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MEMORANDUM

TO: AAA Directors **NOTICE#:** 110211-1-I-SWCBS

FROM: Charles T. Corley
Secretary

DATE: November 1, 2011

SUBJECT: Notice of Instruction: Electronic Records and Electronic Signatures
Relating to Transactions

The purpose of this notice is to provide guidance about electronic records and electronic signatures. Specifically, this notice is intended to address utilization of electronic signatures for case management records.

The following language will be amended into Department/AAA contracts and passed through to sub-contracts:

“The Department authorizes, but does not require, the Contractor to create and retain electronic records and to use electronic signatures to conduct transactions necessary to carry out the terms of this Agreement. A contractor that creates and retains electronic records and uses electronic signatures to conduct transactions shall comply with the requirements contained in the *Uniform Electronic Transaction Act*, s. 668.50, Fla. Stat. All electronic records must be fully auditable; are subject to *Florida’s Public Records Law*, ch. 119, Fla. Stat.; must comply with section 28, *Data Integrity and Safeguarding Information*; must maintain all confidentiality, as applicable; and must be retained and maintained by the Contractor to the same extent as non-electronic records are retained and maintained as required by this Agreement.

“The Department’s authorization pursuant to this section does not authorize electronic transactions between the Contractor and the Department. The Contractor is authorized to conduct electronic transactions with the Department only upon further written consent by the Department.

“Upon request by the Department, the Contractor shall provide the Department with non-electronic (paper) copies of records. Non-electronic (paper) copies provided to the Department of any document that was originally in electronic form with an electronic signature must indicate the person and the person’s capacity who electronically signed the document on any non-electronic copy of the document.”

This instruction may be utilized upon receipt of this notice. Should you have questions, please contact your contract manager. We greatly appreciate your attention to this matter.

<http://elderaffairs.state.fl.us>