

REMOTE ONLINE NOTARIZATION "RON"

Remote online notarization allows individuals to “appear before” a notary public through audio-visual technology and a secure internet connection. It allows signatories another option besides being in the physical presence of a notary public. During this time of social distancing and stay-at-home orders, remote online notarization can be particularly effective for facilitating closings of real estate transactions.

WHO'S RON? RON DEFINITIONS

ONLINE NOTARIZATION: Performing notarial act by electronic means where the signatory (principal) appears before the notary by means of audio-video communication technology (AV Communication).

APPEAR BEFORE, BEFORE or IN THE PRESENCE OF: Either in the physical presence of the notary or outside the physical presence, but able to see, hear and communicate with signer by means of AV Communication.

AV COMMUNICATION: Technology that allows for real-time, two-way communication via electronic means where participants see, hear and communicate with one another.

REMOTE PRESENTATION: Transmission of government-issued identification (I.D.)

CREDENTIAL ANALYSIS: A third-party aids notary affirming validity of I.D. through review of public or proprietary sources.

IDENTITY PROOFING: A third-party affirms identity of individual by means of knowledge-based authentication.

KNOWLEDGE-BASED IDENTIFICATION: I.D. Proofing based on a set of questions which pertain to an individual and formulated from public or proprietary sources.

RON SERVICE PROVIDER: Provider of AV Communication, services, software and data storage to online notaries to facilitate online notary process.

Examples include: DocVerify, Expedite, NotaryCam, Notarize, Nexsys and Pavaso.

DUTIES & RESPONSIBILITIES OF AN ONLINE NOTARY

CONFIRMING IDENTITY OF PRINCIPAL

- Principal must present government I.D.
- The notary or remote online service provider must perform **credential analysis** using automated software that analyzes visual, physical and cryptographic security features of the I.D. to confirm it's not fraudulent or modified.
- **Identity proofing** (*knowledge-based authentication*) must be performed by a third-party provider of public and proprietary data sources and be identifiable to the signatory's social security number or other identification information and historical records
 - Minimum 5 questions with 5 possible answers
 - Responses must be made within a two-minute time limit
 - 80% correctly answered

WITNESSES (Section 117.285 Fla. Stat.)

- Can be in presence of principal or remote using AV Communication
- If witness is with the principal must confirm identity by stating his/her name and current address on the AV Communication recording
- If the witness is remote:
 - The identity of the witness must be verified in same manner as the principal,
 - The principal must state he/she affixed the electronic signature and witness must confirm that he/she heard the principal so state, and
 - Witness must verbally confirm he/she is a resident of the United States. and physically located in the U.S. or a territory of the U.S. at time of witnessing

RECORD KEEPING REQUIREMENTS

MAINTAIN ELECTRONIC JOURNAL

- Date & time of notarization
- Type of notary act
- Description of the electronic record
- Name & Address of each principal in the transaction
- Evidence of identity of each principal
- Proof that principal passed identity proofing
- Proof that the I.D. presented passed the credential analysis
- Fee charged

RETAIN COMPLETE & UNEDITED COPY OF THE AUDIO-VIDEO RECORDING WHICH INCLUDES:

- Appearance by principal and any witness
- Confirmation of identity of the principal and any witness
- General description of documents being signed
- Online notary must recite at beginning of recording information sufficient to identify the notary act(s)
- Declaration by the principal that his/her signature is voluntarily made
- All actions and spoken words of the principal, notary and any witness during the entire online notarization must be captured

HOW TO BECOME AN ONLINE NOTARY

1. Be currently appointed as an actively commissioned Florida notary
2. Complete a course on duties and technology requirements of online notary
3. Pay registration fee
4. Submit registration to the Dept. of State
5. Identify the Remote Online Notarization service provider (RON Provider)
6. Evidence that \$25,000.00 bond obtained (“regular” notary bond \$7,500.00)
7. Evidence of \$25,000.00 E&O Insurance

The National Notary Association, <https://www.nationalnotary.org> or the American Society of Notaries <http://www.notaries.org/home.html> are great resources for becoming an online notary.

TECHNICAL REQUIREMENTS

- Dept. of State is tasked with making rules about technology (authenticating I.D. of principals, tamper-proof technology, security of the e-record), retention of journals and AV Communications
 - AV Communication Requirements
 - Signal transmission must be secure and not able to be accessed or viewed by anyone other than the parties
 - Technology must be clear (both audio and video)

The signer must have a recent computer with a microphone and webcam and also have high speed internet access.

FOR MORE INFORMATION:

<https://dos.myflorida.com/sunbiz/other-services/notaries/remote-online-notary-public>