 by a Florida notary public and governed by the applicable laws
717 of this state.
718 (4) An online notary public shall confirm the identity of
719 the principal or any witness by:
720 (a) The online notary public's personal knowledge of each
721 such individual; or
722 (b) All of the following, as the same may be refined or
723 supplemented in rules adopted pursuant to s. 117.295:
724 1. Remote presentation of a government-issued identity
725 credential by each individual;

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726 2. Credential analysis of each government-issued identity
727 credential; and
728 3. Identity proofing of each individual, in the form of
729 knowledge-based authentication or another method of identity
730 proofing that conforms to standards established by the Executive
731 Office of the Governor.
732
733 If the online notary public is unable to satisfy subparagraphs
734 (b)1.-3., or if the databases consulted for identity proofing do
735 not contain sufficient information to permit authentication, the
736 online notary public is not authorized to perform the online
737 notarization.
738 (5) The online notary public shall take reasonable steps to
739 ensure that the audio-video communication technology used in an
740 online notarization is secure from unauthorized interception.
741 (6) The electronic notarial certificate for an online
742 notarization must include a notation that the notarization is an
743 online notarization.
744 (7) Except as expressly modified in this part, the
745 requirements of part I of this chapter apply to an online
746 notarization and an online notary public.
747 (8) Any failure to comply with the procedures set forth in
748 this section does not impair the validity of the notarial act or
749 the electronic record that was notarized, but may be introduced
750 as evidence to establish violations of this chapter; as an
751 indication of possible fraud, forgery, or impersonation; or for
752 other evidentiary purposes.
753 Section 14. Section 117.275, Florida Statutes, is created
754 to read:

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755 117.275 Fees for online notarization.—An online notary
756 public or the online notary public's employer may charge a fee,
757 not to exceed $25, for performing an online notarization in
758 addition to any other fees authorized under part I of this
759 chapter. Fees for services other than the provision of notarial
760 acts are not governed by this section.
761 Section 15. Section 117.285, Florida Statutes, is created
762 to read:
763 117.285 Witnessing of online notarization.—An online notary
764 public or an official of another state authorized under the laws
765 of that state to perform online notarization of documents may
766 supervise the witnessing of electronic records by the same
767 audio-video communication technology used for online
768 notarization, as follows:
769 (1) The identity of each witness must be verified in the
770 same manner as the identity of the principal.
771 (2) A witness may physically be present with the principal
772 or remote from the principal so long as the witness and the
773 principal may see and hear one another in real time using audio-
774 video communication technology.
775 (3) The witness is present in either physical proximity to
776 the principal or through audio-video communication technology at
777 the time the principal affixes the electronic signature and
778 hears the principal make a statement to the effect that the
779 principal has signed the electronic record.
780 Section 16. Section 117.295, Florida Statutes, is created
781 to read:
782 117.295 Standards for electronic and online notarization;
783 rulemaking authority.—

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784 (1) The Legislature intends that the standards applicable
785 to electronic notarization under s. 117.021 and for online
786 notarization under this part reflect future improvements in
787 technology and methods of assuring the identity of principals
788 and the security of an electronic record. Further, the Executive
789 Office of the Governor, in collaboration with the Agency for
790 State Technology, may adopt rules and standards necessary to
791 implement the requirements of this chapter and such other rules
792 and standards as may be required to facilitate the integrity,
793 security, and reliability of online notarization, including
794 standards regarding identity proofing, credential analysis,
795 unauthorized interception, remote presentation, tamper-evident
796 technology, and audio-video communication technology, and may
797 publish lists of technologies that satisfy the standards and are
798 approved for use in online notarizations.
799 (2) Identity proofing, credential analysis, unauthorized
800 interception, remote presentation, tamper-evident technology,
801 and audio-video communication technology shall be governed by
802 the following minimum standards:
803 (a) Identity proofing by means of knowledge-based
804 authentication shall have, at a minimum, the following security
805 characteristics:
806 1. The principal must be presented with five or more
807 questions with a minimum of five possible answer choices per
808 question.
809 2. Each question must be drawn from a third-party provider
810 of public and proprietary data sources and be identifiable to
811 the principal’s social security number or other identification
812 information, or the principal’s identity and historical events

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813 records.
814 3. Responses to all questions must be made within a 2-
815 minute time constraint.
816 4. The principal must answer a minimum of 80 percent of the
817 questions correctly.
818 5. The principal may be offered one additional attempt in
819 the event of a failed attempt.
820 6. During the second attempt, the principal may not be
821 presented with questions from the prior attempt.
822 (b) Credential analysis must include:
823 1. A comparison of the presented government-issued identity
824 credential and data thereon against public or proprietary data
825 sources to confirm that one or more data elements conform to the
826 asserted identity; or
827 2.a. The inspection of one or more readable format features
828 to verify that they conform to those specified by the issuing
829 state or country;
830 b. The reading of any bar codes contained on the credential
831 to verify that they contain data corresponding to the asserted
832 identity information of the principal; and
833 c. An attempt to verify any micro-printing contained on the
834 credential.
835 (c) Tamper-evident technology requirements are deemed
836 satisfied by use of technology that renders any subsequent
837 change or modification to the electronic record evident.
838 (d) Audio-video communication technology used in completing
839 online notarizations must meet the following requirements:
840 1. The signal transmission must be secure from interception
841 or access by anyone other than the participants communicating.

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842 2. The technology must provide sufficient audio clarity and
843 video resolution to enable the notary to communicate with the
844 principal and to confirm the identity of the principal using
845 identification methods described in s. 117.265.
846
847 An online notary public is not responsible for the security of
848 the systems used by the principal or others to access the online
849 notarization session.
850 Section 17. Section 117.305, Florida Statutes, is created
851 to read:
852 117.305 Relation to federal law.—This part supersedes the
853 Electronic Signatures in Global and National Commerce Act as
854 authorized under 15 U.S.C. s. 7002, but does not modify, limit,
855 or supersede the requirements set forth in 15 U.S.C. s. 7001(c)
856 or authorize the electronic delivery of any order, notice, or
857 document described in 15 U.S.C. s. 7003(b).
858 Section 18. Present paragraph (h) of subsection (3) of
859 section 28.222, Florida Statutes, is redesignated as paragraph
860 (i), and a new paragraph (h) is added to that subsection, to
861 read:
862 28.222 Clerk to be county recorder.—
863 (3) The clerk of the circuit court shall record the
864 following kinds of instruments presented to him or her for
865 recording, upon payment of the service charges prescribed by
866 law:
867 (h) Copies of any instruments originally created and
868 executed using an electronic signature, as defined in s. 695.27,
869 and certified to be a true and correct paper printout by a
870 notary public in accordance with chapter 117 or by a title

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871 agency, an authorized intermediary, or other approved party, if
872 the county recorder is not prepared to accept electronic
873 documents for recording electronically.
874 Section 19. Subsection (4) is added to section 92.50,
875 Florida Statutes, to read:
876 92.50 Oaths, affidavits, and acknowledgments; who may take
877 or administer; requirements.—
878 (4) DEFINITION.—As used in this section, the term "before"
879 means:
880 (a) In the same physical location as another person and
881 close enough to see, hear, communicate with, and exchange
882 credentials with that person; or
883 (b) In a different physical location from another person
884 but able to see, hear, and communicate with the person by means
885 of audio-video communication technology.
886 Section 20. Subsection (1) of section 95.231, Florida
887 Statutes, is amended to read:
888 95.231 Limitations where deed or will on record.—
889 (1) Five years after the recording of an instrument
890 required to be executed in accordance with s. 689.01; 5 years
891 after the recording of a power of attorney accompanying and used
892 for an instrument required to be executed in accordance with s.
893 689.01; or 5 years after the probate of a will purporting to
894 convey real property, from which it appears that the person
895 owning the property attempted to convey, affect, or devise it,
896 the instrument, power of attorney, or will shall be held to have
897 its purported effect to convey, affect, or devise, the title to
898 the real property of the person signing the instrument, as if
899 there had been no lack of seal or seals, witness or witnesses,

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900 defect in, failure of, or absence of acknowledgment or
901 relinquishment of dower, in the absence of fraud, adverse
902 possession, or pending litigation. The instrument is admissible
903 in evidence. A power of attorney validated under this subsection
904 shall be valid only for the purpose of effectuating the
905 instrument with which it was recorded.
906 Section 21. Section 689.01, Florida Statutes, is amended to
907 read:
908 689.01 How real estate conveyed.—
909 (1) No estate or interest of freehold, or for a term of
910 more than 1 year, or any uncertain interest of, in or out of any
911 messuages, lands, tenements or hereditaments shall be created,
912 made, granted, transferred or released in any other manner than
913 by instrument in writing, signed in the presence of two
914 subscribing witnesses by the party creating, making, granting,
915 conveying, transferring or releasing such estate, interest, or
916 term of more than 1 year, or by the party's lawfully authorized
917 agent, unless by will and testament, or other testamentary
918 appointment, duly made according to law; and no estate or
919 interest, either of freehold, or of term of more than 1 year, or
920 any uncertain interest of, in, to, or out of any messuages,
921 lands, tenements or hereditaments, shall be assigned or
922 surrendered unless it be by instrument signed in the presence of
923 two subscribing witnesses by the party so assigning or
924 surrendering, or by the party's lawfully authorized agent, or by
925 the act and operation of law. No seal shall be necessary to give
926 validity to any instrument executed in conformity with this
927 section. Corporations may execute any and all conveyances in
928 accordance with the provisions of this section or ss. 692.01 and

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929 692.02.
930 (2) For purposes of this chapter:
931 (a) Any requirement that an instrument be signed in the
932 presence of two subscribing witnesses may be satisfied by
933 witnesses being present and electronically signing by means of
934 audio-video communication technology under standards applicable
935 to online notarization provided in chapter 117 or in conformance
936 with the laws of other states that authorize online notarization
937 of instruments.
938 (b) The act of witnessing an electronic signature is
939 satisfied if a witness is present either in physical proximity
940 to the principal or by audio-video communication technology at
941 the time the principal affixes his or her electronic signature
942 and hears the principal make a statement acknowledging that the
943 principal has signed the electronic record.
944 (3) All witnesses heretofore made or taken pursuant to
945 subsection (2) are validated and, upon recording, may not be
946 denied to have provided constructive notice based on any alleged
947 failure to have strictly complied with this section, as
948 currently or previously in effect, or the laws governing
949 notarization of instruments, including online notarization, in
950 this state or any other state.
951 Section 22. Section 694.08, Florida Statutes, is amended to
952 read:
953 694.08 Certain instruments validated, notwithstanding lack
954 of seals or witnesses, or defect in acknowledgment~~, etc~~.—
955 (1) Whenever any power of attorney has been executed and
956 delivered, or any conveyance has been executed and delivered to
957 any grantee by the person owning the land therein described, or

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958 conveying the same in an official or representative capacity,
959 and has, for a period of 7 years or more been spread upon the
960 records of the county wherein the land therein described has
961 been or was at the time situated, and one or more subsequent
962 conveyances of said land or parts thereof have been made,
963 executed, delivered and recorded by parties claiming under such
964 instrument or instruments, and such power of attorney or
965 conveyance, or the public record thereof, shows upon its face a
966 clear purpose and intent of the person executing the same to
967 authorize the conveyance of said land or to convey the said
968 land, the same shall be taken and held by all the courts of this
969 state, in the absence of any showing of fraud, adverse
970 possession, or pending litigation, to have authorized the
971 conveyance of, or to have conveyed, the fee simple title, or any
972 interest therein, of the person signing such instruments, or the
973 person in behalf of whom the same was conveyed by a person in an
974 official or representative capacity, to the land therein
975 described as effectively as if there had been no defect in,
976 failure of, or absence of the acknowledgment or the certificate
977 of acknowledgment, if acknowledged, or the relinquishment of
978 dower, and as if there had been no lack of the word "as"
979 preceding the title of the person conveying in an official or
980 representative capacity, of any seal or seals, or of any witness
981 or witnesses, and shall likewise be taken and held by all the
982 courts of this state to have been duly recorded so as to be
983 admissible in evidence;
984 (2) Provided, however, that this section shall not apply to
985 any conveyance the validity of which shall be contested or have
986 been contested by suit commenced heretofore or within 1 year of

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987 the effective date of this law.
988 Section 23. Section 695.03, Florida Statutes, is amended to
989 read:
990 695.03 Acknowledgment and proof; validation of certain
991 acknowledgments; legalization or authentication before foreign
992 officials.—
993 (1) To entitle any instrument concerning real property to
994 be recorded, the execution must be acknowledged by the party
995 executing it, proved by a subscribing witness to it, or
996 legalized or authenticated by a civil-law notary or notary
997 public who affixes her or his official seal, before the officers
998 and in the following form and manner ~~following~~:
999 (a) *Within this state.*— ~~(1) WITHIN THIS STATE.—~~An
1000 acknowledgment or a proof made within this state may be made
1001 before a judge, clerk, or deputy clerk of any court; a United
1002 States commissioner or magistrate; or a notary public or civil-
1003 law notary of this state, and the certificate of acknowledgment
1004 or proof must be under the seal of the court or officer, as the
1005 case may be. ~~All affidavits and acknowledgments heretofore made~~
1006 ~~or taken in this manner are hereby validated.~~
1007 (b) *Outside of State but within the United States.*— ~~(2)~~
1008 ~~WITHOUT THIS STATE BUT WITHIN THE UNITED STATES.—~~An
1009 acknowledgment or a proof of a person located outside ~~made out~~
1010 of this state but within the United States may be made before a
1011 notary public, a civil-law notary, ~~of this state~~ or by a
1012 commissioner of deeds appointed by the Governor of this state; a
1013 judge or clerk of any court of the United States or of any
1014 state, territory, or district; a United States commissioner or
1015 magistrate; or a notary public, justice of the peace, master in

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1016 chancery, or registrar or recorder of deeds of any state,
1017 territory, or district having a seal, and the certificate of
1018 acknowledgment or proof must be under the seal of the court or
1019 officer, as the case may be. If the acknowledgment or proof is
1020 made before a notary public who does not affix a seal, it is
1021 sufficient for the notary public to type, print, or write by
1022 hand on the instrument, "I am a Notary Public of the State of
1023 ...(state)..., and my commission expires on ...(date)...."
1024 (c) *Within Foreign Countries.* ~~(3) WITHIN FOREIGN~~
1025 ~~COUNTRIES.~~ If the acknowledgment, affidavit, oath, legalization,
1026 authentication, or proof of a person is made in a foreign
1027 country, it may be made before a commissioner of deeds appointed
1028 by the Governor of this state to act in such country; before a
1029 notary public of such foreign country or a civil-law notary of
1030 this state or of such foreign country who has an official seal;
1031 before an ambassador, envoy extraordinary, minister
1032 plenipotentiary, minister, commissioner, charge d'affaires,
1033 consul general, consul, vice consul, consular agent, or other
1034 diplomatic or consular officer of the United States appointed to
1035 reside in such country; or before a military or naval officer
1036 authorized by the Laws or Articles of War of the United States
1037 to perform the duties of notary public, and the certificate of
1038 acknowledgment, legalization, authentication, or proof must be
1039 under the seal of the officer. A certificate legalizing or
1040 authenticating the signature of a person executing an instrument
1041 concerning real property and to which a civil-law notary or
1042 notary public of that country has affixed her or his official
1043 seal is sufficient as an acknowledgment. For the purposes of
1044 this section, the term "civil-law notary" means a civil-law

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1045 notary as defined in chapter 118 or an official of a foreign
1046 country who has an official seal and who is authorized to make
1047 legal or lawful the execution of any document in that
1048 jurisdiction, in which jurisdiction the affixing of her or his
1049 official seal is deemed proof of the execution of the document
1050 or deed in full compliance with the laws of that jurisdiction.
1051 (d) *Validation.*—All affidavits, oaths, acknowledgments,
1052 legalizations, authentications, or proofs made or taken in any
1053 manner as set forth in paragraphs (a)-(c) are validated and upon
1054 recording may not be denied to have provided constructive notice
1055 based on any alleged failure to have strictly complied with this
1056 section, as currently or previously in effect, or the laws
1057 governing notarization of instruments in chapter 117 or in the
1058 place where such notary public or other authorized person is
1059 commissioned or authorized to act.
1060 (2) As used in this section, the term "before" means:
1061 (a) In the same physical location as another person and
1062 close enough to see, hear, communicate with, and exchange
1063 credentials with that person; or
1064 (b) In a different physical location from another person
1065 but able to see, hear, and communicate with the person by means
1066 of audio-video communication technology.
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 24. 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(1)(c) ~~s. 695.03(3)~~, shall contain and set
1078 forth substantially the matter required to be done or proved to
1079 make such acknowledgment or proof effectual as set forth in s.
1080 117.05.
1081 Section 25. 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 26. Section 695.09, Florida Statutes, is amended to
1102 read:

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1103 695.09 Identity of grantor.—No acknowledgment or proof
1104 shall be taken, except as set forth in s. 695.03(1)(c) ~~s.~~
1105 ~~695.03(3)~~, by any officer within or without the United States
1106 unless the officer knows, or has satisfactory proof, that the
1107 person making the acknowledgment is the individual described in,
1108 and who executed, such instrument or that the person offering to
1109 make proof is one of the subscribing witnesses to such
1110 instrument.
1111 Section 27. Section 695.28, Florida Statutes, is amended to
1112 read:
1113 695.28 Validity of recorded electronic documents.—
1114 (1) A document that is otherwise entitled to be recorded
1115 and that was or is submitted to the clerk of the court or county
1116 recorder by electronic or other means and accepted for
1117 recordation is deemed validly recorded and provides notice to
1118 all persons notwithstanding:
1119 (a) That the document was received and accepted for
1120 recordation before the Department of State adopted standards
1121 implementing s. 695.27; ~~or~~
1122 (b) Any defects in, deviations from, or the inability to
1123 demonstrate strict compliance with any statute, rule, or
1124 procedure relating to electronic signatures, electronic
1125 witnesses, electronic notarization, or online notarization, or
1126 for submitting or recording ~~to submit or record~~ an electronic
1127 document in effect at the time the electronic document was
1128 executed or was submitted for recording;
1129 (c) That the document was signed, witnessed, or notarized
1130 electronically or that witnessing or notarization may have been
1131 done outside the physical presence of the notary public or

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1132 principal in accordance with chapter 117 or the laws of another
1133 state regarding the notarization of documents; or
1134 (d) That the document recorded was a certified printout of
1135 a document to which one or more electronic signatures have been
1136 affixed.
1137 (2) This section does not alter the duty of the clerk or
1138 recorder to comply with s. 28.222, s. 695.27, or any rules
1139 adopted pursuant to those sections ~~that section~~.
1140 (3) This section does not preclude a challenge to the
1141 validity or enforceability of an instrument or electronic record
1142 based upon fraud, forgery, impersonation, duress, undue
1143 influence, minority, illegality, unconscionability, or any other
1144 basis not in the nature of those matters described in subsection
1145 (1).
1146 Section 28. This act shall take effect July 1, 2018.

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