



Electronic Oaths

Under Florida statutes, law enforcement officers can administer oaths, or “notarize,” documents in the course of their duties unless otherwise stated. Much of the paperwork that law enforcement officers handle on a daily basis requires an attestation or oath. Probable cause affidavits and witness affidavits – both of which require sworn statements – are the documents most frequently notarized by law enforcement officers. These are also documents that are most likely to be prepared in the field and sent in an electronic format. The cumbersome process of requiring oaths to be notarized in-person takes away from the efficiencies of having an electronic system.

EXAMPLE: A deputy arrests a subject and calls for transport to take the subject to jail. The deputy helps a witness on scene write an affidavit. Pursuant to current law, the deputy can notarize the witness’s affidavit as the affidavit relates to law enforcement duties. Using the computer docked in the patrol car, the deputy prepares a probable cause affidavit, which is needed to book the subject into the jail. Once the deputy has finished writing the probable cause affidavit, it will need to be notarized. The deputy then has two choices in order to have the document notarized:

- 1.) Drive back to the office and find a notary who is working at 2 a.m., or*
- 2.) Call another deputy on the radio and meet somewhere in the field.*

Requiring a hard signature to notarize documents takes two deputies away from their zone and their duties. Law enforcement officers put into situations like the one described above would save a tremendous amount of time through the use of electronic notarization. Using a system compliant with criminal justice information system security measures, the first deputy would simply e-mail the document to another deputy, who then opens the e-mail in the patrol car, places an electronic signature on the notary line, and e-mails the document back to the first deputy.

During the 2013 Legislative session, a bill passed to authorize law enforcement officers to electronically submit a warrant to judge for an electronic signature. This was a critical first step in creating a fully electronic process for all types of warrants. Allowing for electronic oaths will save law enforcement officers time and resources by allowing reports to be notarized remotely. Electronic oaths will lead to a more efficient use of time and allows for both deputies to continue on to more important aspects of being a law enforcement officer.

Support HB 523 by Representative Kerner & SB 526 by Senator Grimsley

