

By Senator Grimsley

21-00715-15

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1 A bill to be entitled
2 An act relating to notaries public; amending s.
3 92.525, F.S.; revising the methods available for
4 verifying documents; amending s. 117.05, F.S.;
5 providing an exception to the requirement that a
6 signer personally appear before a notary public at the
7 time of notarization; amending s. 117.10, F.S.;
8 defining the term "reliable electronic means";
9 authorizing specified officers to administer oaths by
10 reliable electronic means when engaged in the
11 performance of official duties; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Subsection (1) of section 92.525, Florida
17 Statutes, is amended to read:

18 92.525 Verification of documents; perjury by false written
19 declaration, penalty.—

20 (1) ~~If~~ ~~When it is~~ authorized or required by law, by rule of
21 an administrative agency, or by rule or order of court that a
22 document be verified by a person, the verification may be
23 accomplished in the following manner:

24 (a) Under oath or affirmation taken or administered before
25 an officer authorized under s. 92.50 or s. 117.10 to administer
26 oaths; or

27 (b) By the signing of the written declaration prescribed in
28 subsection (2).

29 Section 2. Paragraph (c) of subsection (4) of section

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30 117.05, Florida Statutes, is amended to read:

31 117.05 Use of notary commission; unlawful use; notary fee;
32 seal; duties; employer liability; name change; advertising;
33 photocopies; penalties.—

34 (4) When notarizing a signature, a notary public shall
35 complete a jurat or notarial certificate in substantially the
36 same form as those found in subsection (13). The jurat or
37 certificate of acknowledgment shall contain the following
38 elements:

39 (c) That the signer personally appeared before the notary
40 public at the time of the notarization. This paragraph does not
41 apply to the administration of an oath by a law enforcement
42 officer, correctional officer, correctional probation officer,
43 traffic accident investigation officer, or traffic infraction
44 enforcement officer through reliable electronic means as
45 authorized by s. 117.10.

46 Section 3. Section 117.10, Florida Statutes, is amended to
47 read:

48 117.10 Law enforcement and correctional officers;
49 administration of oaths.—

50 (1) For purposes of this section, the term "reliable
51 electronic means" means the signing and transmission of a
52 document through means compliant with criminal justice
53 information system security measures. Such signing and
54 transmission must be made by an affiant to an officer authorized
55 to administer oaths under subsection (2) under circumstances
56 that indicate that the document was submitted by the affiant.

57 (2) Law enforcement officers, correctional officers, and
58 correctional probation officers, as defined in s. 943.10, and

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59 traffic accident investigation officers and traffic infraction
60 enforcement officers, as described in s. 316.640, are authorized
61 to administer oaths by reliable electronic means or in the
62 physical presence of an affiant when engaged in the performance
63 of official duties. Sections 117.01, 117.04, 117.045, 117.05,
64 and 117.103 do not apply to ~~the provisions of~~ this section. An
65 officer may not notarize his or her own signature.

66 (3) An oath administered pursuant to this section is an
67 acceptable method of verification as provided under s. 92.525.

68 Section 4. This act shall take effect July 1, 2015.