

ORDINANCE NO. 0-08-81

An ordinance of the City of Gainesville, Florida, relating to Electronic Signatures and Documents; creating and adding Sections 2-439 and 2-440 to the Code of Ordinances; authorizing the use of electronic signatures and electronic transactions and records; providing directions to the codifier, providing a severability clause, providing a repealing clause and providing an immediate effective date.

WHEREAS, the legislature of the State of Florida adopted F.S. §§ 668.001 through 668.06, known as the Electronic Signature Act of 1996, and F.S. § 668.50, known as the Uniform Electronic Transaction Act to facilitate economic development and make governmental services more efficient, demonstrate that electronic signatures are legally recognized, and reduce costs associated with manual signatures; and

WHEREAS, the City of Gainesville desires to use electronic signatures to facilitate the conduct of its business in appropriate transactions; and

WHEREAS, at least ten (10) days notice has been given of the public hearing once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing in the City Commission meeting room, First Floor, City Hall, in the City of Gainesville; and

WHEREAS, the public hearing was held pursuant to the published notice described above at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF GAINESVILLE, FLORIDA:**

Section 1. Sections 2-439 and 2-440 are created and added to the Code of Ordinances of the City of Gainesville, Florida, to read:

1 **Sec. 2-439. Electronic Signatures and Transactions Act.**

2 Purpose and Intent.

3 In accordance with F. S. §§ 668.001 through 668.06, and § 668.50, the Electronic Signature Act
4 of 1996 and the Uniform Electronic Transaction Act, respectively, the City of Gainesville
5 intends to treat an electronic document as having the same force and effect as a document
6 obtained by traditional, manual means. Electronic commerce, including the implementation and
7 authorization of electronic signatures, records, and transactions, can benefit the City of
8 Gainesville. Electronic commerce has the potential to facilitate economic development and
9 improve the efficiency of government services, expedite business transactions, decrease paper
10 use and reduce costs associated with manual signatures.

11 **Sec. 2-440. Permissible Use of Electronic Signatures, Records and Transactions.**

12 (1) Authorization. The Charter Officers of the City of Gainesville are authorized to use
13 electronic signatures, records and transactions, and to conduct transactions electronically.

14 (2) Use. The Charter Officers of the City of Gainesville are authorized, to the extent consistent
15 with F.S. §§ 668.001 through 668.06, and 668.50 to:

16 a. determine appropriate use of electronic signatures, records and electronic transactions;

17 and

18 b. produce, receive, accept, acquire, transmit, forward, store, preserve, or maintain
19 records in electronic form; and

20 c. conduct transactions in electronic form.

21 (3) Force and Effect of an Electronic Signature.

22 a. Unless otherwise provided by law, an electronic signature may be used to sign a
23 writing and shall have the same force and effect as a manual signature.

1 b. The Charter Officers are authorized, to the extent consistent with F.S. §§ 668.001
2 through 668.06, and 668.50, when deemed appropriate,

3 1. to determine the manner and format in which electronic signatures are used and
4 accepted; and

5 2. to adopt rules and regulations regarding the identification, security, confidentiality
6 and use of electronic signatures to ensure the validity of electronic signatures.

7 (4) Force and Effect of an Electronic Record.

8 Electronic records shall be considered and treated the same as any other records for any
9 other purpose.

10 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of
11 this ordinance shall become and be made a part of the Code of Ordinances of the City of
12 Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered
13 or relettered in order to accomplish such intentions.

14 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
15 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
16 finding shall not affect the other provisions or applications of the ordinance which can be given
17 effect without the invalid or unconstitutional provisions or application, and to this end the
18 provisions of this ordinance are declared severable.

19 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
20 such conflict hereby repealed.

1 **Section 5.** This ordinance shall take effect immediately upon adoption.

2 **PASSED AND ADOPTED** this ____ day of _____, 2008.

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8 **ATTEST:**

PEGEEN HANRAHAN
MAYOR

9 Approved as to form and legality

10
11
12 _____
13 KURT M. LANNON
14 CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY
CITY ATTORNEY

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18 This Ordinance passed on first reading this ____ day of _____, 2008.

19 This Ordinance passed on second reading this ____ day of _____, 2008.
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