

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Judiciary Committee  
2 Representative Grant, J. offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. The Division of Law Revision and Information is  
7 directed to create part I of chapter 117, Florida Statutes,  
8 consisting of ss. 117.01-117.108, Florida Statutes, to be  
9 entitled "General Provisions."

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

12 117.01 Appointment, application, suspension, revocation,  
13 application fee, bond, and oath.—

14 (1) The Governor may appoint as many notaries public as he  
15 or she deems necessary, each of whom shall be at least 18 years  
16 of age and a legal resident of this ~~the~~ state. A permanent

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17 resident alien may apply and be appointed and shall file with  
18 his or her application a recorded Declaration of Domicile. The  
19 residence required for appointment must be maintained throughout  
20 the term of appointment. Notaries public shall be appointed for  
21 4 years and may only ~~shall~~ use and exercise the office of notary  
22 public if he or she is within the boundaries of this state. An  
23 applicant must be able to read, write, and understand the  
24 English language.

25 Section 3. Subsections (4) and (5) of section 117.021,  
26 Florida Statutes, are renumbered as subsections (5) and (6),  
27 respectively, paragraph (c) of subsection (2) is amended, and  
28 new subsections (4) and (7) are added to that section, to read:

29 117.021 Electronic notarization.—

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

32 (c) Retained under the notary public's sole control and  
33 includes access protection through the use of passwords or codes  
34 under control of the notary public; and

35 (4) A person may not require a notary public to perform a  
36 notarial act with respect to an electronic record with a  
37 technology that the notary public has not selected.

38 (7) The Department of State, in collaboration with the  
39 Agency for State Technology, shall adopt rules establishing  
40 standards for tamper-evident technologies that will indicate any  
41 alteration or change to an electronic record after completion of

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42 an electronic notarial act and shall publish a list of  
43 technologies that satisfy such standards and are approved for  
44 use in electronic notarizations, effective January 1, 2019. All  
45 electronic notarizations performed on or after January 1, 2019,  
46 must comply with the adopted standards and use an approved  
47 technology.

48 Section 4. Subsection (1), paragraph (a) of subsection  
49 (2), paragraphs (a), (c), (g), (h), and (i) of subsection (4),  
50 subsection (5), paragraph (a) of subsection (12), and  
51 subsections (13) and (14) of section 117.05, Florida Statutes,  
52 are amended, and paragraph (c) is added to subsection (12) of  
53 that section, to read:

54 117.05 Use of notary commission; unlawful use; notary fee;  
55 seal; duties; employer liability; name change; advertising;  
56 photocopies; penalties.—

57 (1) No person shall obtain or use a notary public  
58 commission in other than his or her legal name, and it is  
59 unlawful for a notary public to notarize his or her own  
60 signature. Any person applying for a notary public commission  
61 must submit proof of identity to the Department of State if so  
62 requested. Any person who violates the provisions of this  
63 subsection is guilty of a felony of the third degree, punishable  
64 as provided in s. 775.082, s. 775.083, or s. 775.084.

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65 (2) (a) The fee of a notary public may not exceed \$10 for  
66 any one notarial act, except as provided in ss. ~~s.~~ 117.045 and  
67 117.275.

68 (4) When notarizing a signature, a notary public shall  
69 complete a jurat or notarial certificate in substantially the  
70 same form as those found in subsection (13). The jurat or  
71 certificate of acknowledgment shall contain the following  
72 elements:

73 (a) The venue stating the location of the notary public at  
74 the time of the notarization in the format, "State of Florida,  
75 County of ....."

76 (c) That the signer personally appeared before the notary  
77 public at the time of the notarization either by physical  
78 presence or by means of audio-video communication technology  
79 pursuant to part II of this chapter.

80 (g) The notary public's ~~notary's~~ official signature.

81 (h) The notary public's ~~notary's~~ name, typed, printed, or  
82 stamped below the signature.

83 (i) The notary public's ~~notary's~~ official seal affixed  
84 below or to either side of the notary public's ~~notary's~~  
85 signature.

86 (5) A notary public may not notarize a signature on a  
87 document unless he or she personally knows, or has satisfactory  
88 evidence, that the person whose signature is to be notarized is  
89 the individual who is described in and who is executing the

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90 instrument. A notary public shall certify in the certificate of  
 91 acknowledgment or jurat the type of identification, either based  
 92 on personal knowledge or other form of identification, upon  
 93 which the notary public is relying. In the case of an online  
 94 notarization, the online notary public shall comply with the  
 95 procedures set forth in part II of this chapter.

96 (12) (a) A notary public may supervise the making of a copy  
 97 photocopy of a tangible or electronic record or the printing of  
 98 an electronic record, ~~an original document~~ and attest to the  
 99 trueness of the copy or of the printout, provided the document  
 100 is neither a vital record in this state, another state, a  
 101 territory of the United States, or another country, nor a public  
 102 record, if a copy can be made by the custodian of the public  
 103 record.

104 (c) A notary public must use a certificate in  
 105 substantially the following form in notarizing a copy of a  
 106 tangible or electronic record or a printout of an electronic  
 107 record:

108 STATE OF FLORIDA

109 COUNTY OF .....

110 On this .... day of ....., ...(year)..., I attest that the  
 111 preceding or attached document is a true, exact, complete, and  
 112 unaltered copy of a tangible or electronic record presented to  
 113 me by the document's custodian or a printout made by me from  
 114 such record, if, at the time of printing, no security features,

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115 if present on the electronic record, indicated that the record  
116 had been altered since execution.

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

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

120 (13) The following notarial certificates are sufficient  
121 for the purposes indicated, if completed with the information  
122 required by this chapter. The specification of forms under this  
123 subsection does not preclude the use of other forms.

124 (a) For an oath or affirmation:

125 STATE OF FLORIDA

126 COUNTY OF .....

127 Sworn to (or affirmed) and subscribed before me by means of  
128 [] physical presence or [] online notarization, this .... day of  
129 ....., ... (year)...., by ... (name of person making  
130 statement)....

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

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

134 Personally Known ..... OR Produced Identification

135 .....

136 Type of Identification Produced.....

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

138 STATE OF FLORIDA

139 COUNTY OF .....

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140 The foregoing instrument was acknowledged before me by means of  
 141  [] physical presence or [] online notarization, this .... day of  
 142 ....., ... (year) ..., by ... (name of person acknowledging) ...  
 143 ... (Signature of Notary Public - State of Florida) ...  
 144 ... (Print, Type, or Stamp Commissioned Name of Notary Public) ...  
 145 Personally Known ..... OR Produced Identification  
 146 .....

147 Type of Identification Produced.....

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

149 STATE OF FLORIDA

150 COUNTY OF .....

151 The foregoing instrument was acknowledged before me by means of  
 152  [] physical presence or [] online notarization, this .... day of  
 153 ....., ... (year) ..., by ... (name of person) ... as ... (type of  
 154 authority, . . . e.g. officer, trustee, attorney in fact) ...  
 155 for ... (name of party on behalf of whom instrument was  
 156 executed) ....

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

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

159 Personally Known ..... OR Produced Identification

160 .....

161 Type of Identification Produced.....

162 (14) A notary public must make reasonable accommodations

163 to provide notarial services to persons with disabilities.

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164 (a) A notary public may notarize the signature of a person  
165 who is blind after the notary public has read the entire  
166 instrument to that person.

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

169 1. The document signing is witnessed by two disinterested  
170 persons;

171 2. The notary public prints the person's first name at the  
172 beginning of the designated signature line and the person's last  
173 name at the end of the designated signature line; and

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

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

178 1. For an oath or affirmation:

179 ... (First Name) ... (Last Name) ...

180 ... His (or Her) Mark ...

181 STATE OF FLORIDA

182 COUNTY OF .....

183 Sworn to and subscribed before me by means of [] physical  
184 presence or [] online notarization, this .... day of .....,

185 ... (year) ..., by ... (name of person making statement) ..., who  
186 signed with a mark in the presence of these witnesses:

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

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

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189 Personally Known ..... OR Produced Identification  
190 .....

191 Type of Identification Produced.....

192 2. For an acknowledgment in an individual capacity:  
193 ...(First Name)... ...(Last Name)...  
194 ...His (or Her) Mark...

195 STATE OF FLORIDA

196 COUNTY OF .....

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

201 ...(Signature of Notary Public - State of Florida)...  
202 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...

203 Personally Known ..... OR Produced Identification  
204 .....

205 Type of Identification Produced.....

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

209 1. The person with a disability directs the notary public  
210 to sign in his or her presence;

211 2. The document signing is witnessed by two disinterested  
212 persons;

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213 3. The notary public writes below the signature the  
214 following statement: "Signature affixed by notary public,  
215 pursuant to s. 117.05(14), Florida Statutes," and states the  
216 circumstances of the signing in the notarial certificate.

217 (e) The following notarial certificates are sufficient for  
218 the purpose of notarizing for a person with a disability who  
219 directs the notary public to sign his or her name:

220 1. For an oath or affirmation:

221 STATE OF FLORIDA

222 COUNTY OF .....

223 Sworn to (or affirmed) before me by means of [] physical  
224 presence or [] online notarization, this .... day of .....,  
225 ...(year)..., by ...(name of person making statement)..., and  
226 subscribed by ...(name of notary)... at the direction of ~~and in~~  
227 ~~the presence of~~ ...(name of person making statement)..., and in  
228 the presence of these witnesses:

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

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

231 Personally Known ..... OR Produced Identification

232 .....

233 Type of Identification Produced.....

234 2. For an acknowledgment in an individual capacity:

235 STATE OF FLORIDA

236 COUNTY OF .....

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237 The foregoing instrument was acknowledged before me by means of  
238  [] physical presence or [] online notarization, this .... day of  
239 ....., ... (year) ..., by ... (name of person acknowledging) ...  
240 and subscribed by ... (name of notary) ... at the direction of ~~and~~  
241 ~~in the presence of~~ ... (name of person acknowledging) ..., and in  
242 the presence of these witnesses:

243           ... (Signature of Notary Public - State of Florida) ...  
244           ... (Print, Type, or Stamp Commissioned Name of Notary Public) ...  
245           Personally Known ..... OR Produced Identification  
246 .....

247           Type of Identification Produced.....

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

250           117.107 Prohibited acts.-

251           (2) A notary public may not sign notarial certificates  
252 using a facsimile signature stamp unless the notary public has a  
253 physical disability that limits or prohibits his or her ability  
254 to make a written signature and unless the notary public has  
255 first submitted written notice to the Department of State with  
256 an exemplar of the facsimile signature stamp. This subsection  
257 does not apply to or prohibit the use of an electronic signature  
258 and seal by a notary public performing an electronic or online  
259 notarization in accordance with this chapter.

260           (9) A notary public may not notarize a signature on a  
261 document if the person whose signature is being notarized does

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262 not appear before the notary public either by means of physical  
263 presence or audio-video communication technology pursuant to  
264 part II of this chapter ~~is not in the presence of the notary~~  
265 ~~public~~ at the time the signature is notarized. Any notary public  
266 who violates this subsection is guilty of a civil infraction,  
267 punishable by penalty not exceeding \$5,000, and such violation  
268 constitutes malfeasance and misfeasance in the conduct of  
269 official duties. It is no defense to the civil infraction  
270 specified in this subsection that the notary public acted  
271 without intent to defraud. A notary public who violates this  
272 subsection with the intent to defraud is guilty of violating s.  
273 117.105.

274 Section 6. Part II of chapter 117, Florida Statutes,  
275 consisting of sections 117.201-117.305, Florida Statutes, is  
276 created to read:

277 PART II

278 ONLINE NOTARIZATIONS

279 117.201 Definitions.—As used in this part, the term:

280 (1) (a) "Appear before," "before," "appear personally  
281 before," or "in the presence of" means:

282 1. In the same physical location as another person and  
283 close enough to see, hear, communicate with and exchange  
284 credentials with that person; or

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285 2. In a different physical location from another person  
286 but able to see, hear, and communicate with the person by means  
287 of audio-video communication technology.

288 (b) This term also applies to ss. 92.50 and 695.03.

289 (2) "Audio-video communication technology" means  
290 technology, in compliance with this chapter, that enables real-  
291 time, two-way communication using electronic means in which  
292 participants are able to see, hear, and communicate with one  
293 another.

294 (3) "Credential analysis" means a process or service, in  
295 compliance with this chapter, in which a third party affirms  
296 the validity of a government-issued identification credential  
297 and data thereon through review of public or proprietary data  
298 sources.

299 (4) "Errors and omissions insurance" means a type of  
300 insurance that provides coverage for potential errors or  
301 omissions in or relating to a notarial act.

302 (5) "Government-issued identity credential" means any  
303 approved credential for verifying identity in s. 117.05(5)(b)2.

304 (6) "Identity proofing" means a process or service in  
305 compliance with this chapter in which a third party affirms the  
306 identity of an individual through use of public or proprietary  
307 data sources, which may include knowledge-based authentication  
308 or biometric verification.

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309       (7) "Knowledge-based authentication" means a form of  
310 identity proofing based on a set of questions that pertains to  
311 an individual and formulated from public or proprietary data  
312 sources.

313       (8) "Online notarization" means the performance of an  
314 electronic notarization by means of audio-video communication  
315 technology in compliance with this chapter.

316       (9) "Online notary public" means a notary public, a  
317 civil-law notary appointed under chapter 118, or a commissioner  
318 of deeds appointed under part IV of chapter 721, that has  
319 registered with the Department of State to perform online  
320 notarizations under this part.

321       (10) "Principal" means an individual whose electronic  
322 signature is acknowledged, witnessed, or attested in an online  
323 notarization or who takes an oath or affirmation from the  
324 online notary public.

325       (11) "Remote presentation" means transmission of an image  
326 of a government-issued identification credential that is of  
327 sufficient quality to enable the online notary public to  
328 identify the individual seeking the notary's services and to  
329 perform credential analysis through audio-video communication  
330 technology.

331       (12) Except where the context otherwise requires, any term  
332 defined in s. 668.50(2) shall have the same meaning when used in  
333 this chapter.

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334 117.209 Authority to perform online notarizations.-

335 (1) An online notary public may perform any of the  
336 functions authorized under chapter 117 as an online  
337 notarization.

338 (2) If a notarial act requires a principal to appear  
339 before or in the presence of the online notary public, the  
340 principal may appear before the online notary public by means of  
341 audio-video communication technology that meets the requirements  
342 of this chapter and any rules adopted by the Department of State  
343 under s. 117.295.

344 (3) An online notary public may perform an online  
345 notarization authorized under this chapter, regardless of the  
346 physical location of the principal at the time of the notarial  
347 act, provided the online notary public, other than a civil-law  
348 notary or a commissioner of deeds, is physically located in this  
349 state while performing the online notarization.

350 (4) The validity of an online notarization performed by an  
351 online notary public registered in this state shall be  
352 determined by applicable laws of this state regardless of the  
353 physical location of the principal at the time of the notarial  
354 act.

355 (5) The authority in subsection (1) to perform a notarial  
356 act as an online notarization excludes:

357 (a) Solemnizing the rites of matrimony.

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358 (b) A notarial act in connection with the creation and  
359 execution of a will, codicil, or revocable trust subject to the  
360 execution formalities of s. 736.0403(2).

361 (c) A contract, agreement, or waiver subject to ss.  
362 732.701 and 732.702.

363 117.215 Relation to other laws.

364 (1) If a provision of law requires a notary public or  
365 other authorized state official to notarize a signature or  
366 statement; take an acknowledgment of an instrument; or  
367 administer an oath or affirmation so that a document may be  
368 sworn, affirmed, made under oath, or subject to penalty of  
369 perjury, an online notarization performed in accordance with the  
370 provisions of this part and any rules adopted hereunder shall  
371 satisfy such requirement.

372 (2) If a provision of law requires a signature or act be  
373 witnessed, compliance with the online electronic witnessing  
374 standards under s. 117.285 and any rules adopted hereunder  
375 satisfies that requirement.

376 (3) Subsections (1) and (2) exclude and do not apply to  
377 laws governing:

378 (a) Solemnizing the rites of matrimony.

379 (b) A notarial act in connection with the creation and  
380 execution of a will, codicil, or revocable trust subject to the  
381 execution formalities of s. 736.0403(2).



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382       (c) A contract, agreement, or waiver subject to ss.  
383       732.701 and 732.702.

384       117.225 Registration; qualifications.—A notary public, a  
385       civil-law notary appointed under chapter 118, or a commissioner  
386       of deeds appointed under part IV of chapter 721, may complete a  
387       registration as an online notary public with the Department of  
388       State by:

389       (1) Satisfying the requirements for appointment as a  
390       notary public under part I of this chapter, as a civil-law  
391       notary under chapter 118, or as a commissioner of deeds under  
392       part IV of chapter 721.

393       (2) Certifying that the registrant has completed a  
394       classroom or online course of at least three hours covering the  
395       duties, obligations, and technology requirements for serving as  
396       an online notary public.

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

399       (4) Submitting to the Department of State a registration  
400       as an online notary public, signed and sworn to by the  
401       registrant.

402       (5) Confirming in a statement that the audio-video  
403       communication and identity proofing technologies the registrant  
404       intends to use in performing online notarizations satisfy the  
405       requirements of this chapter.

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406       (6) Providing evidence satisfactory to the Executive  
407 Office of the Governor that the registrant has obtained a bond,  
408 payable to any individual harmed as a result of a breach of duty  
409 by the registrant acting in his or her official capacity as an  
410 online notary public, conditioned for the due discharge of the  
411 office, in the minimum amount of \$25,000, and on such terms as  
412 are specified by rule by the Department of State as reasonably  
413 necessary to protect the public. The bond shall be approved and  
414 filed with the Department of State and executed by a surety  
415 company duly authorized to transact business in this state.  
416 Compliance by a notary public with this requirement shall  
417 satisfy the requirement of obtaining a bond under s. 117.01(7).

418       (7) Providing evidence satisfactory to the Executive  
419 Office of the Governor that the registrant acting in his or her  
420 official capacity as an online notary public is covered by an  
421 errors and omissions insurance policy from an insurer authorized  
422 to transact business in this state, in the minimum amount of  
423 \$25,000, and on such terms as are specified by rule by the  
424 Department of State as reasonably necessary to protect the  
425 public.

426       117.235 Performance of notarial acts.-

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

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431 (2) An online notary public may perform notarial acts as  
432 provided by part I in addition to performing online  
433 notarizations as authorized and pursuant to the provisions of  
434 this part.

435 117.245 Electronic journal of online notarizations.-

436 (1) An online notary public shall keep a secure electronic  
437 journal of electronic records notarized by the online notary  
438 public. For each online notarization, the electronic journal  
439 entry must contain all of the following:

440 (a) Date and time of the notarization.

441 (b) Type of notarial act.

442 (c) Type, title, or description of the electronic record  
443 or proceeding.

444 (d) Printed name and address of each principal involved in  
445 the transaction or proceeding.

446 (e) Evidence of identity of each principal involved in the  
447 transaction or proceeding in any of the following forms:

448 1. Statement that the person is personally known to the  
449 online notary public.

450 2. Notation of the type of government-issued identity  
451 credential provided to the online notary public.

452 3. Copy of the government-issued identity credential  
453 provided.

454 4. Copy of any other identity credential or information  
455 provided.

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456 (f) Indication that the principal satisfactorily passed  
457 the identity proofing.

458 (g) Indication that the government-issued identity  
459 credential satisfied the credential analysis.

460 (h) The fee, if any, charged for the online notarization.

461 (2) The online notary public shall retain a copy of the  
462 recording of the audio-video communication in which the:

463 (a) Principal and any witnesses appeared before the notary  
464 public.

465 (b) Identity of each participant was confirmed.

466 (c) Electronic records were signed by the principal and  
467 any witnesses.

468 (d) Notarial act was performed.

469 (3) The online notary public shall take reasonable steps  
470 to:

471 (a) Ensure the integrity, security, and authenticity of  
472 online notarizations.

473 (b) Maintain a backup record for the electronic journal  
474 required by subsection (1).

475 (c) Protect the electronic journal, the backup record, and  
476 any other records received by the online notary public from  
477 unauthorized use.

478 (4) The electronic journal required under subsection (1)  
479 and the recording of the audio-video communication required  
480 under subsection (2) shall be maintained for at least 10 years

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481 after the date of the notarial act. The online notary public, a  
482 guardian of an incapacitated online notary public, or the  
483 personal representative of a deceased online notary public, may,  
484 by contract with a secure repository in accordance with any  
485 rules established under this chapter, delegate to the repository  
486 the online notary public's duty to retain the required  
487 electronic journal and copies of the recordings of audio-video  
488 communications.

489 (5) An omitted or incomplete entry in the electronic  
490 journal does not impair the validity of the notarial act or the  
491 electronic record which was notarized, but may be introduced as  
492 evidence to establish violations of this chapter or as an  
493 indication of possible fraud, forgery, or impersonation or for  
494 other evidentiary purposes.

495 117.255 Use of electronic journal, signature, and seal.—An  
496 online notary public shall:

497 (1) Take reasonable steps to ensure that any registered  
498 device used to create an electronic signature is current and has  
499 not been revoked or terminated by the issuing or registering  
500 authority of the device.

501 (2) Keep the electronic journal, electronic signature, and  
502 electronic seal secure and under his or her sole control, which  
503 shall include access protection through the use of passwords or  
504 codes under control of the notary public. The online notary  
505 public may not allow another person to use the online notary

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506 public's electronic journal, electronic signature, or electronic  
507 seal.

508 (3) Use only an electronic signature for performing online  
509 notarization.

510 (4) Attach or logically associate the electronic signature  
511 and seal to the electronic notarial certificate of an electronic  
512 record in a manner capable of independent verification using  
513 tamper-evident technology that renders any subsequent change or  
514 modification to the electronic record evident.

515 (5) Immediately notify an appropriate law enforcement  
516 agency and the Department of State of theft or vandalism of the  
517 electronic journal, electronic signature, or electronic seal. An  
518 online notary public shall immediately notify the Department of  
519 State of the loss or use by another person of the online notary  
520 public's electronic journal, electronic signature, or electronic  
521 seal.

522 (6) Make electronic copies, upon request, of the pertinent  
523 entries in the electronic journal and provide access to the  
524 related audio-video communication recordings to the parties to  
525 the notarized electronic records, and to the title agent,  
526 settlement agent, or title insurer which engaged the online  
527 notary with regard to a real estate transaction. The online  
528 notary public may charge a reasonable fee for making and  
529 delivering electronic copies of a given series of related

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530 electronic records. Such fee must be disclosed to the requestor  
531 before copies are made.

532 117.265 Online notarization procedures.-

533 (1) An online notary public physically located in this  
534 state may perform an online notarization that meets the  
535 requirements of this part regardless of whether the principal or  
536 any witnesses are physically located in this state at the time  
537 of the online notarization. A civil-law notary or a commissioner  
538 of deeds registered as an online notary public may perform an  
539 online notarization while located outside of this state. An  
540 online notarial act performed in accordance with this chapter is  
541 deemed to have been performed within this state and is governed  
542 by applicable laws of this state.

543 (2) In performing an online notarization, an online notary  
544 public shall confirm the identity of a principal and any witness  
545 appearing online at the time that the signature is taken by  
546 using audio-video communication technology and processes that  
547 meet the requirements of this part and any rules adopted  
548 hereunder and record the entire audio-video conference session  
549 between the notary public and the principal and any subscribing  
550 witnesses. A principal may not act in the capacity of a witness  
551 for his or her own signature in an online notarization.

552 (3) In performing an online notarization of a principal  
553 not located within this state, an online notary public shall  
554 confirm that the principal desires for the notarial act to be

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555 performed by a Florida online notary public and under the  
556 general law of this state.

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

559 (a) Personal knowledge of each such individual; or

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

562 1. Remote presentation of a government-issued  
563 identification credential by each individual.

564 2. Credential analysis of each government-issued  
565 identification credential.

566 3. Identity proofing of each individual in the form of  
567 knowledge-based authentication or another method of identity  
568 proofing that conforms to standards of this chapter.

569

570 If the online notary public does not satisfy subparagraphs  
571 (b)1.-3., or if the databases consulted for identity proofing do  
572 not contain sufficient information to permit authentication, the  
573 online notary public may not perform the online notarization.

574 (5) An online notary public shall take reasonable steps to  
575 ensure that the audio-video communication technology used in an  
576 online notarization is secure from unauthorized interception.

577 (6) An electronic notarial certificate for an online  
578 notarization shall include a notation that the notarization is  
579 an online notarization.

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580 (7) Except where otherwise expressly provided in this  
581 part, the provisions of part I of this chapter apply to an  
582 online notarization and an online notary public.

583 (8) Any failure to comply with the online notarization  
584 procedures of this section does not impair the validity of the  
585 notarial act or the electronic record which was notarized, but  
586 may be introduced as evidence to establish violations of this  
587 chapter or as an indication of possible fraud, forgery, or  
588 impersonation or for other evidentiary purposes. This subsection  
589 in no way alters the duty of the online notary public to comply  
590 with this chapter and any rules adopted hereunder.

591 117.275 Fees for online notarization.—An online notary  
592 public or employer of such online notary public may charge a  
593 fee, not to exceed \$25, for performing an online notarization in  
594 addition to any other fees authorized under part I. Fees for  
595 services other than notarial acts are not governed by this  
596 section.

597 117.285 Supervising the witnessing of electronic records.—  
598 An online notary public may supervise the witnessing of  
599 electronic records by the same audio-video communication  
600 technology used for online notarization, as follows:

601 (1) The identity of the witness must be verified in the  
602 same manner as the identity of the principal.

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

606       (3) The witness is present in either physical proximity to  
607 the principal or through audio-video communication technology at  
608 the time the principal affixes the electronic signature and  
609 hears the principal make a statement to the effect that the  
610 principal has signed the electronic record.

611       117.295 Standards for electronic and online notarization;  
612 rulemaking authority.-

613       (1) The Legislature intends for the standards applicable  
614 to electronic notarization under s. 117.021 and for online  
615 notarization under this part to reflect future improvements in  
616 technology and methods of assuring the identity of principals  
617 and the security of an electronic record. The Department of  
618 State, in collaboration with the Agency for State Technology,  
619 may adopt rules and standards necessary to implement the  
620 requirements of this chapter and such other rules and standards  
621 as may be required to facilitate the integrity, security, and  
622 reliability of online notarization, including education  
623 requirements for online notaries public, the required terms but  
624 not the amount of online notary public bonds and errors and  
625 omissions insurance, standards regarding identity proofing,  
626 credential analysis, unauthorized interception, remote  
627 presentation, tamper-evident technology, audio-video

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628 communication technology, and retention of the electronic  
629 journal and copies of recordings of audio-video communications  
630 in a secure repository, and may publish lists of technologies  
631 that satisfy the standards and are approved for use in online  
632 notarizations.

633 (2) Until such time as the Department of State adopts  
634 applicable rules, identity proofing, credential analysis,  
635 unauthorized interception, remote presentation, tamper-evident  
636 technology, and audio-video communication technology shall be  
637 governed by the following minimum standards:

638 (a) Identity proofing by means of knowledge-based  
639 authentication shall have these or greater security  
640 characteristics:

641 1. The principal must be presented with five or more  
642 questions with a minimum of five possible answer choices per  
643 question.

644 2. Each question must be drawn from a third-party provider  
645 of public and proprietary data sources and be identifiable to  
646 the principal's social security number or other identification  
647 information, or the principal's identity and historical events  
648 records.

649 3. Responses to all questions must be made within a 2-  
650 minute time constraint.

651 4. The principal must answer a minimum of 80 percent of  
652 the questions correctly.

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

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

657 (b) Credential analysis must confirm that the credential  
658 is valid and matches the signer's claimed identity using one or  
659 more automated software or hardware processes which scan the  
660 credential, including its format features, data, barcodes, or  
661 other security elements.

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

665 (d) Audio-video communication technology used in  
666 completing online notarizations must meet the following  
667 requirements:

668 1. The signal transmission must be reasonably secure from  
669 interception, access, or viewing by anyone other than the  
670 participants communicating.

671 2. The technology must provide sufficient audio clarity  
672 and video resolution to enable the notary to communicate with  
673 the principal and to confirm the identity of the principal using  
674 identification methods described in s. 117.265.

675 (e) An online notary public is not responsible for the  
676 security of the systems used by the principal or others to  
677 access the online notarization session.

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678           117.305 Relation to Electronic Signatures in Global and  
679 National Commerce Act.—This part modifies, limits and supersedes  
680 the Electronic Signatures in Global and National Commerce Act,  
681 15 U.S.C. ss. 7001 et seq., but does not modify, limit, or  
682 supersede s. 101(c) of that act, 15 U.S.C. s. 7001(c), or  
683 authorize electronic delivery of any of the notices described in  
684 s. 103(b) of that act, 15 U.S.C. s. 7003(b).

685           Section 7. Paragraph (h) of subsection (3) of section  
686 28.222, Florida Statutes, is redesignated as paragraph (i), and  
687 a new paragraph (h) is added to that subsection to read:

688           28.222 Clerk to be county recorder.—

689           (3) The clerk of the circuit court shall record the  
690 following kinds of instruments presented to him or her for  
691 recording, upon payment of the service charges prescribed by  
692 law:

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

699           Section 8. Subsection (4) is added to section 92.50,  
700 Florida Statutes, to read:

701           92.50 Oaths, affidavits, and acknowledgments; who may take  
702 or administer; requirements.—

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703           (4) DEFINITION.—As used in this section, the term "before"  
704 has the same meaning as provided in s. 117.201(1).

705           Section 9. Subsection (1) of section 95.231, Florida  
706 Statutes, is amended to read:

707           95.231 Limitations where deed or will on record.—

708           (1) Five years after the recording of an instrument  
709 required to be executed in accordance with s. 689.01; 5 years  
710 after the recording of a power of attorney accompanying and used  
711 for an instrument required to be executed in accordance with s.  
712 689.01; or 5 years after the probate of a will purporting to  
713 convey real property, from which it appears that the person  
714 owning the property attempted to convey, affect, or devise it,  
715 the instrument, power of attorney, or will shall be held to have  
716 its purported effect to convey, affect, or devise, the title to  
717 the real property of the person signing the instrument, as if  
718 there had been no lack of seal or seals, witness or witnesses,  
719 defect in, failure of, or absence of acknowledgment or  
720 relinquishment of dower, in the absence of fraud, adverse  
721 possession, or pending litigation. The instrument is admissible  
722 in evidence. A power of attorney validated under this subsection  
723 shall be valid only for the purpose of effectuating the  
724 instrument with which it was recorded.

725           Section 10. Section 689.01, Florida Statutes, is amended  
726 to read:

727           689.01 How real estate conveyed.—

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728       (1) No estate or interest of freehold, or for a term of  
729 more than 1 year, or any uncertain interest of, in or out of any  
730 messuages, lands, tenements or hereditaments shall be created,  
731 made, granted, transferred or released in any other manner than  
732 by instrument in writing, signed in the presence of two  
733 subscribing witnesses by the party creating, making, granting,  
734 conveying, transferring or releasing such estate, interest, or  
735 term of more than 1 year, or by the party's lawfully authorized  
736 agent, unless by will and testament, or other testamentary  
737 appointment, duly made according to law; and no estate or  
738 interest, either of freehold, or of term of more than 1 year, or  
739 any uncertain interest of, in, to, or out of any messuages,  
740 lands, tenements or hereditaments, shall be assigned or  
741 surrendered unless it be by instrument signed in the presence of  
742 two subscribing witnesses by the party so assigning or  
743 surrendering, or by the party's lawfully authorized agent, or by  
744 the act and operation of law. No seal shall be necessary to give  
745 validity to any instrument executed in conformity with this  
746 section. Corporations may execute any and all conveyances in  
747 accordance with the provisions of this section or ss. 692.01 and  
748 692.02.

749       (2) For purposes of this chapter:

750       (a) Any requirement that an instrument be signed in the  
751 presence of two subscribing witnesses may be satisfied by  
752 witnesses being present and electronically signing by means of

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753 audio-video communication technology that meets the requirements  
754 of part II of chapter 117 and any rules adopted thereunder.

755 (b) The act of witnessing an electronic signature is  
756 satisfied if a witness is present either in physical proximity  
757 to the principal or by audio-video communication technology at  
758 the time the principal affixes the electronic signature and  
759 hears the principal make a statement acknowledging that the  
760 principal has signed the electronic record.

761 (3) All acts of witnessing heretofore made or taken  
762 pursuant to subsection (2) are hereby validated and, upon  
763 recording, may not be denied to have provided constructive  
764 notice based on any alleged failure to have strictly complied  
765 with this section, as currently or previously in effect, or the  
766 laws governing notarization of instruments, including online  
767 notarization in this state.

768 Section 11. Subsection (1) of section 694.08, Florida  
769 Statutes, is amended to read:

770 694.08 Certain instruments validated, notwithstanding lack  
771 of seals or witnesses, or defect in acknowledgment, etc.—

772 (1) Whenever any power of attorney has been executed and  
773 delivered, or any conveyance has been executed and delivered to  
774 any grantee by the person owning the land therein described, or  
775 conveying the same in an official or representative capacity,  
776 and has, for a period of 7 years or more been spread upon the  
777 records of the county wherein the land therein described has

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778 | been or was at the time situated, and one or more subsequent  
779 | conveyances of said land or parts thereof have been made,  
780 | executed, delivered and recorded by parties claiming under such  
781 | instrument or instruments, and such power of attorney or  
782 | conveyance, or the public record thereof, shows upon its face a  
783 | clear purpose and intent of the person executing the same to  
784 | authorize the conveyance of said land or to convey the said  
785 | land, the same shall be taken and held by all the courts of this  
786 | state, in the absence of any showing of fraud, adverse  
787 | possession, or pending litigation, to have authorized the  
788 | conveyance of, or to have conveyed, the fee simple title, or any  
789 | interest therein, of the person signing such instruments, or the  
790 | person in behalf of whom the same was conveyed by a person in an  
791 | official or representative capacity, to the land therein  
792 | described as effectively as if there had been no defect in,  
793 | failure of, or absence of the acknowledgment or the certificate  
794 | of acknowledgment, if acknowledged, or the relinquishment of  
795 | dower, and as if there had been no lack of the word "as"  
796 | preceding the title of the person conveying in an official or  
797 | representative capacity, of any seal or seals, or of any witness  
798 | or witnesses, and shall likewise be taken and held by all the  
799 | courts of this state to have been duly recorded so as to be  
800 | admissible in evidence;

801 |       Section 12. Section 695.03, Florida Statutes, is amended  
802 | to read:

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803           695.03 Acknowledgment and proof; validation of certain  
804 acknowledgments; legalization or authentication before foreign  
805 officials.—To entitle any instrument concerning real property to  
806 be recorded, the execution must be acknowledged by the party  
807 executing it, proved by a subscribing witness to it, or  
808 legalized or authenticated by a civil-law notary or notary  
809 public who affixes her or his official seal, before the officers  
810 and in the form and manner following:

811           (1) WITHIN THIS STATE.—An acknowledgment or proof made by  
812 a person located within this state may be made before a judge,  
813 clerk, or deputy clerk of any court; a United States  
814 commissioner or magistrate; any ~~or a~~ notary public or civil-law  
815 notary of this state; or any notary public of another state  
816 located in such other state and authorized to perform remote  
817 notarial acts by audio-video communication under the laws of  
818 that state; and the certificate of acknowledgment or proof must  
819 be under the seal of the court or officer, as the case may be.  
820 If the acknowledgment or proof is made before a notary public  
821 who does not affix a seal, the notary public may type, print, or  
822 write by hand on the instrument, "I am a Notary Public of the  
823 State of ... (state) ..., and my commission expires on  
824 ... (date) ...." ~~All affidavits and acknowledgments heretofore~~  
825 ~~made or taken in this manner are hereby validated.~~

826           (2) OUTSIDE ~~WITHOUT~~ THIS STATE BUT WITHIN THE UNITED  
827 STATES.—An acknowledgment or proof made by a person located

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828 outside ~~out~~ of this state but within the United States may be  
829 made before an online notary public of this state who is located  
830 within this state, in compliance with part II of chapter 117; a  
831 civil-law notary of this state or a commissioner of deeds  
832 appointed by the Governor of this state; a judge or clerk of any  
833 court of the United States or of any state, territory, or  
834 district; a United States commissioner or magistrate; or any a  
835 notary public, justice of the peace, master in chancery, or  
836 registrar or recorder of deeds of any state, territory, or  
837 district having a seal, and the certificate of acknowledgment or  
838 proof must be under the seal of the court or officer, as the  
839 case may be. If the acknowledgment or proof is made before a  
840 notary public who does not affix a seal, it is sufficient for  
841 the notary public to type, print, or write by hand on the  
842 instrument, "I am a Notary Public of the State of ...(state)...,  
843 and my commission expires on ...(date)...."

844 (3) OUTSIDE OF THE UNITED STATES OR WITHIN FOREIGN  
845 COUNTRIES.—An If the acknowledgment, affidavit, oath,  
846 legalization, authentication, or proof is made by a person  
847 located outside of the United States or in a foreign country, ~~it~~  
848 may be made before an online notary public of this state who is  
849 located within this state, in compliance with part II of chapter  
850 117, or a commissioner of deeds appointed by the Governor of  
851 this state to act in such country; before any notary public of  
852 another state located in such other state and authorized to

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853 perform remote notarial acts by audio-video communication under  
854 the laws of that other state; before any a notary public of such  
855 foreign country or a civil-law notary of this state or of such  
856 foreign country who has an official seal; before an ambassador,  
857 envoy extraordinary, minister plenipotentiary, minister,  
858 commissioner, charge d'affaires, consul general, consul, vice  
859 consul, consular agent, or other diplomatic or consular officer  
860 of the United States appointed to reside in such country; or  
861 before a military or naval officer authorized by 10 U.S.C. s.  
862 1044(a) ~~the Laws or Articles of War of the United States~~ to  
863 perform the duties of notary public, and the certificate of  
864 acknowledgment, legalization, authentication, or proof must be  
865 under the seal of the officer. A certificate legalizing or  
866 authenticating the signature of a person executing an instrument  
867 concerning real property and to which a civil-law notary or  
868 notary public of that country has affixed her or his official  
869 seal is sufficient as an acknowledgment. For the purposes of  
870 this section, the term "civil-law notary" means a civil-law  
871 notary as defined in chapter 118 or an official of a foreign  
872 country who has an official seal and who is authorized to make  
873 legal or lawful the execution of any document in that  
874 jurisdiction, in which jurisdiction the affixing of her or his  
875 official seal is deemed proof of the execution of the document  
876 or deed in full compliance with the laws of that jurisdiction.

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877       (4) The affixing of the official seal or the electronic  
878 equivalent thereof under s. 117.021 or other applicable law,  
879 including part II of chapter 117, conclusively establishes that  
880 the acknowledgment or proof was made in full compliance with the  
881 laws of this state or, as applicable, the laws of the other  
882 state, or of the foreign country governing remote notarial acts.  
883 All affidavits, oaths, acknowledgments, legalizations,  
884 authentications, or proofs made or taken in any of the manners  
885 in subsections (1), (2), or (3) are validated and upon recording  
886 shall not be denied to have provided constructive notice based  
887 on any alleged failure to have strictly complied with this  
888 section, as currently or previously in effect, or the laws  
889 governing notarization of instruments.

890       (5) For purposes of this section, the term "before" has  
891 the meaning as provided in s. 117.201(1).

892  
893 ~~All affidavits, legalizations, authentications, and~~  
894 ~~acknowledgments heretofore made or taken in the manner set forth~~  
895 ~~above are hereby validated.~~

896       Section 13. Section 695.04, Florida Statutes, is amended  
897 to read:

898       695.04 Requirements of certificate.—The certificate of the  
899 officer before whom the acknowledgment or proof is taken, except  
900 for a certificate legalizing or authenticating the signature of  
901 a person executing an instrument concerning real property

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902 pursuant to s. 695.03(3), shall contain and set forth  
903 substantially the matter required to be done or proved to make  
904 such acknowledgment or proof effectual as set forth in s.  
905 117.05.

906 Section 14. Section 695.05, Florida Statutes, is amended  
907 to read:

908 695.05 Certain defects cured as to acknowledgments and  
909 witnesses.—All deeds, conveyances, bills of sale, mortgages or  
910 other transfers of real or personal property within the limits  
911 of this state, heretofore or hereafter made and received bona  
912 fide and upon good consideration by any corporation, and  
913 acknowledged for record by ~~before~~ some officer, stockholder or  
914 other person interested in the corporation, grantee, or  
915 mortgagee as a notary public or other officer authorized to take  
916 acknowledgments of instruments for record within this state,  
917 shall be held, deemed and taken as valid as if acknowledged by  
918 the proper notary public or other officer authorized to take  
919 acknowledgments of instruments for record in this state not so  
920 interested in said corporation, grantee or mortgagee; and said  
921 instrument whenever recorded shall be deemed notice to all  
922 persons; provided, however, that this section shall not apply to  
923 any instrument heretofore made, the validity of which shall be  
924 contested by suit commenced within 1 year of the effective date  
925 of this law.

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926 Section 15. Section 695.28, Florida Statutes, is amended  
927 to read:

928 695.28 Validity of recorded electronic documents.—

929 (1) A document that is otherwise entitled to be recorded  
930 and that was or is submitted to the clerk of the court or county  
931 recorder by electronic or other means and accepted for  
932 recordation is deemed validly recorded and provides notice to  
933 all persons notwithstanding:

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

937 (b) Any defects in, deviations from, or the inability to  
938 demonstrate strict compliance with any statute, rule, or  
939 procedure relating to electronic signatures, electronic  
940 witnesses, electronic notarization, online notarization, or for  
941 submitting or recording to submit or record an electronic  
942 document in effect at the time the electronic document was  
943 executed or was submitted for recording;

944 (c) That the document was signed, witnessed, or notarized  
945 electronically or that witnessing or notarization may have been  
946 done outside the physical presence of the notary public or  
947 principal; or

948 (d) That the document recorded was a certified printout of  
949 a document to which one or more electronic signatures have been  
950 affixed.

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951 (2) This section does not alter the duty of the clerk or  
952 recorder to comply with s. 28.222 or s. 695.27 or rules adopted  
953 pursuant to those sections ~~that section~~.

954 (3) This section does not preclude a challenge to the  
955 validity or enforceability of an instrument or electronic record  
956 based upon fraud, forgery, impersonation, duress, undue  
957 influence, minority, illegality, unconscionability, or any other  
958 basis not in the nature of those matters described in subsection  
959 (1).

960 Section 16. Subsection (1) of section 709.2202, Florida  
961 Statutes, is amended to read:

962 709.2202 Authority that requires separate signed  
963 enumeration.-

964 (1) Notwithstanding s. 709.2201, an agent may exercise the  
965 following authority in this subsection only if the principal  
966 signed or initialed next to each specific enumeration of the  
967 authority, the exercise of the authority is consistent with the  
968 agent's duties under s. 709.2114, the power of attorney was  
969 witnessed and notarized in person without the use of online  
970 witnessing of electronic records pursuant to s. 117.285 or  
971 online notarization under part II of chapter 117, and the  
972 exercise is not otherwise prohibited by another agreement or  
973 instrument. A power of attorney or any authority granted therein  
974 to an agent, including where such authority is witnessed and  
975 notarized online through the use of online witnessing of

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976 electronic records pursuant to s. 117.285 or online notarization  
977 under part II of chapter 117, is not affected by this section  
978 except that a power of attorney or other authority notarized and  
979 witnessed is not effective to grant powers pursuant to the  
980 following:

- 981 (a) Create an inter vivos trust;
- 982 (b) With respect to a trust created by or on behalf of the  
983 principal, amend, modify, revoke, or terminate the trust, but  
984 only if the trust instrument explicitly provides for amendment,  
985 modification, revocation, or termination by the settlor's agent;
- 986 (c) Make a gift, subject to subsection (4);
- 987 (d) Create or change rights of survivorship;
- 988 (e) Create or change a beneficiary designation;
- 989 (f) Waive the principal's right to be a beneficiary of a  
990 joint and survivor annuity, including a survivor benefit under a  
991 retirement plan; or
- 992 (g) Disclaim property and powers of appointment.

993 Section 17. Subsection (5) of section 117.209, Florida  
994 Statutes, is repealed effective January 1, 2020.

995 Section 18. Subsection (3) of section 117.215, Florida  
996 Statutes, is repealed effective January 1, 2020.

997 Section 19. This act shall take effect January 1, 2019.

998 -----  
999 -----

1000 **T I T L E A M E N D M E N T**

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1001 Remove everything before the enacting clause and insert:  
1002 A bill to be entitled  
1003 An act relating to notaries public; providing a  
1004 directive to the Division of Law Revision and  
1005 Information; amending s. 117.01, F.S.; revising  
1006 provisions relating to use of office of notary public;  
1007 amending s. 117.021, F.S.; requiring electronic  
1008 signatures to include access protection; prohibiting a  
1009 person from requiring a notary public to perform a  
1010 notarial act with certain technology; authorizing the  
1011 Department of State to adopt rules for certain  
1012 purposes; amending s. 117.05, F.S.; revising  
1013 limitations on notary fees; providing for inclusion of  
1014 certain information in a jurat or notarial  
1015 certificate; providing for compliance with online  
1016 notarization requirements; providing for notarial  
1017 certification of a printed electronic record; revising  
1018 statutory forms for jurats and notarial  
1019 certifications; amending s. 117.107, F.S.; providing  
1020 applicability; revising prohibited acts; creating part  
1021 II of ch. 117, F.S., entitled "Online Notarizations";  
1022 providing definitions; authorizing online  
1023 notarizations; providing exceptions; providing for  
1024 legal recognition; providing registration and  
1025 qualification requirements; authorizing the

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1026 performance of certain notarial acts; requiring a  
1027 notary public to keep an electronic journal of online  
1028 notarizations; providing requirements for electronic  
1029 journals, signatures, and seals; providing online  
1030 notarization procedures; providing fees for online  
1031 notarizations; authorizing a notary public to  
1032 supervise the witnessing of electronic records of  
1033 online notarizations; providing standards for  
1034 electronic and online notarizations; authorizing the  
1035 Department of State and the Agency for State  
1036 Technology to adopt rules; providing construction;  
1037 amending s. 28.222, F.S.; requiring the clerk of the  
1038 circuit court to record certain instruments; amending  
1039 s. 92.50, F.S.; providing a definition; amending s.  
1040 95.231, F.S.; providing a limitation period for  
1041 certain recorded instruments; amending s. 689.01,  
1042 F.S.; providing for witnessing of documents in  
1043 connection with real estate conveyances; providing for  
1044 validation of certain recorded documents; amending s.  
1045 694.08, F.S.; providing for validation of certain  
1046 recorded documents; amending s. 695.03, F.S.;  
1047 providing and revising requirements for making  
1048 acknowledgments, proofs, and other documents;  
1049 providing a definition; amending s. 695.04, F.S.;  
1050 conforming a provision to changes made by the act;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 771 (2018)

Amendment No.

1051 amending s. 695.05, F.S.; making an editorial change;  
1052 amending s. 695.28, F.S.; providing for validity of  
1053 recorded documents; conforming provisions to changes  
1054 made by the act; repealing exclusions to the authority  
1055 to perform a notarial act as an online notarization on  
1056 a certain date; repealing exclusions to required  
1057 compliance with specified laws on a certain date;  
1058 providing an effective date.