

**Florida Department of State**  
**Division of Corporations**  
**Administrative Rules 1N-5.001, Definitions and 1N-5.002, Notary's Electronic Signature**

1N-5.001 Definitions.

- (1) "Capable of independent verification" means any interested person may reasonably determine the notary's identity, the notary's relevant authority and that the electronic signature is the act of the particular notary identified by the signature.
- (2) "Electronic document" means information that is created, generated, sent, communicated, received, or stored by electronic means.
- (3) "Electronic notarization" and "electronic notarial act" means an official act authorized under Section 117.021(1), F.S., using electronic documents and electronic signatures.
- (4) "Electronic Notary System" means a set of applications, programs, hardware, software, or technology designed to enable a notary to perform electronic notarizations.
- (5) "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
- (6) "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.
- (7) "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.
- (8) "Retained under the 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.
- (9) "Public key certificate" means a computer-based record that:
  - (a) Identifies the certification authority issuing it;
  - (b) Names or identifies its subscriber;
  - (c) Contains the subscriber's public key; and
  - (d) Is digitally signed by the certification authority issuing it.

Rulemaking Authority 117.021(5) FS. Law Implemented 117.021 FS. History--New 1-26-10.

1N-5.002 Notary's Electronic Signature.

- (1) In performing an electronic notarial act, a notary shall execute an electronic signature in a manner that attributes such signature to the notary public identified on the official commission.
- (2) A notary shall take reasonable steps to ensure the security, reliability and uniformity of electronic notarizations, including, but not limited to, the use of an authentication procedure such as a password, token, card or biometric to protect access to the notary's electronic signature or the means for affixing the signature.
- (3) The notary's electronic signature and seal information may be affixed by means of a public key certificate.
- (4) The notary's electronic signature and seal information may be affixed by means of an electronic notary system.
- (5) Any public key certificate or electronic notary system that is used to affix the Notary's electronic signature and seal information shall be issued at the third or higher level of assurance as defined by the U. S. National Institute of Standards and Technology (NIST) Special Publication 800-63 (NIST 800-63), Electronic Authentication Guideline Version 1.0.2., available at NIST's website [www.csrc.nist.gov](http://csrc.nist.gov) which may be accessed at the following URL: [http://csrc.nist.gov/publications/nistpubs/800-63/SP800-63V1\\_0\\_2.pdf](http://csrc.nist.gov/publications/nistpubs/800-63/SP800-63V1_0_2.pdf).

Rulemaking Authority 117.021(5) FS. Law Implemented 117.021 FS. History--New 1-26-10.



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