

WFG Underwriting Bulletin



To: All Florida Policy Issuing Agents of WFG National Title Insurance Company

From: WFG Underwriting Department

Date: March 16, 2020

Bulletin No.: FL 2020-08

Subject: Remote Online Notary (“RON”) Requirements

Use of Remote Online Notarization (“RON”) in Florida has been minimal since Florida’s RON law became effective on January 1, 2020. While WFG’s Florida RON requirements will evolve as the use of RON increases, **the following are WFG’s current Florida requirements for use of RON:**

1. If you are using your own Florida RON Notary, that notary must use either Notarize or NotaryCam as their RON Service Provider. See Practical Issues listed below.
2. If you are using a RON notary provided by Notarize or NotaryCam, the RON notary must be either a Florida RON notary or a Texas RON notary, he/she **cannot be a Virginia RON notary**. See Practical Issues listed below regarding Notarize and Florida RON notaries.
3. If using a Florida RON Notary, the notary must be located in Florida when the RON is performed.
4. The remote signor must provide a government issued credential e.g. driver’s license, which must pass a credential analysis (verification) by the RON Service Provider’s software.
5. The remote signor must answer five knowledge-based authentication (“KBA”) questions. Those KBA questions are provided by the RON Service Provider’s software and are derived from credit reporting agencies.
6. The remote signor can be located anywhere in the world but cannot be a foreign person because the RON Service Provider will not be able to create the KBA questions to be answered by the signor since those questions are derived from credit reporting agencies. However, if the foreign person has a credit history in the United States and the RON Service Provider’s software is able to create the KBA questions, RON can be used for that foreign signor if the foreign signor can pass the KBA questions and the credential analysis.
7. If witnesses are remote from the signor, they have to be located in the US and be residents of the US, and they have to pass the credential analysis and the KBA questions. See Practical Issues listed below regarding Florida RON law and remote witnesses.
8. The RON Session must be video and audio recorded and saved for 10 years.

9. The RON Notary must keep an electronic log of all RON's performed by the notary and a backup electronic copy.

10. While not required, as we are all learning how to use RON, on a case by case basis, Florida Underwriting may want to review and approve the remotely signed documents and review the video/audio recording of the RON session.

Practical Issues:

1. Notarize has not yet setup any Florida RON notaries for general use. Therefore, if using Notarize' RON notary, a Texas RON notary is acceptable to WFG and should be requested by any agent who is using Notarize as a RON Service Provider and who is using its RON notary. **A Virginia RON notary provided by Notarize is not acceptable.**

2. Notarize is not setup to handle witnesses who are remote from both the notary and the signor. Florida is, apparently, the only state that authorizes witnesses to be remote from the signor and the notary. Therefore, witnesses have to be physically located with the remote signor.

3. Texas law does not require witnesses on deeds so if using Notarize' Texas RON notary, make sure that the executed deed has two witnesses.

4. We have been advised that Notarize has issues using its platform to sign mortgages and notes. Therefore, the Notarize platform is currently only being used for cash transactions.

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The Agent may be held responsible for any loss sustained as a result of the failure to follow the standards set forth above.