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Bulletin #2005-001

TO: SURPLUS LINES AGENTS AND SURPLUS LINES INSURERS

**FROM: GARY D. PULLEN, EXECUTIVE DIRECTOR
FLORIDA SURPLUS LINES SERVICE OFFICE**

DATE: AUGUST 4, 2005

SUBJECT: ELECTRONIC SIGNATURE VALIDITY

The purpose of this bulletin is to notify you of the validity of electronic documentation and electronic signatures. Due to previous legislation, it is legal for surplus lines policies to be computer generated and may contain electronic signatures.

The Electronic Signature Act of 1996 which Florida legislation put into law on May 1996. The law permits the use of electronic signatures and the use of electronic records as valid and legal documents. Federal legislation enacted the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.), or "ESIGN," which was adopted by Congress in June 2000, approves the use of electronic signatures and records in commerce by ensuring the legal validity of contracts entered into electronically.

In summarizations of both the ESIGN Act and the Electronic Signatures Act of 1996, parties may create valid, enforceable contracts with electronic signatures without the use of paper documentation. Printed copies of records can be submitted as evidence in court and can be filed with governmental entities to meet statutory requirements and can be filed electronically if permitted by the agency.

Furthermore, Florida law states that even while statutory requirements may state that a record must be in writing, an electronic record will satisfy the law and that an electronic signature may also be used satisfies the law (Florida Statute 668.004(7)).

However, the creation of legal obligations through the use of electronic records and signatures maintains that all parties must be in agreement to conduct business electronically, and business may not force consumers to accept transacting business by any electronic means.

If you have any questions concerning this bulletin, please contact Carolyn Daniels at 800.562.4496 x303.

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