

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
2 Representative Diamond offered the following:

Amendment to Amendment (342829) by Representative Perez

Remove lines 607-675 of the amendment and insert:

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6 the date of the notarial act. The Department of State maintains
7 jurisdiction over the electronic journal and audio-video
8 communication recordings to investigate notarial misconduct for
9 a period of 10 years after the date of the notarial act. The
10 online notary public, a guardian of an incapacitated online
11 notary public, or the personal representative of a deceased
12 online notary public may, by contract with a secure repository
13 in accordance with any rules established under this chapter,
14 delegate to the repository the online notary public's duty to
15 retain the electronic journal and the required recordings of
16 audio-video communications, provided that the Department of

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17 State is notified of such delegation of retention duties to the
18 repository within 30 days thereafter, including the address and
19 contact information for the repository. If an online notary
20 public delegates to a secure repository under this section, the
21 online notary public shall make an entry in his or her journal
22 identifying such repository, and provide notice to the
23 Department of State as required.

24 (5) An omitted or incomplete entry in the electronic
25 journal does not impair the validity of the notarial act or of
26 the electronic record which was notarized, but may be introduced
27 as evidence to establish violations of this chapter; as evidence
28 of possible fraud, forgery, impersonation, duress, incapacity,
29 undue influence, minority, illegality, unconscionability; or for
30 other evidentiary purposes.

31 Section 12. Section 117.255, Florida Statutes, is created
32 to read:

33 117.255 Use of electronic journal, signature, and seal.—An
34 online notary public shall:

35 (1) Take reasonable steps to ensure that any registered
36 device used to create an electronic seal is current and has not
37 been revoked or terminated by the issuing or registering
38 authority of the device.

39 (2) Keep the electronic journal and electronic seal secure
40 and under his or her sole control, which includes access
41 protection using passwords or codes under control of the online

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42 notary public. The online notary public may not allow another
43 person to use the online notary public's electronic journal,
44 electronic signature, or electronic seal, other than a RON
45 service provider or other authorized person providing services
46 to an online notary public to facilitate performance of online
47 notarizations.

48 (3) Attach or logically associate the electronic signature
49 and seal to the electronic notarial certificate of an electronic
50 record in a manner that is capable of independent verification
51 using tamper-evident technology that renders any subsequent
52 change or modification to the electronic record evident.

53 (4) Notify an appropriate law enforcement agency and the
54 Department of State of any unauthorized use of or compromise to
55 the security of the electronic journal, official electronic
56 signature, or electronic seal within 7 days after discovery of
57 such unauthorized use or compromise to security.

58 (5) Make electronic copies, upon request, of the pertinent
59 entries in the electronic journal and provide access to the
60 related audio-video communication recordings to the following
61 persons:

62 (a) The parties to an electronic record notarized by the
63 online notary public;
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