

In The News

Donnie King, Ashleigh McKenzie Co-Author *Daily Business Review* Article Analyzing Enforceability of Electronic Signatures in Virtual Environments Due to Pandemic

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Donnie King and Ashleigh McKenzie co-authored an article published by the *Daily Business Review* analyzing the enforceability of electronic signatures in Florida and other states, particularly as they become increasingly essential in virtual environments due to the ongoing COVID-19 pandemic.

“Since contracts and their legal enforceability are determined by state law, most states, including Florida, have adopted the Uniform Electronic Transactions Act (UETA). Under the UETA electronic signatures have the same legal effect as traditional handwritten signatures. Fla. Stat. Section 668.50(7) (b) (“a contract may not be denied legal effect or enforceability solely because an electronic record was used in the formation of the contract”). A signature can be any mark or symbol that a party makes with the intent to authenticate a record or contract. As such, a valid signature can be written, stamped, printed, typed, initialed or impressed onto paper in other forms. In addition, under the UETA, an electronic signature can be an electronic sound, symbol, or a process that includes both, that is “attached or logically associated with the contract,

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and executed or adopted with the intent to sign the record.” It is important to note, however, that the UETA does not apply to every transaction. In order for the UETA to apply, each party to the contract must agree to conduct the transaction electronically. Therefore, the two key components for compliance with the UETA is a clear expression of intent and consent of the parties to proceed electronically.”

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