

1N-7.001 Remote Online Notarization.

(1) Words and terms defined in Section 117.201, F.S., shall have the same meaning in this chapter. For the purpose of this chapter the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

(a) “Registrant” means any person registering applying as for an online public notary pursuant to Section 117.225, F.S.

(b) “Attached to or logically associated with” means the notary’s electronic signature is securely bound to the electronic document in such a manner as to make it impracticable to falsify or alter, without detection, either the signature or the document.

(c) “Department” means the Florida Department of State.

(d) “Electronic document” means information that is created, generated, sent, communicated, received, or stored by electronic means.

(e) “Electronic notarization” and “electronic notarial act” means an official act authorized under Section 117.021(1), F.S., using electronic documents and electronic signatures.

(f) “Electronic Notary System” means a set of applications, programs, hardware, software, or technology designed to enable a notary to perform electronic notarizations.

(g) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the electronic document or record.

(h) “Unique to the notary public” means the notary’s electronic signature is attributable solely to the notary public to the exclusion of all other persons.

(i) “Retained under the online notary public’s sole control” means accessible by and attributable solely to the notary to the exclusion of all other persons and entities, either through being in the direct physical custody of the notary or through being secured with one or more biometric, password, token, or other authentication technologies in an electronic notarization system that meets the performance requirements of Sections 117.021(2) and (3), F.S.

(j) “Tamper-evident technology” means technology that allows a person inspecting a record to determine whether there has been any tampering with the integrity of a certificate of electronic notarial act logically associated with a record or with the attachment or association of the notarial act with that electronic document.

(2) A registrant shall submit form DOC 1N-7 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-11541>), effective 01/2020 herein incorporated by reference.

(3) The registrant shall:

(a) Submit a payment registration fee of \$10 by check payable to the Florida Department of State; and

(b) Submit the application by:

1. U.S. mail to P.O. Box 6327, Tallahassee, FL 32314;

2. In person delivery; or

3. Courier service.

4. In person delivery and courier service will go to 2415 North Monroe St., Suite 810, Tallahassee 32303.

(4) A registration is effective upon filing by the Florida Department State and expires on the date of expiration, termination, or resignation of the registrant’s:

(a) Notary Public commission issued under Section 117.01, F.S.;

(b) Appointment as a civil-law Notary pursuant to Section 118.10, F.S., and Chapter 1N-5, F.A.C.; or

(c) Appointment as a commissioner of deeds pursuant to Section 721.97, F.S.

(5) All qualifications and registration requirements applicable for an applicant’s registration shall apply to a renewal registration.

(6) The online notary public’s electronic journal, electronic signature, and electronic seal shall be retained under the online notary public’s sole control. The online notary public may not allow another person to use the online notary public’s electronic journal, electronic signature, or electronic seal.

(7) An online notary public shall attach the online notary public’s electronic signature and seal to the electronic notarial certificate of an electronic document in a manner that is capable of independent verification and renders any subsequent change or modification to the electronic document evident.

(8) Online notaries public shall utilize remote online notary service providers to facilitate their performance of online notarization.

(9) The remote online service provider utilized by the online notaries public shall comply with the standards and requirements pursuant to Section 117.295, F.S., and utilize tamper-evident technologies.

Rulemaking Authority 117.295 FS. Law Implemented 117.225, 117.295 FS. History—New 2-16-20.