

FLORIDA ONLINE NOTARY TRAINING COURSE: DEFINED TERMS IN FLORIDA STATUTES AND ADMINISTRATIVE RULES

Use this document to review the meaning of terms and concepts discussed in your training course.

Chapter 117, Part I, Florida Statutes - Notaries Public, General Provisions:

"Personally knows" means having an acquaintance, derived from association with the individual, which establishes the individual's identity with at least a reasonable certainty.

"Satisfactory evidence" means the absence of any information, evidence, or other circumstances which would lead a reasonable person to believe that the person whose signature is to be notarized is not the person he or she claims to be and any one of the identification forms provided in F.S. §117.05(5)(b).

Chapter 117, Part II, Florida Statutes - Notaries Public, Online Notarizations:

"Appear before," "before," or "in the presence of" means:

(a) In the physical presence of another person; or

(b) Outside of the physical presence of another person, but able to see, hear, and communicate with the person by means of audio-video communication technology.

"Audio-video communication technology" means technology in compliance with applicable law which enables real-time, two-way communication using electronic means in which participants are able to see, hear, and communicate with one another.

"Credential analysis" means a process or service, in compliance with applicable law, in which a third party aids a Notary Public in affirming the validity of a government-issued identification credential and data thereon through review of public or proprietary data sources.

"Electronic," "electronic record," or "electronic signature" has the same meaning as provided in F.S. §668.50.

"Errors and omissions insurance" means a type of insurance that provides coverage for potential errors or omissions in or relating to the notarial act and is maintained, as applicable, by the Online Notary Public or his or her employer, or a Remote Online Notarization service provider.

"Government-issued identification credential" means any approved credential for verifying identity under s. 117.05(5)(b)2.

"Identity proofing" means a process or service in compliance with applicable law in which a third party affirms the identity of an individual through use of public or proprietary data sources, which may include by means of knowledge-based authentication or biometric verification.

"Knowledge-based authentication" means a form of identity proofing based on a set of questions which pertain to an individual and are formulated from public or proprietary data sources.

"Online notarization" means the performance of a notarial act using electronic means in which the principal appears before the Notary Public by means of audio-video communication technology.

"Online Notary Public" means a Notary Public commissioned under part I of this chapter, a civil-law notary appointed under chapter 118, or a commissioner of deeds appointed under part IV of chapter 721, who has registered with the Department of State to perform online notarizations under this part.

"Physical presence" means being in the same physical location as another person and close enough to see, hear, communicate with, and exchange credentials with that person.

"Principal" means an individual whose electronic signature is acknowledged, witnessed, or attested to in an online notarization or who takes an oath or affirmation administered by the Online Notary Public.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, including public records as defined in s. 119.011.

"Remote Online Notarization service provider" or "RON service provider" means a person that provides audio-video communication technology and related processes, services, software, data storage, or other services to online notaries public for the purpose of directly facilitating their performance of online notarizations in compliance with this chapter and any rules adopted by the Department of State pursuant to s. 117.295.

"Remote presentation" means transmission of an image of a government-issued identification credential that is of sufficient quality to enable the Online Notary Public to identify the individual seeking the notary's services and to perform credential analysis through audio-video communication technology.

Chapter 668, Part II, Florida Statutes - Uniform Electronic Transaction Act

“Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“Electronic agent” means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part, without review or action by an individual.

“Electronic record” means a record created, generated, sent, communicated, received, or stored by electronic means.

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

“Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, including public records as defined in s. 119.011.

Florida Administrative Rule 1N-5.001 - Definitions

“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.

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

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

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

“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.

“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.

“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.

“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.

“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.

Florida Administrative Rule 1N-7.001 - Remote Online Notarization

“Registrant” means any person registering applying as for an online public notary pursuant to F.S. § 117.225.

“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.

“Department” means the Florida Department of State.

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

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

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

“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.

“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.

“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.

"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.

Chapter 732, Part V, Florida Statutes - Wills

"Audio-video communication technology" has the same meaning as provided in s. 117.201 [Chapter 117, Part II, Online Notarizations].

"Electronic record" has the same meaning as provided in s. 668.50 [Chapter 668, Part II, Uniform Electronic Transaction Act].

"Electronic signature" means an electronic mark visibly manifested in a record as a signature and executed or adopted by a person with the intent to sign the record.

"Electronic will" means a testamentary instrument, including a codicil, executed with an electronic signature by a person in the manner prescribed by this code, which disposes of the person's property on or after his or her death and includes an instrument which merely appoints a personal representative or guardian or revokes or revises another will.

"Online notarization" has the same meaning as provided in s. 117.201 [Chapter 117, Part II, Online Notarizations].

"Online Notary Public" has the same meaning as provided in s. 117.201 [Chapter 117, Part II, Online Notarizations].

"Qualified custodian" means a person who meets the requirements of s. 732.525(1) [Chapter 732, Part V, Wills].

"Secure system" means a system that satisfies the requirements of a secure repository qualified to retain electronic journals of online notaries public in accordance with s. 117.245 and any rules established under Part II of Chapter 117.