

This written policy is published by Florida Capital Bank, N.A. for purposes of express incorporation by reference into the written agreements through which it obtains loan applications, loan packages, and/or loans (every agreement incorporating this policy is referred to below as the "Agreement"), and shall not be waived or modified except from time to time through the publication of an updated version of this policy, by act of revision and shall occur only at the exclusive discretion of Florida Capital Bank, N. A.

Electronic Signatures are defined as an electronic sound, symbol, or process, attached to, or logically associated with, a contract or other record executed or adopted by a person with the intent to sign the record. Florida Capital Bank, N. A. (FLCBank) does not accept an electronic signature that is solely voice or audio. Digital signatures are a subset of electronic signatures.

FLCBank requires the TPO Broker Customer to represent and warrant the following:

- The Broker represents that the software and disclosures used comply with the applicable federal and/or state laws, regulations and rules including, the Uniform Electronic Transactions Act, as enacted in each applicable jurisdiction ("UETA") and the federal Electronic Signatures in Global and National Commerce Act ("ESIGN"), as applicable.
- Will promptly notify FLCBank of any negative or adverse findings identified by federal regulators with respect to any Electronic Records and Electronic Signatures used by Broker in connection with creating and using Electronic Initial Loan Documents.
- Certify (initially and then annually) by reading and acknowledging this policy located at <https://www.flcbmtg.com/customer-policy-documents/> and agrees to comply with any revisions to the foregoing policy promulgated at the foregoing online repository and that only vendors acceptable to FLCBank are utilized to comply with the applicable requirements described herein.
- The Broker is able to prove is necessary that the signer certified that the document is true, accurate, and correct at the time signed.

The following are the minimum eligibility requirements for any systems used by the Broker to generate electronically signed documents for loans submitted to FLCBank:

- The Systems produce valid, enforceable, and effective records and signatures under ESIGN and UETA, as applicable, and all other applicable state and federal laws.
- The Systems electronically create and permit consumers to electronically sign consent to receive and sign Documents electronically as required by ESIGN and provide consumers with pre-consent disclosures in compliance with ESIGN.

The consent disclosures must include:

- A clear statement of the consumer's right (if applicable) to have documents made available in paper or non-electronic form,
- A statement of the right to withdraw consent and associated conditions, consequences, and fees that may apply,
- How the consumer may, after consenting, obtain paper copies and any fees charged,
- Hardware and software requirements for access to and retention of electronic records,
- The process for the consumer to retain a copy of the ESIGN Consent disclosure,
- A description of the type or classes of transactions the consent applies to and, if applicable, a statement that the Consumer's consent covers the general use of electronic records and electronic signatures in connection with the Transaction,
- Procedures to withdraw consent,

- Procedures to update electronic contact information, and
- Electronic documents are properly created and electronically signed (if required) and will be valid, enforceable, and effective in accordance with the terms thereof.
- The systems electronically create federal and state consumer lending disclosures that comply in all respects (conspicuousness, completeness, and accuracy) with all applicable federal and state laws, rules, and regulations.
- Each electronic document created and used in the initial loan origination process complies with all applicable state and federal consumer protection and disclosure laws, and all other applicable laws and regulations.

Electronic Signature Requirements

Electronic Signatures are acceptable to FLCBank when used to originate and underwrite the loan application and may be used on:

- Initial Loan Application ([URLA](#)) and Disclosures.
- Sales Contract and any applicable addendums.
- Appraisal Reports.
- Property inspections.
- Third party verification documents such as Verifications of Employment.

Originators/Lenders choosing to use electronic signatures must fully comply with Electronic Signatures in Global and National Commerce Act (“E-Sign Act”) Compliance and Technology relating to disclosures, consent, intent to sign, presentation, delivery, and retention and must be provided by an approved e-signature vendor (please refer to the resource center for a list of approved e-signature vendors).

Intent to Sign utilizing electronic signatures must be established by the lender and its evidence includes but is not limited to:

- An online dialog box or alert advising the Borrower that continuing the process will result in an electronic signature;
- An online dialog box or alert indicating that an electronic signature has just been created and giving the Borrower an opportunity to confirm or cancel the signature; or
- A click-through agreement advising the Borrower that continuing the process will result in an electronic signature.

Evidence of compliance with Electronic Signature requirements must be provided by the Loan Originator/Lender that includes.

Evidence of Electronic Consent:

- Consent on audit trail,
- Electronic acceptance on e-consent disclosure that contains at a minimum:
 - Borrower's Name
 - Date of Consent
 - IP address of the individual providing consent

Proof of receipt

When documents are provided electronically and signature on the document **is not required** by federal, state, and local laws, rules, and regulations, or by FLCBank requirements, you must provide proof of the following:

- Electronic consent
- Proof of receipt using one of the following:
 - Electronic signature and date on the disclosure or document
 - Audit trail
 - Disclosure tracking details, or other similar system generated document containing at minimum: Borrower's name, Document name, Date document was viewed or received by the borrower.

Proof of signature

When documents are provided electronically and signature on the document **is required** by federal, state, and local laws, rules, and regulations, or by FLCBank requirements, you must provide proof of the following:

- Electronic consent
- Electronic signature and date on the disclosure or document
- Audit trail