

Understanding Florida's RON Laws

Florida law section 117 sets forth and defines the rules and requirements for remote online notarization.

Here are the key points of Florida laws regarding Remote Online Notarization (RON) in general.

Florida House Bill 409 (2020) allows Florida notaries public to perform notarizations online through audio-video communication technology, also known as remote online notarization (RON).

Florida Administrative Code 1N-7.001 sets forth the guidelines and requirements for performing RON in Florida, including verifying the identity of the person signing the document, ensuring that the document is signed and executed correctly, and keeping an electronic journal of all notarial acts performed.

Florida Statute 117.201 defines the terms and words used in RON regulations and outlines the special meanings of these terms.

Florida Statute 117.225 sets forth the qualifications, application process, and fees for becoming an online notary public in Florida.

Florida Statute 117.265 sets forth the rules for electronic notarial certificates, including the requirements for attaching electronic signatures and seals to electronic documents.

Florida Statute 117.295 sets forth the requirements and standards for remote online notary service providers, including the use of tamper-evident technology to ensure the integrity and security of RON transactions.

Florida Statute 117.2016 provides for the recognition of out-of-state online notaries performing notarizations in Florida.

Overall, these laws establish the legal framework for RON in Florida, ensuring the integrity and security of the notarization process while making it more convenient and accessible for Floridians to have their documents notarized remotely.

Florida Statute 117.265 sets forth the rules for electronic notarial certificates in Florida. Here are the key points of the statute:

Electronic notarial certificates must include a statement of the date and location of the notarization, as well as the name of the signer, the type of identification provided, and a statement that the signer appeared before the notary public and acknowledged the signature as his or hers.

The electronic notarial certificate must be signed with an electronic signature that is unique to the notary public and under the notary's sole control.

The electronic notarial certificate must be attached to or logically associated with the electronic document being notarized in such a manner as to make it impracticable to falsify or alter the certificate or the document without detection.

The electronic notary public must maintain control over their electronic signature and electronic notarial certificate, and must not allow another person to use them.

Any changes made to an electronic notarial certificate or electronic document after the notarization must be evident and capable of being independently verified.

If an electronic notary public's electronic seal is used to perform a notarization, it must be attached to or logically associated with the electronic notarial certificate in such a manner as to make it impracticable to falsify or alter the seal or certificate without detection.

If the electronic document being notarized requires a signature other than that of the notary public, the notary public must witness the signing of the electronic document using audio-video communication technology that meets the standards set forth in Florida law.

Overall, Florida Statute 117.265 sets forth the rules and requirements for electronic notarial certificates in Florida, ensuring the integrity and security of the notarization process while allowing for electronic documents to be notarized.

Florida Statute 117.295 sets forth the requirements and standards for remote online notary service providers in Florida. Here are the key points of the statute:

Remote online notary service providers must be registered with the Florida Department of State and must comply with the requirements and standards set forth in Florida law.

Remote online notary service providers must use tamper-evident technology that can determine whether there has been any tampering with the integrity of a certificate of electronic notarial act associated with a record or with the attachment or association of the notarial act with that electronic document.

Remote online notary service providers must maintain an audio-video recording of each notarization performed through their platform for a period of at least 10 years, and must store this recording in a manner that protects it against unauthorized access, tampering, or destruction.

Remote online notary service providers must have a system in place for verifying the identity of the signer and ensuring that the signer is physically located in Florida at the time of the notarization.

Remote online notary service providers must maintain a secure electronic journal of all notarial acts performed through their platform, and must make this journal available to the Florida Department of State upon request.

Remote online notary service providers must have a system in place for detecting and preventing unauthorized access to their electronic systems, and must notify the Florida Department of State of any breach of their electronic systems within 24 hours.

Overall, Florida Statute 117.295 establishes the requirements and standards for remote online notary service providers in Florida, ensuring the integrity and security of the notarization process while allowing for remote online notarization to be conducted safely and securely.

Florida Statute 117.2016 provides for the recognition of out-of-state online notaries performing notarizations in Florida. Here are the key points of the statute:

An out-of-state online notary may perform a notarization for a document to be filed or recorded in Florida, provided that the notarization complies with the laws of the state where the notary is physically located at the time of the notarization.

The out-of-state online notary must have a registration or commission to perform remote online notarizations in their state of residence or principal place of business, and must have a bond or insurance policy that meets the requirements set forth in Florida law.

The notarization must be performed using audio-video communication technology that meets the standards set forth in Florida law.

The out-of-state online notary must create an electronic notarial certificate that complies with the laws of their state of residence or principal place of business, and that includes a statement that the notarization was performed using audio-video communication technology in accordance with Florida law.

The out-of-state online notary must retain an audio-video recording of the notarization for a period of at least 10 years, and must store this recording in a manner that protects it against unauthorized access, tampering, or destruction.

Overall, Florida Statute 117.2016 allows for out-of-state online notaries to perform notarizations for documents to be filed or recorded in Florida, provided that the notarization complies with the laws and standards set forth in Florida law. This provision helps to facilitate interstate commerce and makes it easier for Floridians to have their documents notarized remotely by out-of-state notaries.

1N-7.001: Understanding the Remote Online Notarization (RON) Process

Remote online notarization (RON) is a process that allows people to have legal documents notarized electronically using a video conferencing system.

1N-7.001 is a set of guidelines established by the Florida Department of State that outlines the specific requirements for performing a RON in the state of Florida.

So, when you hear "1N-7.001 Remote Online Notarization", it simply refers to the regulations that govern the process of remote online notarization in Florida. It ensures that the process is secure and meets legal standards, so that people can have important documents notarized without having to physically meet with a notary in person.

In this law, some words have special meanings. If a word has a special meaning, then that meaning we be used instead of the regular one, unless it is clear from the situation that the law intends to use the regular meaning. Here are some special meanings:

"Registrant" means a person who is applying to be an online notary public.

"Attached to or logically associated with" means that the notary's electronic signature is securely connected to the electronic document in a way that makes it very difficult to change without getting caught.

"Department" means the Florida Department of State.

"Electronic document" means any information that is created, sent, received, or stored electronically.

"Electronic notarization" and "electronic notarial act" means an official act that an online notary public can do using electronic documents and electronic signatures.

"Electronic Notary System" means a system that helps an online notary public perform electronic notarizations.

"Electronic signature" means an electronic sound, symbol, or process that a person uses to sign an electronic document or record.

"Unique to the notary public" means that the notary's electronic signature is only used by the notary public and no one else.

"Retained under the online notary public's sole control" means that only the notary public can access the electronic document or record, either by keeping it physically or securing it with a special technology that meets certain standards.

"Tamper-evident technology" means technology that can tell if someone has tried to change a notary's electronic signature or a notarial act on an electronic document.

To become an online notary public in Florida, you need to fill out a Florida Remote Online Notarization Application (form DOC 1N-7) that form is part of your RON Package with the Florida Notary Hub. The RON Application and several other documents (these will be discussed in your RON Package checklist with Florida Notary Hub) are to be sent with a \$10 registration fee to the Florida Department of State by mail, in person, or through a courier service. Once your registration is accepted, it will be valid until your notary public commission, civil-law notary appointment, or commissioner of deeds appointment expires, terminates, or you resign. When renewing your registration, you need to meet all the requirements and qualifications just like you did when you applied for the first time.

As an online notary public, you need to keep your electronic journal, signature, and seal under your control and not let anyone else use them. Fortunately, Notary Hub makes this very easy to do. You also need to attach your electronic signature and seal to the electronic document in a way that makes it clear if anyone tries to change or modify it later. To perform online notarization, you must use a remote online notary service provider such as Notary Hub that comply with the standards and requirements set by Florida law and uses tamper-evident technologies to ensure the security and integrity of the electronic documents.

Here's what this means in simpler terms:

If you want to be a remote online notary public, you need to fill out a form called DOC 1N-7 which is basically the Florida Remote Online Notary Application (this form is part of your RON Package with our company).

When you fill out the form, you need to pay a \$10 fee by check to the Florida Department of State. You can submit the form in three ways: mailing it, delivering it in person, or using a courier service. If you choose to deliver it in person or use a courier service, you need to go to the Florida Department of State's office in Tallahassee.

Once your registration is approved by the Florida Department of State, it will be effective until your notary public commission expires, you resign, or your appointment as a civil-law notary or commissioner of deeds ends.

When you renew your registration as an online notary public, you need to meet the same qualifications and requirements as when you first registered.

You need to use a remote online notary service provider such as Notary Hub to help you notarize documents online. You will be provided information about Notary Hub when you register with Florida Notary Hub to become a RON.

Notary Hub uses the standards and requirements set by the state of Florida, and uses technology that can tell if someone tries to change your electronic signature or seal.

As an online notary public, you will keep your electronic journal, electronic signature, and electronic seal under your control. You can't let anyone else use them.

When you notarize an electronic document, you will attach your electronic signature and seal in a way that can't be changed later without being noticed. The Notary Hub platform takes care of all of that for you.