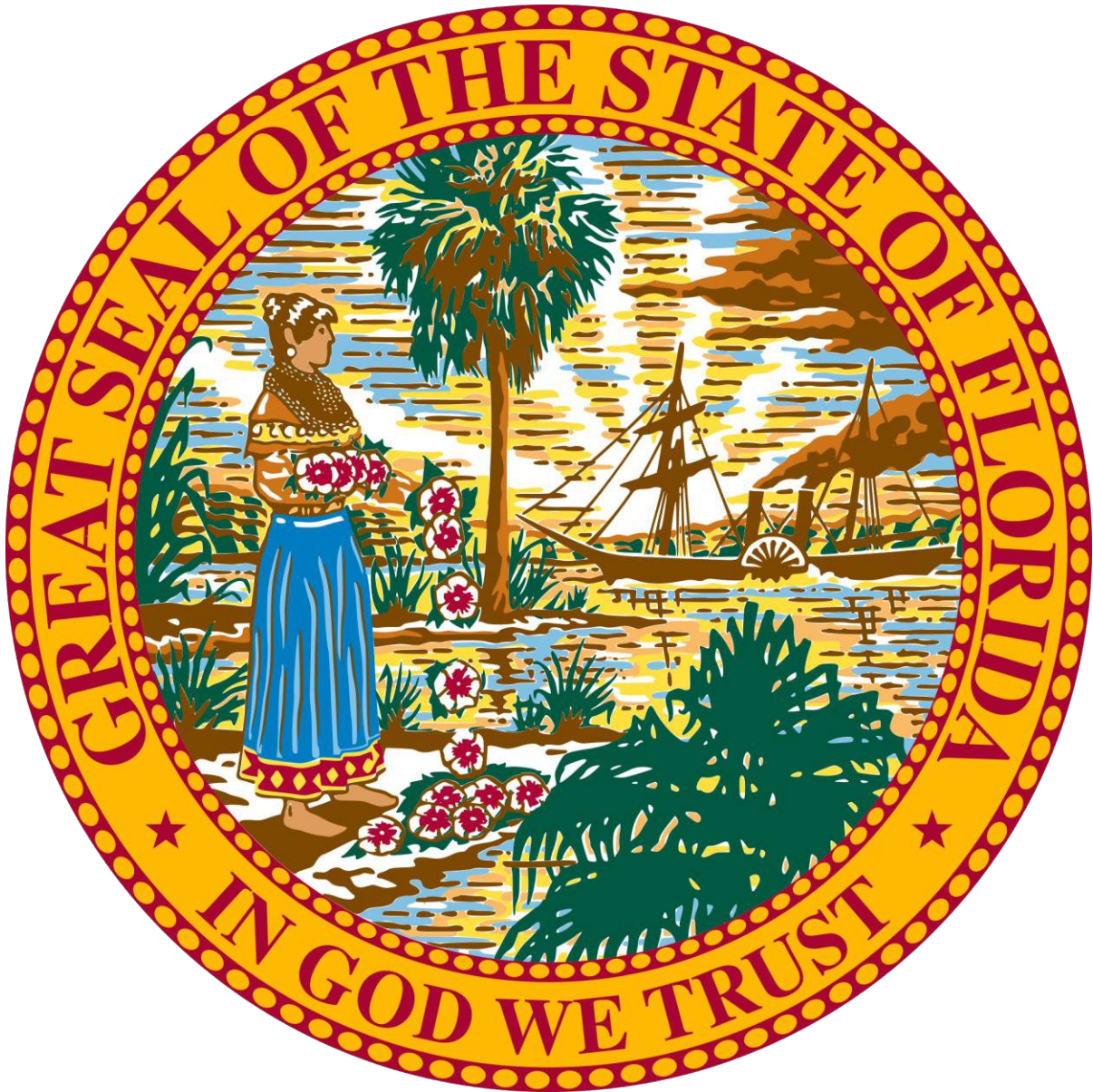


***Governor's  
Reference Manual  
for Notaries Public***



***State of Florida***

**PUBLISHED BY:**

State of Florida  
Executive Office of the Governor  
Notary Section  
Tallahassee, Florida 32399-0001

**PREPARED BY:**

Rochelle Kemple  
Notary Coordinator

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**PLEASE NOTE:**

This manual has been prepared to educate Florida notaries public about the laws governing their duties and is not intended as legal advice. For additional information regarding the laws governing Florida notaries public, it may be advisable for you or your customer to seek the advice of a licensed attorney.

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# **Resources for Florida Notaries Public**

## **Contact the Executive Office of the Governor's Notary Section:**

- To learn how to obtain educational materials.
- To file a complaint against a notary public.
- To respond to a complaint filed against you for notary misconduct.
- To resign your notary public commission.

**Executive Office of the Governor  
Notary Section  
2415 North Monroe  
Street, Suite 810.  
Tallahassee, FL 32303**

**[FL\\_GOV.Notary@eog.myflorida.com](mailto:FL_GOV.Notary@eog.myflorida.com)**

**(850) 717-9310 option #2**

- Also, be sure to check out the Notary Section of the Executive Office of the Governor on the Governor's website for answers to your Florida notary public questions:

**<http://www.flgov.com/notary>**

## **Contact the Department of State's Notary Commissions and Certifications Section:**

- To report a change in your home address, business address, telephone number, or criminal record.
- To obtain information about a particular notary public or a notary public's surety bond.
- To obtain a list of the bonding agencies approved to process notary public commission applications.
- To report your notary public seal as lost or stolen.
- To request authentication of a notary public's commission for a document being sent to another state or a foreign country (i.e. a Certificate of Notarial Authority or an Apostille).

**Department of State  
Notary Commissions and Certifications Section  
P.O. Box 6327  
Tallahassee, FL 32314**

**(850) 245-6975**

**(Notary Commissions and Certifications)**

**(850) 245-6945**

**(Apostille)**

- Another website that may interest you is that of the Department of State's Notary Commissions and Certifications Section, where you can search for Florida notaries public, access the Notary Education Program, obtain a list of notary public bonding agencies, learn about Apostille certification, and more:

**<http://notaries.dos.state.fl.us>**

**Contact your Bonding Agency:**

- To obtain and submit an application for appointment as a notary public.
- To check the status of your pending notary public commission application.
- To amend your notary public commission after a lawful name change.
- To receive information about your notary public surety bond, or optional errors and omissions insurance.
- To purchase a notary public seal.
- To request a duplicate copy of your notary public commission certificate.

**Check out these other helpful websites for Florida notaries public:****Florida Statutes**

<http://www.leg.state.fl.us/Statutes>

**U.S. Citizenship and Immigration Services,**

<https://www.uscis.gov/>

**U.S. State Department Office of Authentications,**

<http://www.state.gov/m/a/auth/>

# **Office of Notary Public**

## *What is a Notary Public?*

A notary public is a public officer appointed and commissioned by the Governor whose function is to administer oaths (or affirmations); to take acknowledgments; to attest to the trueness of photocopies of certain documents; and to perform other duties specified by Florida law.

## *Qualifications and Requirements for Appointment*

- You may only be commissioned in your legal first name (or a nickname of your legal first name, within reason) and your legal last name; the inclusion of your legal middle name or initial in your commissioned name is optional.
  - For example, John Quinton Public could be commissioned as:
    - John Quinton Public
    - John Q. Public
    - John Public
    - Johnny Quinton Public
    - Johnny Q. Public
    - Johnny Public
  - For notarial certificates, your notary public seal and the name you type, print, or stamp beneath your signature must bear the legal name for which you are commissioned. However, you must sign notarial certificates with your official signature as it appears on the oath of office for your notary public commission application.
- You must be at least 18 years of age.
- You must be a legal resident of Florida. There is no certain length of time required to establish residency. However, if the Governor's Office requires proof of residency, the following methods, along with the applicant's intent to reside in Florida, would be acceptable: Florida driver license; Florida ID card; Homestead Exemption; tax form; voter's registration card; recorded Declaration of Domicile; or sworn affidavit.
  - For permanent resident aliens: "A permanent resident alien may apply and be appointed and shall file with his or her application a recorded Declaration of Domicile." Fla. Stat. § 117.01(1).
- If ever convicted of a felony charge, you must have your civil rights restored, pursuant to Article VI, section 4(a) of the Florida Constitution.
- If ever convicted of a felony, or if ever had adjudication withheld or sentence suspended for a felony offense, you must submit the following documents:
  - Written statement regarding the nature and circumstances of the charge(s);
  - Copy of the court judgment and sentencing order, or a comparable court document; and
  - If convicted, copy of the Certificate of Restoration of Civil Rights (or pardon). The name of this document may vary depending on the state where the conviction occurred. If the conviction occurred in a state that does not provide a document of this nature upon the restoration of civil rights, the applicant is responsible for providing explanation and substantial evidence as proof of the fact.
    - This information is required whether the felony charges were brought by the State of Florida, another state, or the United States. If adjudication was withheld and civil rights were not forfeited, the written statement and court documents are sufficient.
    - To obtain information about the restoration of civil rights, you may contact:

**Office of Executive Clemency  
4070 Esplanade Way  
Tallahassee, FL 32399-2450**

**(850) 488-2952**

- Pursuant to Section 117.01(2), Florida Statutes, you must take the constitutional oath of office. As part of the oath of office, pursuant to Section 117.01(3), Florida Statutes, you must also swear (or affirm) that you have read Chapter 117, Florida Statutes, and any amendments thereto, and know the duties, responsibilities, limitations, and powers of a Florida notary public; and that you will well and faithfully perform the duties of Notary Public, State of Florida.
- "A first-time applicant for a notary commission must submit proof that the applicant has, within 1 year prior to the application, completed at least 3 hours of interactive or classroom instruction, including electronic notarization, and covering the duties of the notary public. Courses satisfying this section may be offered by any public or private sector person or entity registered with the Executive Office of the Governor and must include a core curriculum approved by that office." Fla. Stat. § 668.50(11)(b).

#### *Appointment, Commission, and Jurisdiction*

- Notaries public are public officers appointed and commissioned by the Governor. You are not licensed; you are appointed. An appointment is a privilege, not a right.
- "A notary public shall be appointed for 4 years and may only use and exercise the office of notary public if he or she is within the boundaries of this state." Fla. Stat. § 117.01(1).
  - For example, a commission which began on December 1, 2016 (12:00 a.m.), will end on November 30, 2020 (11:59 p.m.).
- Additionally, regarding jurisdiction: Section 117.05(4)(a), Florida Statutes, provides that, when notarizing a signature, a notary public shall complete a jurat or notarial certificate containing the venue stating the location of the notary public at the time of the notarization "State of Florida, County of \_\_\_\_\_."

#### *Application Process*

- Since July 1, 1996, applications have been submitted by bonding agencies both in paper format and in an electronic format approved by the Department of State's Notary Commissions and Certifications Section.
- Pursuant to Section 117.01(2), Florida Statutes, the application form is prescribed by the Department of State and consists of three parts:
  - (1) *Personal information*: full name; residence address and telephone number; business address and telephone number; date of birth; race; sex; social security number; citizenship status; driver license number or the number of other official state-issued identification; a list of all professional licenses and commissions issued by the state during the previous 10 years and a statement as to whether or not the applicant has had such license or commission revoked or suspended; a statement as to whether or not the applicant has been convicted of a felony; and if there has been a felony conviction, a statement of the nature of the felony and restoration of civil rights.
  - (2) *Affidavit of good character* from someone unrelated to the applicant who has known the applicant for 1 year or more.
  - (3) *Oath of office*: The applicant must sign the following oath. (Please note: the signature is the notary public's official signature on file.)

State of Florida \_\_\_\_\_ County  
 I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state; that I have read Chapter 117, Florida Statutes, and any amendments thereto, and know the duties, responsibilities, limitations, and powers of a notary public; and that I will well and faithfully perform the duties of Notary Public, State of Florida, on which I am now about to enter. So help me God. \*

UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING APPLICATION AND OATH, AND THAT THE FACTS STATED THEREIN ARE TRUE. I accept the Office of Notary Public, State of Florida.

*\*Note: If you affirm, you may omit the words "So help me God." Fla. Stat. § 92.52.*

**Note:** *The application form no longer requires notarization.*

- "The application for appointment shall be signed and sworn to by the applicant and shall be accompanied by a fee of \$25, together with the \$10 commission fee required by s. 113.01, and a surcharge of \$4, which \$4 is appropriated to the Executive Office of the Governor to be used to educate and assist notaries public." Fla. Stat. § 117.01(2).
  - "[N]o commission fee shall be required for the issuance of a commission as a notary public to a veteran who served during a period of wartime service, as defined in s. 1.01(14), and who has been rated by the United States Government or the United States Department of Veterans Affairs or its predecessor to have a disability rating of 50 percent or more; such a disability is subject to verification by the Secretary of State, who has authority to adopt reasonable procedures to implement this act." Fla. Stat. § 117.01(2).
    - A veteran who qualifies should request the reduction in writing and provide proof of exemption.
- Once the appointment is made, the notary public commission certificate is usually mailed back to the bonding agency, who forwards it to the notary public with the notary public seal.

#### *Renewal of Notary Public Commission*

- "No person may be automatically reappointed as a notary public. The application process must be completed regardless of whether an applicant is requesting his or her first notary commission, a renewal of a commission, or any subsequent commission." Fla. Stat. § 117.01(6).
- Please be advised that, to allow for ample processing time to ensure that there is no break in service, the Department of State suggests renewal applicants submit their notary public commission applications **approximately six months** in advance of their current commission's expiration date.
- Continue using your current notary public seal through the end of your current commission. If you are reappointed, you must not use your new notary public seal until the first day of your new commission. Destroy your old notary public seal to prevent its misuse.
- "Any person who acts as or otherwise willfully impersonates a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083." Fla. Stat. § 117.05(7).

#### *Surety Bond*

- "A notary public shall, prior to executing the duties of the office and throughout the term of office, give bond, payable to any individual harmed as a result of a breach of duty by the notary public acting in his or her official capacity, in the amount of \$7,500, conditioned for the due discharge of the office and shall take an oath that he or she will honestly, diligently, and faithfully discharge the duties of the notary public. The bond shall be approved and filed with the Department of State and executed by a surety company for hire duly authorized to transact business in this state." Fla. Stat. § 117.01(7)(a).
- Pursuant to Section 117.01(4), Florida Statutes, the Governor may suspend a notary public for any grounds constituting malfeasance, misfeasance, or neglect of duty, such as failure to maintain the surety bond required by Chapter 117, Florida Statutes.

#### *Notary Public Official Seal and Commission Certificate*

- "A notary public seal shall be affixed to all notarized paper documents and shall be of the rubber stamp type and shall include the words 'Notary Public-State of Florida.' The seal shall also include the name of the notary public, the date of expiration of the commission of the notary public, and the commission number. The rubber stamp seal must be affixed to the notarized paper document in photographically reproducible black ink. Every notary public shall print, type, or stamp below his or her signature on a paper document his or her name exactly as commissioned. An impression-type seal may be used in addition to the rubber stamp seal, but the rubber stamp seal shall be the official seal for use on a paper document, and the impression-type seal may not be substituted therefor." Fla. Stat. § 117.05(3)(a).



- “The notary public official seal and the certificate of notary public commission are the exclusive property of the notary public and must be kept under the direct and exclusive control of the notary public. The seal and certificate of commission must not be surrendered to an employer upon termination of employment, regardless of whether the employer paid for the seal or for the commission.” Fla. Stat. § 117.05(3)(b).
  - “A notary public whose official seal is lost, stolen, or believed to be in the possession of another person shall immediately notify the Department of State or the Governor in writing.” Fla. Stat. § 117.05(3)(c).
  - If you lose your notary public commission certificate, you may request a duplicate from the Department of State’s Notary Commissions and Certifications Section, or from your bonding agency.
- “Any person who unlawfully possesses a notary public official seal or any papers or copies relating to notarial acts is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.” Fla. Stat. § 117.05(3)(d).
- Please be advised that, pursuant to Section 15.03(3), Florida Statutes, only the Department of State shall be authorized to affix the Great Seal of the State of Florida to any document for the purpose of attesting, certifying, or otherwise formalizing such document. Any facsimile or reproduction of the great seal shall be manufactured, used, displayed, or otherwise employed by anyone only upon the approval of the Department of State. The Department of State may grant a certificate of approval upon application to it by any person showing good cause for the use of the seal for a proper purpose. The Department of State may adopt reasonable rules for the manufacture or use of the great seal or any facsimile or reproduction thereof. Any person violating the provisions of this subsection is guilty of a misdemeanor of the second degree.

#### *Change of Address, Telephone Number, or Criminal Record*

- “A notary public shall notify, in writing, the Department of State of any change in his or her business address, home telephone number, business telephone number, home address, or criminal record within 60 days after such change.” Fla. Stat. § 117.01(2).
- “Any notary public who lawfully changes his or her name shall, within 60 days after such change, request an amended commission from the Secretary of State and shall send \$25, his or her current commission, and a notice of change form, obtained from the Secretary of State, which shall include the new name and contain a specimen of his or her official signature. The Secretary of State shall issue an amended commission to the notary public in the new name. A rider to the notary public’s bond must accompany the notice of change form. After submitting the required notice of change form and rider to the Secretary of State, the notary public may continue to perform notarial acts in his or her former name for 60 days or until receipt of the amended commission, whichever date is earlier.” Fla. Stat. § 117.05(9).
- Pursuant to Section 117.01(5)(b), Florida Statutes, if you move out of state and change your legal residence, you must resign your notary public commission.
- To change your address, you may photocopy and use Appendix A of this manual.

#### *Resignation of Notary Public Commission*

- “A notary public who wishes to resign his or her commission, or a notary public who does not maintain legal residence in this state during the entire term of appointment, or a notary public whose resignation is required by the Governor, shall send a signed letter of resignation to the Governor and shall return his or her certificate of notary public commission. The resigning notary public shall destroy his or her official notary public seal of office, unless the Governor requests its return.” Fla. Stat. § 117.01(5)(b).
  - You may photocopy and use Appendix B or Appendix C of this manual for this purpose.

# Performing Notarial Acts

## *Notarial Certificates or Jurats*

- Pursuant to Section 117.05(4), Florida Statutes, when notarizing a signature, a notary public shall complete a jurat or notarial certificate in substantially the same form as those found in Section 117.05(13), Florida Statutes. The jurat or certificate of acknowledgment shall contain the following elements:
  - The venue stating the location of the notary public at the time of the notarization in the format, "State of Florida, County of \_\_\_\_";
  - The type of notarial act performed, an oath or an acknowledgment, evidenced by the words "sworn" or "acknowledged";
  - Whether the signer personally appeared before the notary public at the time of the notarization by physical presence or by means of audio-video communication technology as authorized under Part II of Chapter 117;
  - The exact date of the notarial act;
  - The name of the person whose signature is being notarized. It is presumed, absent such specific notation by the notary public, that notarization is to all signatures;
  - The specific type of identification the notary public is relying upon in identifying the signer, either based on personal knowledge or satisfactory evidence specified in Section 117.05(5), Florida Statutes;
  - The notary public's official signature;
  - The notary public's name, typed, printed, or stamped below the signature; and
  - The notary public's official seal affixed below or to either side of the notary public's signature.

## *Identifying the Signer*

- "A notary public may not notarize a signature on a document unless he or she personally knows, or has satisfactory evidence, that the person whose signature is to be notarized is the individual who is described in and who is executing the instrument. A notary public shall certify in the certificate of acknowledgment or jurat the type of identification, either based on personal knowledge or other form of identification, upon which the notary public is relying. In the case of an online notarization, the online notary public shall comply with the requirements set forth in Part II of Chapter 117." Fla. Stat. § 117.05(5)." Fla. Stat. § 117.05(5).
  - Pursuant to Section 117.05(5)(a), Florida Statutes, the term "personally knows", means having an acquaintance, derived from association with the individual, which establishes the individual's identity with at least a reasonable certainty.
  - Pursuant to Section 117.05(5)(b), Florida Statutes, the term "satisfactory evidence" means the absence of any information, evidence, or other circumstances which would lead a reasonable person to believe that the person whose signature is to be notarized is not the person he or she claims to be and any one of the following:
    - The sworn written statement of one credible witness personally known to the notary public or the sworn written statement of two credible witnesses whose identities are proven to the notary public upon the presentation of satisfactory evidence that each of the following is true:
      - That the person whose signature is to be notarized is the person named in the document;
      - That the person whose signature is to be notarized is personally known to the witnesses;
      - That it is the reasonable belief of the witnesses that the circumstances of the person whose signature is to be notarized are such that it would be very difficult or impossible for that person to obtain another acceptable form of identification;
      - That it is the reasonable belief of the witnesses that the person whose signature is to be notarized does not possess any of the identification documents specified

- in Section 117.05(5)(b)(2.), Florida Statutes; and
  - That the witnesses do not have a financial interest in nor are parties to the underlying transaction; or
- Reasonable reliance on the presentation to the notary public of any one of the following forms of identification, if the document is current or has been issued within the past 5 years and bears a serial or other identifying number:
  - A Florida identification card or driver license issued by the public agency authorized to issue driver licenses;
  - A passport issued by the Department of State of the United States;
  - A passport issued by a foreign government if the document is stamped by the United States Bureau of Citizenship and Immigration Services;
  - A driver license or an identification card issued by a public agency authorized to issue driver licenses in a state other than Florida or in a territory of the United States, or Canada or Mexico;
  - An identification card issued by any branch of the armed forces of the United States;
  - A veteran health identification card issued by the United States Department of Veterans Affairs;
  - An inmate identification card issued on or after January 1, 1991, by the Florida Department of Corrections for an inmate who is in the custody of the department;
  - An inmate identification card issued by the United States Department of Justice, Bureau of Prisons, for an inmate who is in the custody of the department;
  - A sworn, written statement from a sworn law enforcement officer that the forms of identification for an inmate in an institution of confinement were confiscated upon confinement and that the person named in the document is the person whose signature is to be notarized; or
  - An identification card issued by the United States Bureau of Citizenship and Immigration Services.

#### *Notary Public Fees*

- “The fee of a notary public may not exceed \$10 for any one notarial act, except as provided s. 117.045 or s. 117.275.” Fla. Stat § 117.05(2)(a)
  - “A notary public is authorized to solemnize the rites of matrimony. For solemnizing the rites of matrimony, the fee of a notary public may not exceed those provided by law to the clerks of the circuit court for like services.” Fla. Stat. § 117.045.
- “A notary public may not charge a fee for witnessing an absentee ballot in an election, and must witness such a ballot upon the request of an elector, provided the notarial act is in accordance with the provisions of this chapter.” Fla. Stat. § 117.05(2)(b).
- Pursuant to Section 117.01(4), Florida Statutes, the Governor may suspend a notary public for any grounds constituting malfeasance, misfeasance, or neglect of duty, such as charging fees in excess of fees authorized by Chapter 117, Florida Statutes.

#### *Electronic Notarization*

- Pursuant to Section 117.021, Florida Statutes:
  - Any document requiring notarization may be notarized electronically. The provisions of Sections 117.01, 117.03, 117.04, 117.05(1)-(11), (13), and (14), 117.105, and 117.107, Florida Statutes, apply to all notarizations under this section.
  - In performing an electronic notarial act, a notary public shall use an electronic signature that is:
    - Unique to the notary public;
    - Capable of independent verification;
    - Retained under the notary public’s sole control; and includes access protection though use of passwords or codes under control of the notary public; and
    - Attached to or logically associated with the electronic document in a manner that any subsequent alteration to the electronic document displays evidence of the alteration.

- When a signature is required to be accompanied by a notary public seal, the requirement is satisfied when the electronic signature of the notary public contains all of the following seal information:
  - The full name of the notary public exactly as provided on the notary public's application for commission;
  - The words "Notary Public State of Florida";
  - The date of expiration of the commission of the notary public; and
  - The notary public's commission number.
- A person may not require a notary public to perform a notarial act with respect to an electronic record with a form of technology that the notary public has not selected to use.
- Failure of a notary public to comply with any of the requirements of Section 117.021, Florida Statutes, may constitute grounds for suspension of the notary public's commission by the Executive Office of the Governor.
- The Department of State may adopt rules to ensure the security, reliability, and uniformity of signatures and seals authorized in Section 117.021, Florida Statutes.
  - The Department of State, in collaboration with The Agency for State Technology, shall adopt rules establishing standards for tamper-evident technologies that will indicate any alteration or change to an electronic record after completion of a notarial act. All electronic notarizations performed on or after January 1, 2020, must comply with the adopted standards.
- Pursuant to Section 668.50(11)(a), Florida Statutes, if a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized by applicable law to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record. Neither a rubber stamp nor an impression type seal is required for an electronic notarization.
- For further information, you may wish to review the entirety of Section 668.50, Florida Statutes, which is titled "Uniform Electronic Transaction Act."

#### *Keeping Records via a Notary Journal*

- Although not required by Florida law, you may consider keeping a notary journal. Even though journals are not required, any notary who is concerned with liability may want to consider this protective measure to provide a permanent record of his or her notarial acts.
  - Please note that notary journals are usually available from your bonding agency or an office supply store.

#### *Refusal of Notary Services*

- If you are asked to provide notary services and would like to refuse, you may wish to consult with an attorney regarding any concerns you may have in providing the requested notary services.

# Duties of Notaries Public

Notaries are authorized by law to perform six basic duties:

- Administer oaths or affirmations
- Take acknowledgments
- Solemnize marriages
- Attest to photocopies
- Verify vehicle identification numbers (VINs)
- Certify the contents of a safe-deposit box

## *Administration of Oaths*

- “A notary public may administer an oath and make a certificate thereof when it is necessary for the execution of any writing or document to be published under the seal of a notary public. The notary public may not take an acknowledgment of execution in lieu of an oath if an oath is required.” Fla. Stat. § 117.03.
  - Examples of instances for which a notary public may administer an oath: affidavits, applications, depositions, vehicle identification number (VIN) verification, etc.
    - Pursuant to Section 454.23, Florida Statutes, the taking of a deposition constitutes the practice of law. Pursuant to Section 117.01(4)(f), Florida Statutes, the Governor may suspend a notary public for any grounds constituting malfeasance, misfeasance, or neglect of duty, e.g. the unauthorized practice of law.
- Pursuant to Section 117.05(13)(a), Florida Statutes, the following notarial certificate is sufficient for an oath or affirmation:

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me by means of [ ] physical presence or [ ] online notarization, this (numeric date) this (numeric date) day of (month), (year), by (name of person making statement).

(Signature of Notary Public – State of Florida)  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced: \_\_\_\_\_

- The specification of forms in Section 117.05(13), Florida Statutes, does not preclude the use of other forms.
- Pursuant to Section 117.05(14), Florida Statutes, a notary public must make reasonable accommodations to provide notarial services to persons with disabilities.
  - A notary public may notarize the signature of a person who is blind after the notary public has read the entire instrument to that person.
  - A notary public may notarize the signature of a person who signs with a mark if:
    - The document signing is witnessed by two disinterested persons;
    - The notary public prints the person’s first name at the beginning of the designated signature line and the person’s last name at the end of the designated signature line; and
    - The notary public prints the words “his (or her) mark” below the person’s signature mark.
      - The following notarial certificate is sufficient for the purpose of an oath or affirmation when a person signs with a mark:

(First Name) (Last Name)  
His (or Her) Mark

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me by means of [ ] physical presence or [ ] online notarization this (numeric date) day of (month), (year), by (name of person making statement), who signed with a mark in the presence of these witnesses:\_\_\_\_\_.

(Signature of Notary Public – State of Florida)  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known\_\_\_\_\_OR Produced Identification \_\_\_\_\_  
Type of Identification Produced: \_\_\_\_\_

- A notary public may sign the name of a person whose signature is to be notarized when that person is physically unable to sign or make a signature mark on a document if:
  - The person with a disability directs the notary to sign in his or her presence by verbal, written, or other means;
  - The document signing is witnessed by two disinterested persons; and
  - The notary writes below the signature the following statement: "Signature affixed by notary, pursuant to s. 117.05(14), Florida Statutes," and states the circumstances and the means by which the notary public was directed to sign in the notarial certificate.
    - The following notarial certificate is sufficient for the purpose of an oath or affirmation for a person with a disability who directs the notary to sign his or her name:

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me by means of [ ] physical presence or [ ] online notarization, this (numeric date) day of (month), (year), by (name of person making statement), and subscribed by (name of notary) at the direction of (name of person making statement) by (written, verbal, or other means), and in the presence of these witnesses:  
\_\_\_\_\_.

(Signature of Notary Public – State of Florida)  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known\_\_\_\_\_OR Produced Identification \_\_\_\_\_  
Type of Identification Produced: \_\_\_\_\_

#### *Taking Acknowledgments*

- "A notary public is authorized to take the acknowledgments of deeds and other instruments of writing for record, as fully as other officers of this state." Fla. Stat. § 117.04.
- Pursuant to Section 117.05(13)(a), Florida Statutes, the following notarial certificates is sufficient for an acknowledgment in an individual capacity:

*(Please see the following page.)*

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization this (numeric date) day of (month), (year), by (name of person acknowledging).

(Signature of Notary Public – State of Florida)  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced: \_\_\_\_\_

- Pursuant to Section 117.05(13)(a), Florida Statutes, the following notarial certificates is sufficient for an acknowledgment in a representative capacity:

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization this (numeric date) day of (month), (year), by (name of person) as (type of authority, e.g. officer, trustee, attorney in fact) for (name of party on behalf of whom instrument was executed).

(Signature of Notary Public – State of Florida)  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced: \_\_\_\_\_

- The specification of forms in Section 117.05(13), Florida Statutes, does not preclude the use of other forms.
- Pursuant to Section 117.05(14), Florida Statutes, a notary public must make reasonable accommodations to provide notarial services to persons with disabilities.
  - A notary public may notarize the signature of a person who is blind after the notary public has read the entire instrument to that person.
  - A notary public may notarize the signature of a person who signs with a mark if:
    - The document signing is witnessed by two disinterested persons;
    - The notary public prints the person's first name at the beginning of the designated signature line and the person's last name at the end of the designated signature line; and

- The notary public prints the words “his (or her) mark” below the person’s signature mark.
  - The following notarial certificate is sufficient for the purpose of an acknowledgment in an individual capacity when a person signs with a mark:

(First Name) (Last Name)  
His (or Her) Mark

STATE OF FLORIDA  
 COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization, this (numeric date) day of (month), (year), by (name of person acknowledging), who signed with a mark in the presence of these witnesses: \_\_\_\_\_.

(Signature of Notary Public – State of Florida)  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
 Type of Identification Produced: \_\_\_\_\_



- A notary public may sign the name of a person whose signature is to be notarized when that person is physically unable to sign or make a signature mark on a document if:
  - The person with a disability directs the notary public to sign in his or her presence by verbal, written, or other means;
  - The document signing is witnessed by two disinterested persons; and
  - The notary public writes below the signature the following statement: "Signature affixed by notary, pursuant to s. 117.05(14), Florida Statutes," and states the circumstances and the means by which the notary public was directed to sign in the notarial certificate.
  - The notary public must maintain the proof of direction and authorization to sign on behalf of the person with a disability for 10 years from the date of the notarial act.
    - The following notarial certificate is sufficient for the purpose of an acknowledgment in an individual capacity for a person with a disability who directs the notary public to sign his or her name:

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization, this (numeric date) day of (month), (year), by (name of person acknowledging), and subscribed by (name of notary) at the direction of and in the presence of (name of person acknowledging), and in the presence of these witnesses:  
\_\_\_\_\_.

(Signature of Notary Public – State of Florida)  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced: \_\_\_\_\_

### *Solemnizing Marriages*

- "All regularly ordained ministers of the gospel or elders in communion with some church, or other ordained clergy, and all judicial officers, including retired judicial officers, clerks of the circuit courts, and notaries public of this state may solemnize the rights of matrimonial contract, under the regulations prescribed by law. Nothing in this section shall make invalid a marriage which was solemnized by any member of the clergy, or as otherwise provided by law prior to July 1, 1978." Fla. Stat. § 741.07(1).
- "Any marriage which may be had and solemnized among the people called 'Quakers,' or 'Friends,' in the manner and form used or practiced in their societies, according to their rites and ceremonies, shall be good and valid in law; and wherever the words 'minister' and 'elder' are used in this chapter, they shall be held to include all of the persons connected with the Society of Friends, or Quakers, who perform or have charge of the marriage ceremony according to their rites and ceremonies." Fla. Stat. § 741.07(2).
- "A notary public is authorized to solemnize the rites of matrimony. For solemnizing the rites of matrimony, the fee of a notary public may not exceed those provided by law to the clerks of the circuit court for like services." Fla. Stat. § 117.045.
  - Please note that, pursuant to Section 28.24, Florida Statutes, the clerk of the circuit court may charge up to \$30 for solemnizing matrimony.
- "Every marriage license shall be issued by a county court judge or clerk of the circuit court under his or her hand and seal. The county court judge or clerk of the circuit court shall issue such license, upon application for the license, if there appears to be no impediment to the marriage." Fla. Stat. § 741.01(1).
- "Marriage licenses shall be valid only for a period of 60 days after issuance, and no person shall perform any ceremony of marriage after the expiration date of such license. The county court judge or clerk of the circuit court shall recite on each marriage license the final date that the license is valid." Fla. Stat. § 741.041.

- “Before any of the persons named in s. 741.07 shall solemnize any marriage, he or she shall require of the parties a marriage license issued according to the requirements of s. 741.01, and within 10 days after solemnizing the marriage he or she shall make a certificate thereof on the license, and shall transmit the same to the office of the county court judge or clerk of the circuit court from which it issued.” Fla. Stat. § 741.08.
- A notary public may perform a marriage ceremony for a person who is related to him or her by blood or marriage. The prohibition against notarizing the signature of a spouse, son, daughter, mother, or father does not apply because the notary is not notarizing the signature of the bride and groom, but is only certifying that the couple have been joined in marriage by the notary according to the laws of the State of Florida. Op. Att’y Gen. Fla. 91-70 (1991).

#### *Attesting to Tangible or Electronic Records*

- “A notary public may supervise the making of a tangible or an electronic record or the printing of an electronic record and attest to the trueness of the copy or of the printout, provided the document is neither a vital record in this state, another state, a territory of the United States, or another country, nor a public record, if a copy can be made by the custodian of the public record.” Fla. Stat. § 117.05(12)(a).
- Pursuant to Section 117.05(12)(b), Florida Statutes, a notary public must use a certificate in substantially the following form in notarizing an attested copy:

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

On this (numeric date) day of (month), (year), I attest that the preceding or attached document is a true, exact, complete, and unaltered photocopy made by me of (description of document) presented to me by the document’s custodian, (custodian name), and, to the best of my knowledge, that the photocopied document is neither a vital record nor a public record, certified copies of which are available from an official source other than a notary public.

(Official Notary Signature and Notary Seal)  
(Name of Notary Typed, Printed or Stamped)

- Pursuant to Section 117.05(12)(c), Florida Statutes, a notary public must use a certificate in substantially the following form in notarizing a copy of a tangible or an electronic record or a printout of an electronic record:

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

On this day of , (year) , I attest that the preceding or attached document is a true, exact, complete, and unaltered (copy of a tangible or an electronic record presented to me by the document’s custodian) or a (printout made by me of such record). If a printout, I further attest that, at the time of printing, no security features, if any, present on the electronic record, indicated that the record had been altered since execution.

(Signature of Notary Public – State of Florida)  
(Print, Type, or Stamp Commissioned Name of Notary Public)

#### *Verifying Vehicle Identification Numbers (VINs)*

- Section 319.23(3), Florida Statutes, is concerned with the role of Florida notaries public in verifying Vehicle Identification Numbers (VINs).

- HSMV 82042 (Rev. 01/13) is the appropriate form prepared by the Department of Highway Safety and Motor Vehicles, wherein Part A is the Owner's Vehicle Identification Affidavit and Odometer Declaration and Part B is the Verification of the Vehicle Identification Number.
  - This form is to be submitted to the local tax collector office.

*Certifying Contents of Safe-Deposit Boxes*

- "If the rental due on a safe-deposit box has not been paid for 3 months, the lessor may send a notice by certified mail to the last known address of the lessee stating that the safe-deposit box will be opened and its contents stored at the expense of the lessee unless payment of the rental is made within 30 days. If the rental is not paid within 30 days from the mailing of the notice, the box may be opened in the presence of an officer of the lessor and of a notary public. The contents shall be sealed in a package by a notary public who shall write on the outside the name of the lessee and the date of the opening. The notary public shall execute a certificate reciting the name of the lessee, the date of the opening of the box, and a list of its contents. The certificate shall be included in the package, and a copy of the certificate shall be sent by certified mail to the last known address of the lessee. The package shall then be placed in the general vaults of the lessor at a rental not exceeding the rental previously charged for the box. The lessor has a lien on the package and its contents to the extent of any rental due and owing plus the actual, reasonable costs of removing the contents from the safe-deposit box." Fla. Stat. § 655.94(1).

# Statutory Short Forms of Acknowledgment

- Pursuant to Section 695.25, Florida Statutes, the forms of acknowledgment set forth in this section may be used, and are sufficient for their respective purposes, under any law of this state. The forms shall be known as "Statutory Short Forms of Acknowledgment" and may be referred to by that name. The authorization of the forms in Section 695.25, Florida Statutes, does not preclude the use of other forms.
  - For an individual acting in his or her own right:

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before by means of [ ] physical presence or [ ] online notarization, me this (date) by (name of person acknowledging), who is personally known to me or who has produced (type of identification) as identification.

(Signature of person taking acknowledgment)  
(Name typed, printed or stamped)  
(Title or rank)  
(Serial number, if any)

- For a corporation:

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization, this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging), a (state or place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or has produced (type of identification) as identification.

(Signature of person taking acknowledgment)  
(Name typed, printed or stamped)  
(Title or rank)  
(Serial number, if any)

- For a limited liability company:

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization, this ...(date)... by ...(name of member, manager, officer or agent, title of member, manager, officer or agent)..., of ...(name of company acknowledging)..., a ...(state or place of formation)... limited liability company, on behalf of the company, who is personally known to me or has produced ...(type of identification)... as identification.

(Signature of person taking acknowledgment)  
(Name typed, printed or stamped)  
(Title or rank)  
(Serial number, if any)

- For a partnership:

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization, this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership. He/she is personally known to me or has produced (type of identification) as identification.

(Signature of person taking acknowledgment)

(Name typed, printed or stamped)

(Title or rank)

(Serial number, if any)

- For an individual acting as principal by an attorney in fact:

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization, this (date) by (name of attorney in fact) as attorney in fact, who is personally known to me or who has produced (type of identification) as identification on behalf of (name of principal).

(Signature of person taking acknowledgment)

(Name typed, printed or stamped)

(Title or rank)

(Serial number, if any)

- By any public officer, trustee, or personal representative:

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization, this (date) by (name and title of position), who is personally known to me or who has produced (type of identification) as identification.

(Signature of person taking acknowledgment)

(Name typed, printed or stamped)

(Title or rank)

# Prohibited Acts

- Pursuant to Section 117.01(4), Florida Statutes, the Governor may suspend a notary public for any of the grounds provided in s. 7, Art. IV of the State Constitution. Grounds constituting malfeasance, misfeasance, or neglect of duty include, but are not limited to, the following:
  - A material false statement on the application.
  - A complaint found to have merit by the Governor.
  - Failure to cooperate or respond to an investigation by the Governor's Office or the Department of State regarding a complaint.
  - Official misconduct as defined in Section 838.022, Florida Statutes.
  - False or misleading advertising relating to notary public services.
  - Unauthorized practice of law.
  - Failure to report a change in business or home address or telephone number, or failure to submit documentation to request an amended commission after a lawful name change, within the specified period of time.
  - Commission of fraud, misrepresentation, or any intentional violation of Chapter 117, Florida Statutes.
  - Charging fees in excess of fees authorized by Chapter 117, Florida Statutes.
  - Failure to maintain the bond required by Section 117.01, Florida Statutes.
- "Any notary public who knowingly acts as a notary public after his or her commission has expired is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083." Fla. Stat. § 117.05(8).
- Pursuant to Section 117.105, Florida Statutes, a notary public who falsely or fraudulently takes an acknowledgment of an instrument as a notary public or who falsely or fraudulently makes a certificate as a notary public or who falsely takes or receives an acknowledgment of the signature on a written instrument is guilty of a felony of the third degree.
- Pursuant to Section 117.107, Florida Statutes, titled "Prohibited Acts":
  - "A notary public may not use a name or initial in signing certificates other than that by which the notary public is commissioned." Fla. Stat. § 117.107(1).
  - "A notary public may not sign notarial certificates using a facsimile signature stamp unless the notary public has a physical disability that limits or prohibits his or her ability to make a written signature and unless the notary public has first submitted written notice to the Department of State with an exemplar of the facsimile signature stamp. This subsection does not apply to or prohibit the use of an electronic signature and seal by a notary public who is registered as an online notary public to perform an electronic or online notarization in accordance with this chapter." Fla. Stat. § 117.107(2).
  - "A notary public may not affix his or her signature to a blank form of affidavit or certificate of acknowledgment and deliver that form to another person with the intent that it be used as an affidavit or acknowledgment." Fla. Stat. § 117.107(3).
  - "A notary public may not take the acknowledgment of or administer an oath to a person whom the notary public actually knows to have been adjudicated mentally incapacitated by a court of competent jurisdiction, where the acknowledgment or oath necessitates the exercise of a right that has been removed pursuant to s. 744.3215(2) or (3), and where the person has not been restored to capacity as a matter of record." Fla. Stat. § 117.107(4).
  - "A notary public may not notarize a signature on a document if it appears that the person is mentally incapable of understanding the nature and effect of the document at the time of notarization." Fla. Stat. § 117.107(5).
  - "A notary public may not take the acknowledgment of a person who does not speak or understand the English language, unless the nature and effect of the instrument to be notarized is translated into a language which the person does understand." Fla. Stat. § 117.107(6).
  - "A notary public may not change anything in a written instrument after it has been signed by anyone." Fla. Stat. § 117.107(7).
  - "A notary public may not amend a notarial certificate after the notarization is complete." Fla. Stat. § 117.107(8).

- “A notary public may not notarize a signature on a document if the person whose signature is being notarized does not appear before the notary public either by means of physical presence or by means of audio-video communication technology as authorized under part II of this chapter at the time the signature is notarized. Any notary public who violates this subsection is guilty of a civil infraction, punishable by penalty not exceeding \$5,000, and such violation constitutes malfeasance and misfeasance in the conduct of official duties. It is no defense to the civil infraction specified in this subsection that the notary public acted without intent to defraud. A notary public who violates this subsection with the intent to defraud is guilty of violating s. 117.105.” Fla. Stat. § 117.107(9).
- “A notary public may not notarize a signature on a document if the document is incomplete or blank. However, an endorsement or assignment in blank of a negotiable or nonnegotiable note and the assignment in blank of any instrument given as security for such note is not deemed incomplete.” Fla. Stat. § 117.107(10).
- “A notary public may not notarize a signature on a document if the person whose signature is to be notarized is the spouse, son, daughter, mother, or father of the notary public.” Fla. Stat. § 117.107(11).
- “A notary public may not notarize a signature on a document if the notary public has a financial interest in or is a party to the underlying transaction; however, a notary public who is an employee may notarize a signature for his or her employer, and this employment does not constitute a financial interest in the transaction nor make the notary a party to the transaction under this subsection as long as he or she does not receive a benefit other than his or her salary and the fee for services as a notary public authorized by law. For purposes of this subsection, a notary public who is an attorney does not have a financial interest in and is not a party to the underlying transaction evidenced by a notarized document if he or she notarizes a signature on that document for a client for whom he or she serves as an attorney of record and he or she has no interest in the document other than the fee paid to him or her for legal services and the fee authorized by law for services as a notary public.” Fla. Stat. § 117.107(12).

# **Notaries Public in Special Positions**

## *Government Employees*

- “Each agency, board, commission or department of the state and of the several counties of the state is hereby authorized to pay the cost of securing a notary public commission for any employee of such agency, board, commission or department. Such cost is declared to be an expense of such agency, board, commission or department and shall be expended from the budget thereof. The chief administrative officer of each such agency, board, commission or department shall determine the number of notaries public necessary for the proper administration of such agency, board, commission or department. All fees collected by such notaries public as hereinafter provided shall become fee receipts of the state or the several counties and shall be deposited in the general fund from which the budget of such agency, board, commission or department is allocated.” Fla. Stat. § 116.35.
- “Each agency, board, commission or department of each of the several municipalities of the state is hereby authorized to pay the cost of securing a notary public commission for any employee of such agency, board, commission or department. Such cost is declared to be an expense of such agency, board, commission or department and shall be expended from the budget thereof. The chief administrative officer of each such agency, board, commission or department shall determine the number of notaries public necessary for the proper administration of such agency, board, commission or department. All fees collected by such notaries public as hereinafter provided shall become fee receipts of such municipality and shall be deposited in the general fund thereof.” Fla. Stat. § 116.36.
- “In all cases where such agency, board, commission or department is under the direction of one or more elected officers such officer or officers may become notaries public in like manner as provided in the case of employees as aforesaid.” Fla. Stat. § 116.37.
- Pursuant to Section 116.37, Florida Statutes:
  - Except as is hereinafter provided, all such notaries shall collect fees for their services as notaries performed in connection with such agency, board, commission or department at the rates provided for under Chapter 117, Florida Statutes; provided, however, that in any case wherein a certain fee shall be provided by law for such service then in that event such fee as provided by law shall be collected.
  - No notary fee shall be charged or collected by such notaries in connection with such agency, board, commission or department, in connection with or incidental to the issuance of motor vehicle license tags or titles.
  - No notary public fees shall be charged by such notaries for notarizing loyalty oaths which are required by law.
  - The chief administrative officer of any such agency, board, commission or department may, upon determining that such service should be performed as a public service, authorize such service to be performed free of charge.
- “The notary public official seal and the certificate of notary public commission are the exclusive property of the notary public and must be kept under the direct and exclusive control of the notary public. The seal and certificate of commission must not be surrendered to an employer upon termination of employment, regardless of whether the employer paid for the seal or for the commission.” Fla. Stat. § 117.05(3)(b).
- “The employer of a notary public shall be liable to the persons involved for all damages proximately caused by the notary’s official misconduct, if the notary public was acting within the scope of his or her employment at the time the notary engaged in the official misconduct.” Fla. Stat. § 117.05(6).
- “Any person who acts as or otherwise willfully impersonates a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.” Fla. Stat. § 117.05(7).

## *Law Enforcement and Correctional Officers*

- Pursuant to Section 117.10, Florida Statutes:
  - For purposes of this section, the term “reliable electronic means” means the signing and transmission of a document through means compliant with criminal justice information system



security measures. Such signing and transmission must be made by an affiant to an officer authorized to administer oaths under Section 117.10(2), Florida Statutes, under circumstances that indicate that the document was submitted by the affiant.

- Law enforcement officers, correctional officers, and correctional probation officers, as defined in Section 943.10, Florida Statutes, and traffic accident investigation officers and traffic infraction enforcement officers, as described in Section 316.640, Florida Statutes, are authorized to administer oaths by reliable electronic means or in the physical presence of an affiant when engaged in the performance of official duties. Sections 117.01, 117.04, 117.045, 117.05, and 117.103, Florida Statutes, do not apply to this section. An officer may not notarize his or her own signature.
- An oath administered pursuant to this section is an acceptable method of verification as provided under Section 92.525, Florida Statutes.
  - Florida law does not authorize law enforcement or correctional officers to take acknowledgments, to make attested photocopies, or to solemnize marriage, nor are they permitted to notarize their own signatures. Additionally, these officers do not have to apply for appointment, obtain the required notary bond, use a notary seal, or complete notarial certificates.
  - This law is applicable to the following officers: law enforcement officers; correctional officers; correctional probation officers; traffic accident investigation officers; traffic infraction enforcement officers.
    - See Sections 943.10 and 316.640, Florida Statutes, for definitions of these officers.

#### *Military Officers*

- Pursuant to Sections 92.51 and 695.031, Florida Statutes, certain commissioned military officers are authorized to administer oaths and to take acknowledgments; however, in such capacity, they are not commissioned Florida notaries public.
  - For further information, you may wish to review Chapter 695, Florida Statutes, or consult with a military legal assistance office.

#### *Civil-Law Notaries*

- For information about Florida civil-law notary appointment, please visit <http://notaries.dos.state.fl.us/civil.html>.

# **Apostille Certification: Authentication of Notarized Documents by the Secretary of State**

- Pursuant to Section 15.16(7), Florida Statutes:
  - “The Secretary of State may issue apostilles conforming to the requirements of the international treaty known as the Hague Convention of 1961 and may charge a fee for the issuance of apostilles not to exceed \$10 per apostille. The Secretary of State has the sole authority in this state to establish, in accordance with the laws of the United States, the requirements and procedures for the issuance of apostilles.”
- Pursuant to Section 117.103, Florida Statutes:
  - “A notary public is not required to record his or her notary public commission in an office of a clerk of the circuit court. If certification of the notary public’s commission is required, it must be obtained from the Secretary of State. Upon the receipt of a written request and a fee of \$10 payable to the Secretary of State, the Secretary of State shall issue a certificate of notarial authority, in a form prescribed by the Secretary of State, which shall include a statement explaining the legal qualifications and authority of a notary public in this state.”
- The Secretary of State will Apostille or recognize the commission of a Florida notary or a Florida elected official for the following documents:
  - Original notarized documents that have been correctly notarized in English or that have been certified as true copies by a Florida notary public.
    - Please see Chapter 117, Florida Statutes, for information regarding documents that may or may not be notarized by Florida notaries public.
  - School transcripts from Florida public schools and universities that have had the signature of the school registrar or issuing official notarized at the time of issuance. These documents may not be printed and notarized by an individual.
  - Birth, Death and Marriage Certificates bearing the signature of the State Registrar, who is currently Ken Jones, obtained from the Florida Bureau of Vital Statistics in Jacksonville Florida. For their contact information, fees and procedures, or to determine whether your document is an original, you will need to visit the Bureau of Vital Statistics website at:
    - [www.doh.state.fl.us/planning\\_eval/vital\\_statistics/birth\\_death.htm](http://www.doh.state.fl.us/planning_eval/vital_statistics/birth_death.htm)
  - Please note that records obtained from local health departments are not acceptable.
  - Vehicle Titles certified by the Florida Department of Motor Vehicles. For their phone number and fee information, please go to the following website: [www.hsmv.state.fl.us](http://www.hsmv.state.fl.us)
  - Original certified copies of documents filed with the Division of Corporations or original Certificates of Status bearing the signature of the Secretary of State. Fees for corporate certification and apostille/notarial certification, when requested at the same time, will need to be paid separately and not all together in one check or money order. Cash will not be accepted.
  - Documents certified by a Clerk of Circuit Court from a county within Florida, such as a marriage license or a divorce document bearing the stamp and seal of the Clerk.
  - Please note:
    - Documents must be submitted with original signatures; a photocopy of an original cannot be authenticated.
    - The Florida Department of State cannot apostille or issue notarial certification for any document(s) that is/are issued by anyone other than a Florida notary or elected or appointed official. Federal documents must be processed by the United States Department of State.

## ***Certification Fees***

- Do not send cash.
- The Department of State’s Apostille Certification Section cannot accept incorrect fees or payment for additional postage.

- Please note that checks or money orders made payable to the Department of State are the only acceptable forms of payment to this office.
- The fee for a notarial or apostille certification by the Secretary of State is \$10 per notarized document.
- The fee for apostille certification of original certified copies of documents, such as a marriage license or a divorce document, obtained from the Clerk of Circuit Court are \$20 per document. You must contact the Clerk of Circuit Court to obtain these documents as we do not provide them.
- Certified copies of original birth/death/marriage records obtained from the Bureau of Vital Statistics in Jacksonville, Florida that are signed by the state registrar (the current state registrar is Ken Jones) are \$10 per document. Please note that records obtained from local health departments are not acceptable.

#### *Processing Time*

- The processing time varies dependent upon the volume of work received and the resources available. We advise you to allow at least five (5) working/business days (Monday through Friday) for processing. Requests are completed in the date order they are received. We do not offer expedited services.

#### *Procedures*

- Please follow these procedures carefully to enable our staff to process your request without delay:
  - Enclose a cover letter stating the name of the country in which the documents will be used. The country name is needed in order to authenticate the document correctly, whether by Certificate of Notarial Authority or Apostille.
  - Enclose the required fee. (See "Certification Fees" above)
  - You may enclose a self-addressed, stamped envelope for return of the documents. If you wish the order to be returned by a courier service, you must enclose a pre-paid air bill with your order that is preaddressed from you and to you. [No collect or cash on delivery (COD) mail or air bills can be sent from this office.]
  - If you are using U.S. Mail, please use this address:

**Department of State  
Division of Corporations  
Apostille Certification  
P.O. Box 6800  
Tallahassee, FL 32314-6800**

Please note: When using oversized envelopes, please insure the proper postage is affixed. All postage due envelopes are held in the post office for 4 to 6 weeks before being delivered. Please address inquiries to the USPS regarding documents being held for additional postage or that have been lost or misdirected after leaving this office.

- If you are using a courier service, please use our physical address as courier service packages cannot be delivered to the post office box.

Please note: This is also the address where we are located, if you chose to come in person, where you may wait for your request to be completed. No appointment is necessary.

**Division of Corporations  
2415 North Monroe Street,  
Suite 810  
Tallahassee, FL 32303  
(850) 245-6945**

Appendix A

# **Change of Home or Business Address**

Pursuant to Section 117.01(2), Florida Statutes, all notaries public must report any change in their home or business address or telephone number in writing to the Department of State within 60 days of the change. If you have a change to report, please complete and mail the below form to:

**Department of State  
Notary Commissions and Certifications Section  
P.O. Box 6327  
Tallahassee, FL 32314**

Commissioned Name: _____	Commission Number: _____
Date of Birth: _____	Expiration Date: _____
Home Address: _____ _____ _____	Business Name and Address: _____ _____ _____
Home Telephone Number: (       ) _____	Business Telephone: (       ) _____

Appendix B

# Moving Out-of-State Required Resignation

Pursuant to Section 117.01(1), Florida Statutes, Florida notaries public must maintain the required residence in the state of Florida during the entire term of the appointment. If you are no longer a legal resident of Florida, you must submit your resignation to the Governor immediately. Please complete and mail the below form, along with your notary public commission certificate, to:

**Executive Office of the Governor  
Notary Section  
2415 North Monroe Street,  
Suite 810  
Tallahassee, FL 32303**

Commissioned Name: _____	Commission Number: _____
Date of Birth: _____	Expiration Date: _____
Home Address: _____ _____ _____	Business Name and Address: _____ _____ _____
Home Telephone Number: (       ) _____	Business Telephone: (       ) _____

Dear Governor,

Due to \_\_\_\_\_, I am resigning my notary public commission,  
effective \_\_\_\_\_.  
(DATE)

Additionally, I have destroyed my notary public seal and am returning my notary public commission certificate.

Sincerely,  
  
\_\_\_\_\_

Appendix C

# **General Use Resignation**

To resign your Florida notary public commission for any reason other than a move out of the state of Florida, please complete and mail the below form, along with your notary public commission certificate, to:

**Executive Office of the Governor  
Notary Section  
2415 North Monroe Street,  
Suite 810  
Tallahassee, FL 32303**

Commissioned Name: _____	Commission Number: _____
Date of Birth: _____	Expiration Date: _____
Home Address: _____ _____ _____	Business Name and Address: _____ _____ _____
Home Telephone Number: (       ) _____	Business Telephone: (       ) _____

Dear Governor,

Due to \_\_\_\_\_, I am resigning my notary public commission,  
effective \_\_\_\_\_.

(DATE)

Additionally, I have destroyed my notary public seal and am returning my notary public commission certificate.

Sincerely,

\_\_\_\_\_

# Resources for Florida Notaries

## ***Resources***

### **Contact the Governor's Notary Section:**

- To obtain educational materials.
- To ask a question about the notary law or proper procedure.
- To file a complaint against a notary.
- To respond to a complaint filed against you for notary misconduct.
- To check the status of a "problem" application.
- To resign your notary commission.
- To report your lost or stolen notary seal.

**Notary Section  
Office of the Governor  
LL06 Capitol  
Tallahassee, Florida 32399-0001  
(850) 922-6400**

### **Contact the Department of State, Notary Commissions and Certifications Section:**

- To report a change in your home or business address or telephone number.
- To obtain information about a particular notary public or the notary's bond.
- To receive a duplicate copy of your commission certificate.
- To obtain a list of the surety bond companies approved to process applications.

- To report your lost or stolen notary seal.
- To request authentication of a notary's commission for a document being sent to another state or a foreign country (a Certificate of Notarial Authority or an Apostille).

**Department of State  
Notaries Commissions and  
Certifications Section  
1902 Capitol  
Tallahassee, Florida 32399-0250  
(850) 488-7521  
(850) 413-9732 or (850) 921-5268  
(for Authentications only)**

### **Contact your Bonding Agency:**

- To obtain and submit an application for appointment as a notary public.
- To check the status of your pending application.
- To amend your commission after a lawful name change.
- To receive information about your notary bond or optional errors and omissions insurance.
- To purchase a notary seal.



## ***Notary Information on the Internet***

**B**e sure to check out the Governor's Notary Section on the Internet for answers to your notary questions and mark the site for quick reference. Our website address is:

<http://www.myflorida.com/myflorida/government/governor/initiatives/notary/index.html>

Currently, we have access to the complete Florida notary laws, the last issue of The Notary View, information about how to become a notary, a list of the bonding agencies, and our newest addition, the Governor's Reference Manual for Notaries. You can also e-mail the Governor's Notary Education Coordinator with your questions or comments.

Another internet site that may interest you is the Department of State Notary Public Access system. From that site, you can look up any Florida notary and obtain basic information about that notary, such as the mailing address and telephone number, the commission number, the expiration date of commission, the name of the bonding agency, and the Notary Education Course for first time notary applicants. The website address is:

<http://notaries.dos.state.fl.us/index.html>

Check out these other helpful Internet sites for notaries:

### **Florida Statutes and Constitution**

<http://www.leg.state.fl.us>

### **American Society of Notaries**

<http://www.notaries.org>

### **National Notary Association**

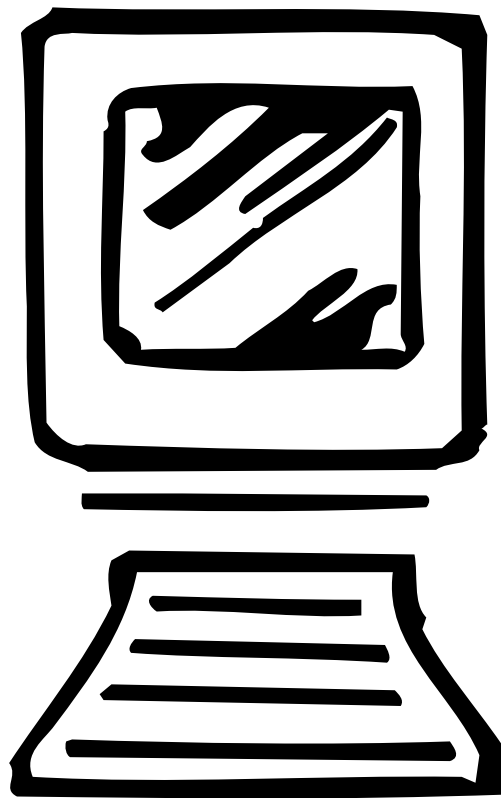
<http://www.nationalnotary.org>

### **U.S. Immigration and Naturalization Service**

<http://www.ins.usdoj.gov>

### **U.S. State Department Office of Authentications**

<http://www.state.gov/www/authenticate>



## ***E-Mail E-ducation for Notaries***

**H**ow would you like to receive education about your duties as a notary public through your own e-mail system? Sound good? Then, simply e-mail the Notary Education Coordinator with your e-mail address.

The Notary Section recently added a new feature to the Governor's education program for notaries. An issue or question is addressed in an informative article and then e-mailed to notaries once each month. So, send in your address and watch your e-mail each month.

Notary Education Coordinator  
Governor's Notary Section  
[FL\\_GOV\\_NOTARY@eog.state.fl.us](mailto:FL_GOV_NOTARY@eog.state.fl.us)

## National Organizations

Florida notaries are fortunate to have numerous opportunities for education and support. In addition to the Governor's Notary Section, two



national, non-profit, membership organizations offer educational publications and other services to our state's notaries.

The National Notary Association (NNA) was established in 1957 and is based in Chatsworth, California. The chief goal of the NNA is to provide information on notarial laws, customs, and practices, and to support the nation's 4.5 million notaries with a wide variety of instructional programs, professional services, and advocacy efforts. The Association produces several publications of interest to Florida notaries, including *The National Notary* magazine, the *Notary Bulletin* newspaper, and *The Florida Notary Law Primer*.

The American Society of Notaries (ASN) is the oldest non-profit educational organization for notaries in the United States. Its primary aims are to educate notaries, to protect the office of notary public in America, and to inspire a high ethical code of conduct in our nation's notaries. ASN is now based in Tallahassee after moving to the Sunshine State in 1994 from Washington, DC. The Society publishes a bi-monthly newsletter, *The American Notary*, and notary manuals for various states, including Florida. ASN is also dedicated to the historic preservation of the contribution of notaries



to America and has an extensive collection of notarial memorabilia, antique documents, seals, and artifacts.

Both organizations hold annual conferences for their members which feature workshops on a variety of issues conducted by experts on notarial practices. Additionally, state officials who regulate notaries gather at these conferences to discuss topics of common interest.

NNA and ASN also assume an advocacy role for notaries. State legislators and officials across the nation often rely upon them for their expert assistance in understanding the complex issues concerning notaries. As a result, these organizations have influenced the development of current notarial laws and practices in Florida and other states. They are well respected for their expertise and valuable service.

If you are interested in membership in either or both organizations, you may contact them directly for additional information about their benefits and membership fees.

### NATIONAL NOTARY ASSOCIATION

9350 DeSoto Avenue  
Post Office Box 2402  
Chatsworth, CA 91313-2402  
(800) 876-6827  
(818) 713-4000  
[www.nationalnotaries.org](http://www.nationalnotaries.org)

### AMERICAN SOCIETY OF NOTARIES

Post Office Box 5707  
Tallahassee, FL 32314-5707  
(800) 522-3392  
(850) 671-5164  
[www.notaries.org](http://www.notaries.org)

# The Office of Notary Public

# General Information

## What is a Notary Public?

*A notary public is a public officer appointed and commissioned by the Governor whose function is to administer oaths; to take acknowledgments of deeds and other instruments; to attest to or certify photocopies of certain documents; and to perform other duties specified by law.*

## Qualifications and Requirements for Appointment

- You may only be commissioned in your legal name (or a nickname of your legal name).

*Example:* John Quinton Public could be commissioned in the names:

John Quinton Public  
John Q. Public  
J. Quinton Public  
J. Q. Public  
Johnny Public

You must sign notarial certificates in your commissioned name, and your notary seal must bear that name. No variation from the commissioned name is permitted.

- You must be at least 18 years of age.
- You must be a legal resident of Florida. There is no certain length of time required to establish residency. However, if the Governor's Office requires proof of residency, the following methods, along with the applicant's intent to reside in Florida, would be acceptable: a Florida driver's license; a Florida vehicle registration document; a voter's registration card; or a recorded Declaration of Domicile.
- If not a U.S. citizen, you must submit a recorded Declaration of Domicile. This affidavit is available at your county clerk's office.
- If ever convicted of a felony charge, you must have your civil rights restored.

If ever convicted of a felony or if ever charged with a felony and adjudication was withheld on the charge or the sentence was suspended, you must submit several documents:

- (1) a written statement regarding the nature and circumstances of the charges;
- (2) a copy of the Judgment and Sentencing Order, or a comparable court document; and,
- (3) if convicted, a copy of the Certificate of Restoration of Civil Rights (or pardon). The name of this document may vary depending on the state where the conviction occurred.

This information is required for all felony convictions whether the charges were brought by the State of Florida, another state, or the United States. If adjudication was withheld and civil rights were not forfeited, the written statement and court documents are sufficient.

To obtain information about the restoration of civil rights, you may contact:

Office of Executive Clemency  
2601 Blair Stone Road  
Building C, Room 229  
Tallahassee, FL 32399-2450  
(850) 488-2952

***Note:** Submission of all the required information does not guarantee appointment. Decisions are made on an individual basis.*

- You must take the constitutional oath of office.
- You must swear or affirm that you have read the notary laws and will obey them.
- You must complete a three hour notary education course if you are a first time applicant. §668.50(b), Fla. Stat.

## Appointment and Commission

- Notaries are public officers appointed and commissioned by the Governor. You are not licensed, you are appointed. An appointment is a privilege, not a right.
- The term of office is four years. *Example:* A commission which began on July 1, 1996 (12:01 a.m.) will end on June 30, 2000 (12:00 p.m.).
- If your lawful name changes, you must request an amended commission by submitting the appropriate application form, a rider to the notary bond, and a fee of \$25. You should contact your bonding company for assistance. Once you make application for a change of name, you may continue notarizing in your former name until receipt of your amended commission and seal. You will be given a new commission number, but you will retain the same expiration date.
- If you lose your commission certificate, you may request a duplicate from the Department of State, Bureau of Notaries Public, or from your bonding agency.

## Application Process

- Since July 1, 1996, applications have been submitted by bonding agencies both in paper format and in an electronic format approved by the Department of State.
- The application form is prescribed by the Department of State and consists of 3 parts:
  - (1) *Personal information* — name, social security number, date of birth, sex, race, residence address, place of employment, business address, home phone, business phone, Florida driver's license number or other state issued identification, information about any previous notary commission, residency status, citizenship status, criminal record, and information about any professional licenses.
  - (2) *Oath of office* — The applicant must sign the following oath. The signature is the notary's legal signature on file.

State of Florida

\_\_\_\_\_ County

*I do solemnly (swear) (affirm) that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State of Florida; that I have read Chapter 117, Florida Statutes, and any amendments thereto, and know the duties, responsibilities, limitations, and powers of a notary public, and that I will honestly, diligently, and faithfully discharge the duties of Notary Public, State of Florida, on which I am now about to enter (, so help me God).*

*Under penalties of perjury, I declare that I have read the foregoing application and oath and that the facts stated in it are true.*

*I accept the office of Notary Public, State of Florida.*

- (3) *Affidavit of Character* — A person who is unrelated to the applicant and who has known the applicant for at least one year must give a sworn statement that the applicant is of good character.

**Note:** *The application form no longer requires notarization.*

- The total state fees are \$39.
  - \$25 application fee
  - \$10 commission fee
  - \$ 4 education surcharge

Veterans who served during a wartime period defined in law and who have a disability rating of 50% or more are exempt from the \$10 commission fee. A veteran who qualifies should request the reduction in writing and provide proof of exemption. See section 117.01(2), Florida Statutes, (effective 1/1/97).

- Once the appointment is made, the commission certificate is usually mailed back to the bonding agency, who forwards it to the notary with the notary seal.



## *Renewal*

- The process to renew your notary commission is exactly the same as the application process to obtain your first appointment. The application form is the same and all the required information must be submitted. See sections 117.01(2) and (6), Florida Statutes.
- The State does not notify you prior to the expiration of your notary commission. However, you will probably receive notification from your bonding agency and a number of other companies seeking your business.
- Submit your application for renewal about two months in advance of your expiration date, or earlier if your application will require special review by the Governor's Office. That should be ample time for processing to ensure that there is no break in service.
- Continue using your current notary seal through the end of your current commission. If you are reappointed, you must not use your new notary seal until the first day of your new commission. Destroy your old seal to prevent its misuse.

## *Change of Address*

- You must submit any change in writing to the Notary Commissions and Certifications Section.
- You are required to keep your home and business addresses and telephone numbers updated.
- If you move out of state and change your legal residence, you must resign your notary commission.
- To change your address, you may photocopy and use the form on page 71.

## *Resignation*

- When resigning your commission, you must submit a resignation in writing to the Governor's Office, return your notary commission certificate (the original, not a copy), and destroy or return your notary seal.

## *Jurisdiction*

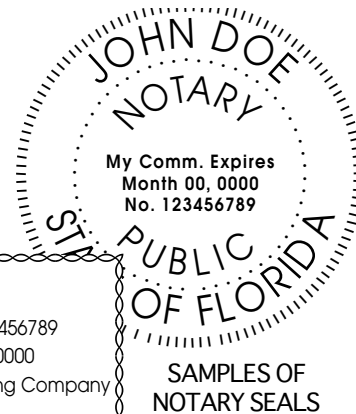
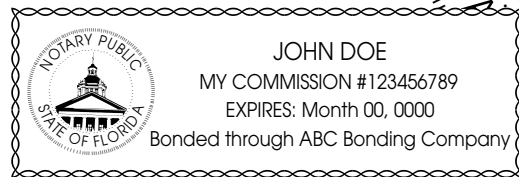
- You may only perform your official duties within the geographical boundaries of Florida.
- Notaries are appointed with statewide jurisdiction; that is, you may perform your official duties anywhere within the state. You are not confined to the county in which you reside. You should always indicate in the notarial certificate the location of the notarization, usually designated by State of Florida, County of \_\_\_\_\_.
- Notaries from other states have no authority to notarize while in the State of Florida.
- If you are performing your duties on an airplane or a ship, check with the pilot or the ship's captain to make sure that you are within the state boundaries.

## *Surety Bond*

- Prior to appointment, applicants must obtain a surety bond in the amount of \$7,500 and maintain that bond throughout the term of appointment.
- The bond does not protect the notary. The bond is designed to protect the public against any act of misconduct or negligence in the performance of your official duties as a notary public. It does not protect you. In fact, when a notary bond is paid to some individual who was harmed as a result of an improper notarization, the bonding company will usually demand repayment from the notary.
- For your protection, you may want to carry errors and omissions insurance. Contact your bonding company for information.

## Notary Seal

- The official notary seal is the rubber stamp type seal with four elements:
  - the words, “Notary Public-State of Florida”
  - the notary’s exact commissioned name
  - the notary’s commission number
  - the notary’s commission expiration date
- The name of the notary’s bonding company may be included on the seal but is not required.
- The state does not furnish notary seals. You may purchase a seal from your bonding company or from a company that makes rubber stamps.
- Some companies that produce notary seals include a symbol or emblem on the stamp, such as the Capitol dome, a flag, an eagle, etc., but this is optional. No emblem or symbol is required. Additionally, you may NOT use the Great Seal of the State of Florida on your notary seal.
- You may sign notarial certificates with any color ink, but the notary seal must be affixed with **black** ink only.
- You may use an impression seal (embosser) in addition to the rubber stamp seal, but not in place of it. If you choose to use an impression seal, your name should be correct and the seal should contain the words, “Notary Public-State of Florida.”
- Before using your notary seal, examine the seal to ensure that all information is correct.
- Keep your seal in a secure location to avoid its loss or misuse.
- If your notary seal is lost, misplaced, or stolen, you are required to notify the Department of State (or the Governor’s Notary Section) in writing. You should include your commission name and number, date of birth, and the last date the seal was in your possession. Additionally, if your seal was stolen, you should file a report with your local law enforcement agency. Please refer to Q & A on page 65 for instructions when an employer keeps your notary seal.



## Notary Fees

- Florida authorizes notaries to charge up to \$10 for each notarial act — administering an oath, taking an acknowledgment, attesting to a photocopy, verifying a VIN, or certifying the contents of a safe-deposit box.
  - Notaries may charge up to \$20 to solemnize marriage (perform a marriage ceremony).
  - Fees are optional. Be reasonable when setting fees.
  - If you charge fees for other services not directly related to your notary services, you should provide your customer with an itemized list of charges beforehand.
  - If you are a government employee whose commission fees were paid by your employer for the purpose of notarizing during work hours, please review the information on Government Employees as Notaries on page 24.
- Remember, notary fees are considered income and should be reported when filing annual income taxes.





# Authentication of Notarized Documents by the Secretary of State

On October 5, 1961, representatives from a group of nations met at The Hague in Holland to discuss various issues pertaining to international law. Out of that meeting came an international treaty known as the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents. More than 60 countries have joined the Convention, including the United States.

Documents that are notarized and sent to another country require verification or legalization of the notary's signature and official capacity prior to acceptance by the receiving country. The Hague Convention agreement simplifies the process by allowing the attachment of a single verifying certificate called an Apostille (a French word meaning "note"). The Apostille entitles the document to full recognition in the country of intended use, and no further authentication or legalization by the Embassy or Consulate of that country is required.

Each country, or subdivision of that country, has a designated official who is responsible for authenticating notarized documents. The treaty provides a list of officials in the United States with the authority to issue such certifications. In most states (47 out of 50), that authority is vested in the Secretary of State, or one or more of his or her deputies or assistants. Since the treaty came into force for the United States in October 1981, the Florida Secretary of State has been responsible for providing Apostilles for documents notarized in Florida and sent to another country. Revisions to the notary law, effective January 1, 1992, reaffirmed this authority. Section 117.103, Florida Statutes, provides:

*Upon the receipt of a written request, the notarized document, and a fee of \$10 payable to the Secretary of State, the Secretary of State shall issue a certificate of notarial authority. Documents destined for countries participating in an International Treaty called the Hague Convention require an Apostille, and that requirement shall be determined by the Secretary of State.*

Documents being sent to another state or a country not participating in the Hague Convention may also require certification. In that case, a Certificate of Notarial Authority is issued by the Secretary of State.

A notary public is not responsible for requesting an Apostille or a Certificate of Notarial Authority. Rather, according to the treaty, the person who signed the document or the document bearer may request authentication of documents. In order to provide that certification, the Department of State will need the following information:

- A written request for the Apostille or Certificate, stating the country or state to which the document will be sent. The Department of State will determine which authentication is appropriate for the receiving country.
- The original notarized document. The notarization must fully comply with the requirements of Florida law, or the document will be returned for correction.
- A check (drawn on an American bank) or a money order for \$10 per certificate, made payable to the Secretary of State.

Mail the request, notarized document, and payment to:

**Department of State  
Notary Commissions and Certifications Section  
Room 1902, The Capitol  
Tallahassee, Florida 32399-0250**

The Secretary of State will also provide an Apostille or Certificate for the following Florida documents: birth certificates and death certificates bearing the original signature of the State Registrar; vehicle titles certified by the Department of Highway Safety and Motor Vehicles; corporation documents bearing the signature of the Secretary of State; and documents certified by any Clerk of the Court for any county in Florida (the fee for an Apostille on any county-certified document is \$20).

Documents in proper order with correct notarizations sent to the Department of State are usually processed within 10 working days and are returned by regular mail to the sender or forwarded to an address given by the sender. For additional information, please contact the Department of State at (850) 413-9732 or (850) 921-5268.





# Duties of a Notary Public

## Duties of a Notary Public

Notaries are authorized by law to perform six basic duties:

- Administer oaths or affirmations
- Take acknowledgments
- Attest to photocopies of certain documents
- Solemnize marriage
- Verify vehicle identification numbers (VINs)
- Certify the contents of a safe-deposit box

Each of these duties is explained in detail in the following pages.



## Understanding Oaths and Acknowledgments

The Governor's Notary Section answers hundreds of telephone inquiries every week regarding the notary law and proper notarial procedures. In talking with notaries, it is surprising how many of them do not understand the basic act of "notarizing a signature." Many incorrectly assume that they are just verifying identification and witnessing a signature. But, the act of notarization is much different.

When you notarize a signature, you must perform one of two official notarial acts: take an acknowledgment from or administer an oath (or affirmation) to the document signer. These two acts have different purposes. The lack of understanding of these basic duties causes confusion and often leads to errors in notarizations, even among the most experienced notaries.

To take an acknowledgment, the document signer must personally appear before you, the notary public, and declare that he or she has signed the document voluntarily. You should ensure that the signer understands the document and has not been coerced into signing. If there is any question about the signer's willingness to execute the document or his or her understanding of the contents of the document, you should refuse to notarize and perhaps refer the person to an attorney for legal advice. You may want to ask the signer, "Do you acknowledge that this is your signature and that you are executing this document of your own free will?" If the answer is yes, you should then complete a certificate which states that the execution of the document was acknowledged by the signer. Documents typically requiring an acknowledgment include deeds, mortgages, contracts, and powers of attorney (except those pertaining to motor vehicle titles).

An oath or affirmation is administered to a document signer when the signer is required to make a sworn statement about certain facts. The signer personally appears before you to swear (or affirm) to you, an officer duly appointed to administer oaths, that the information contained in the document is true. A person who makes a false oath or affirmation is subject to criminal charges for perjury. Sworn statements are commonly used in affidavits, depositions, and applications.

A notarization requiring an oath begins with the administration of an oath or affirmation. The courts have held that there should be a verbal exchange between the notary and the document signer in which the signer indicates that he or she is taking an oath. An oath similar to one administered in court by a judge or bailiff would be sufficient. Or, you may simply ask, "Do you swear (or affirm) that the information contained in this document is true?" After receiving an affirmative answer, you must complete a proper notarial certificate indicating that an oath or affirmation was taken.

If the document you are asked to notarize contains a prepared notarial certificate, look for the key words "acknowledged" or "sworn to" to tell you which notarial act is required. If there is no notarial certificate on the document, the signer must direct you whether he or she wants to make an acknowledgment or take an oath. Unless you are an attorney, you are not authorized to advise a person which notarial act is appropriate for the document presented for notarization, and you may not advise the person about the contents of the document.

In order to correctly perform the duties of your office, you need to understand what it means to "notarize a signature" and the difference between the acknowledgment and the oath.

*NOTE: The form certificates used when taking an acknowledgment or administering an oath are found in the notary law, section 117.05(13), Florida Statutes, and are reprinted on page 30.*

## Affidavits

An affidavit is a common form of sworn statement requiring an oath. Below is the standard form of affidavit. Please note that the affiant is the person making the sworn statement.

### AFFIDAVIT

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

Before me this day personally appeared \_\_\_\_\_ who, being duly sworn,  
(NAME OF AFFIANT)  
deposes and says:

(INSERT FACTS TO BE SWORN TO  
OR AFFIRMED BY THE AFFIANT)

*Signature of Affiant*

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, by \_\_\_\_\_.

(NAME OF AFFIANT)

Personally known \_\_\_\_\_

OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

(SEAL)

*Notary Signature*  
PRINT, TYPE OR STAMP NAME OF NOTARY

## Depositions

A deposition is the testimony of a witness, under oath or affirmation, taken outside of court in which lawyers ask oral questions of the witness. The testimony is usually reduced to writing and duly authenticated and is intended to be used in a trial of a civil action or a criminal prosecution. The person giving the testimony is called the deponent.

Notaries are authorized to administer an oath for a deposition for use in a court case or an investigation. When administering the oath, the notary must require the deponent's physical presence and properly identify him or her. If the notary keeps a journal or record of notarial acts, the journal entry should be made at this point, including the deponent's signature. The notary would then administer the oath or affirmation, perhaps by having the deponent raise his or her right hand and asking:

*"Do you swear (or affirm) that the testimony you are about to give in this matter is the truth, the whole truth, and nothing but the truth (so help you, God)?"*

Once an affirmative answer is given, the deponent is now under oath, and the notary's responsibility is over.

Although depositions may be taken over the telephone, the deponent must be in the physical presence of the notary public, or other official authorized to administer oaths, at the time the oath or affirmation is given. There is no exception to the presence requirement, even if the attorneys for both parties stipulate otherwise. (See Attorney General Opinion, No. 92-95, December 23, 1992.) This means

that, if you are asked to swear in a person over the phone, you must decline. A notary, or other authorized official, would have to be present with the deponent for the administration of the oath or affirmation.

When asked to make a written certificate of the notarial act, we suggest that you make a certificate in substantially the form provided to the right.

You should also know that, as a notary public, you are not authorized to take a deposition. That is, you may not actively participate in questioning a witness who is giving a deposition in a criminal or civil proceeding. A Florida appellate court recently ruled that the taking of a deposition constitutes the practice of law under section 454.23, Florida Statutes. Notaries who are not licensed attorneys are prohibited from engaging in the practice of law and may be suspended from office by the Governor for such violation.

The referenced case involved two paralegals, one of whom was a notary public, who owned a business that performed paralegal functions. Neither was a licensed attorney, but both readily admitted their active participation in several depositions. In its opinion, the Court explained:

*A deposition is an important, formal, recorded proceeding in which lawyers must observe the Florida rules of court and must rely on their legal training and skills to question witnesses effectively. The activities and services involved in participating in a deposition often implicate ethical questions and strategic considerations of the utmost importance. The effectiveness of the person deposing a witness can have a significant impact on whether objectionable information is identified and addressed or waived, whether a case is made, and how the evidence therefrom is used in any subsequent legal proceeding . . . Without a doubt, the process of directly examining or cross-examining a witness can affect important rights under the law . . . We conclude that, lacking adequate legal training, a nonattorney participating in the examination of a witness poses the very dangers of incompetent, unethical, or irresponsible representation . . . we hold that the nonlawyer appellees' active participation in questioning witnesses in depositions . . . constitutes the unauthorized practice of law in violation of section 454.23, Florida Statutes.*

The notary involved has been denied a renewal appointment by the Governor's Office and both persons have pending criminal charges for the unlicensed practice law. Be careful that you do not overstep your authority when asked to swear in a person for a deposition. The unauthorized practice of law is a serious matter and one that is not taken lightly by the Governor's Office or the Court.

**Note:** For additional information on the court case, see *State v. Foster*, 674 So.2d 747 (Fla. 1st DCA 1996).

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

In my capacity as a Notary Public of the State of Florida, I certify that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at (time) a.m./p.m., (name of deponent) personally appeared before me and took an oath (or affirmation) for the purpose of giving testimony in the matter:\_\_\_\_\_.

Identification:

Personally Known\_\_\_\_\_

or Produced Identification\_\_\_\_\_

Type of Identification Produced\_\_\_\_\_

*Notary Signature*  
PRINT, TYPE OR STAMP NAME OF NOTARY

(SEAL)

# Attesting to Photocopies

In Florida, notaries are authorized to attest to the trueness of photocopies of certain documents. Although commonly known as certified photocopies, the notary law refers to these documents as attested photocopies. A notary public may make attested photocopies if the following criteria, found in section 117.05(12) of the Florida Statutes, are satisfied.

- The document must be an original document. A notary public cannot make an attested photocopy from a photocopy, or from another certified copy.
- The document cannot be a public record, certified copies of which are available from another public official. If a certified copy can be obtained from the official source, then the notary public should decline the request.
- The making of the photocopy must be supervised by the notary public. It is not sufficient for the notary public to compare the photocopy with the original document. The notary public must actually make the photocopy or supervise another person while he or she makes the photocopy.

After making (or supervising the making of) the photocopy, the notary should complete a notarial certificate in substantially the same form as prescribed by law.

This notarial certificate should be typed, stamped or written on the front or back of the photocopy or may be attached as a separate page.

One of the most often asked questions concerning attested photocopies is whether a particular document is a public record. Notaries must make a determination about this question before attesting to the trueness of any photocopy. The following documents are examples of public records, copies of which cannot be attested to by a notary:

- Birth certificate
- Marriage certificate
- Death certificate
- Certificate of citizenship or naturalization
- Documents filed in a court proceeding
- Documents recorded by the Clerk of the Court
- Public records maintained in government offices
- Student records (transcripts, etc.) kept in public education offices
- Federal or state income tax forms, already filed
- Professional licenses issued by the State of Florida
- Any document for which photocopying is prohibited

This is not a complete list of public records. If the document is issued by a government entity, the notary should contact that entity to determine whether a certified copy is available. If one is available, then the notary public must decline to make an attested photocopy. Additionally, the notary should ask the person if the document has been filed in a court proceeding or in the official records at the courthouse.

The following documents can be photocopied from the original (if not officially filed or recorded) and attested to by a notary, because certified copies cannot be obtained from another public official:

- |                            |                  |                       |
|----------------------------|------------------|-----------------------|
| ■ Florida driver's license | ■ Medical record | ■ Lease               |
| ■ Florida vehicle title    | ■ U.S. passport  | ■ Resident alien card |
| ■ Social Security card     | ■ Bill of sale   | ■ Personal letter     |
| ■ Diploma                  | ■ Contract       |                       |

The maximum fee a notary may charge for making an attested photocopy is \$10.

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
I attest that the preceding or attached  
document is a true, exact, complete, and  
unaltered photocopy made by me of  
\_\_\_\_\_(DESCRIPTION OF DOCUMENT)\_\_\_\_ presented to  
me by the document's custodian, \_\_\_\_\_,  
and, to the best of my  
knowledge, that the photocopied document is  
neither a public record nor a publicly  
recordable document, certified copies of which  
are available from an official source other than  
a notary public.

(SEAL)

*Notary Signature*  
PRINT, TYPE OR STAMP NAME OF NOTARY



# Solemnizing Marriage

Florida is one of only three states which authorize notaries public to perform marriage ceremonies. The following guidelines should be helpful.

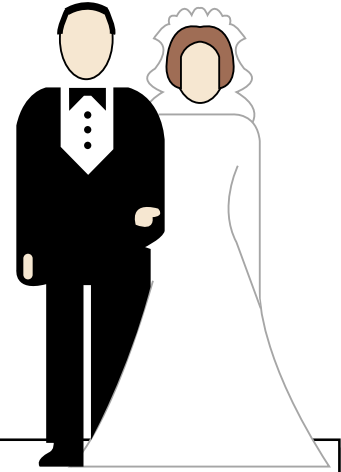
## Procedure

- The couple must obtain a valid Florida marriage license from a county court judge or clerk of the circuit court and present it to the notary public before the marriage ceremony.
- The notary public performs the marriage ceremony. An example of a simple, civil ceremony is printed below. It may be personalized, and the bride and groom may even exchange their own vows. But, the couple's vows must reflect their intentions to make a legally binding commitment to each other.
- The notary public is responsible for making a certificate on the appropriate portion of the marriage license and returning it to the office of the county court judge or clerk of the circuit court which issued the license within 10 days after solemnizing the marriage. § 741.08, Fla. Stat.

## General Information

- A Florida notary public may perform a marriage ceremony only within the geographical boundaries of this state.
- A notary public may charge up to \$20 for solemnizing the rites of matrimony. §§ 117.045 & 28.24 (29), Fla. Stat.
- A notary public may perform a marriage ceremony for a person who is related to him or her by blood or marriage. The prohibition against notarizing the signature of a spouse, son, daughter, mother, or father does not apply because the notary is not notarizing the signature of the bride and groom, but is only certifying that the couple have been joined in marriage by the notary according to the laws of the State of Florida. Op. Att'y Gen. Fla. 91-70 (1991).
- The notary should check the expiration date of the license to ensure that the license is still valid. The notary should also require identification if the bride and groom are not personally known.
- It is recommended that two witnesses, other than the notary, sign the marriage certificate in the event that proof of the marriage ceremony is necessary in the future.

Additional information about solemnizing marriage is located in the Q&A section on pages 52-53.



## Sample Ceremony

*Notary states, "Dearly beloved, we are gathered here today (tonight) to join this man and this woman in (holy) matrimony."*

## Exchange of Vows

*Notary asks the man, "(his name), do you take this woman to be your wife, to live together in (holy) matrimony, to love, honor, comfort her and keep her in sickness and in health, and forsaking all others, for as long as you both shall live?"*

*Man answers, "I do."*

*Notary asks the woman, "(her name), do you take this man to be your husband, to live together in (holy) matrimony, to love, honor, comfort him and keep him in sickness and in health, and forsaking all others, for as long as you both shall live?"*

*Woman answers, "I do."*

*Notary states, "Repeat after me:"*

*To the man: "I, (his name), take you (her name), to be my wife, to have and to hold from this day forward, for better, for worse, for richer, for poorer, in sickness and in health, to love and to cherish, till death do us part."*

*To the woman: "I, (her name), take you (his name), to be my husband, to have and to hold from this day forward, for better for worse, for richer for poorer, in sickness and in health, to love and to cherish, till death do us part."*

## Exchange of Rings

*Notary asks the man to place the ring on the woman's finger and to repeat the following, "I give you this ring as a token and pledge of our constant faith and abiding love." (Repeat the same for the woman).*

## Pronouncement

*Notary asks the couple to join hands, then declares, "By virtue of the authority vested in me under the laws of the State of Florida, I now pronounce you husband and wife. The bride and groom may now kiss."*



## Verifying a VIN

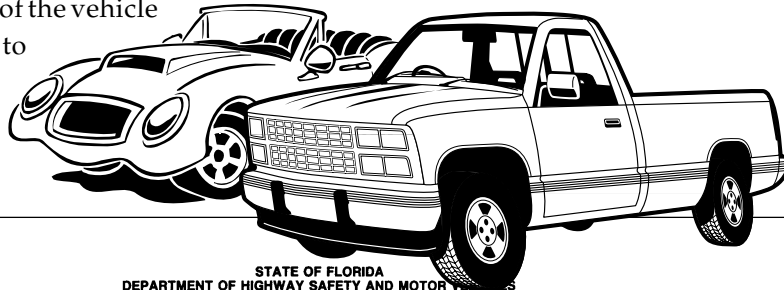
Florida law requires that, when applying for a Florida title for the first time on a used motor vehicle, the owner must sign a sworn statement that the vehicle identification number (VIN) and the odometer reading on the vehicle are correct.

Additionally, a physical inspection of the vehicle must be done by an authorized person to certify the VIN. Notaries public are included in the list of persons authorized to certify this information. § 319.23(3)(a)(2), Fla. Stat.

A form prepared by the Department of Highway Safety and Motor Vehicles, HSMV 82042 (Rev. 5/95)S, is used for this purpose.

Part A requires the owner's sworn statement regarding the correct VIN and odometer reading. A jurat, or notarial certificate, is provided in this section. The notary should make sure that the information in Part A is complete prior to the notarization.

Part B requires the notary public, or other authorized person, to certify that he or she has physically inspected the vehicle and found the VIN to be identical to the number recorded on the form. The notary public must include the date, sign the document, print his or her name, and affix his or her notary seal.



**STATE OF FLORIDA**  
**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**  
**DIVISION OF MOTOR VEHICLES**  
Neil Kirkman Building — Tallahassee, FL 32399-0500  
**VEHICLE IDENTIFICATION NUMBER AND ODOMETER VERIFICATION**

---

**PART A — OWNER'S VEHICLE IDENTIFICATION AFFIDAVIT AND ODOMETER DECLARATION**  
(Completion of this part requires a physical inspection of the vehicle by the owner).

**AFFIDAVIT:**

DATE \_\_\_\_\_

This is to certify that I, the undersigned, am the lawful owner of the motor vehicle described on this form and that I have, on the date entered above, made a physical inspection of the motor vehicle and have recorded the vehicle identification number and other identification information and the odometer reading and certification in the spaces provided on this form.

**VEHICLE IDENTIFICATION** (MOTOR NUMBER ALL MAKES THROUGH 1954 — IDENTIFICATION NUMBER 1955 AND LATER.)

Vehicle Identification Number	Year	Make	Model	Body	Previous State of Title

**ODOMETER DECLARATION**

**WARNING:** Florida law requires that you state the mileage in connection with an application for a Certificate of Title. Providing a false statement may result in fines or imprisonment.

I STATE THAT THIS MOTOR VEHICLE'S ☐ 5 DIGIT OR ☐ 6 DIGIT ODOMETER NOW READS \_\_\_\_\_ (NO TENTHS) MILES, DATE READ \_\_\_\_\_ AND TO THE BEST OF MY KNOWLEDGE IT REFLECTS THE ACTUAL MILEAGE OF THE VEHICLE DESCRIBED ON THIS DOCUMENT UNLESS ONE OF THE FOLLOWING IS CHECKED:

**CAUTION:** DO NOT CHECK IF ACTUAL MILEAGE

☐ 1. **IN EXCESS OF ITS MECHANICAL LIMITS.** I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, THE ODOMETER READING REFLECTS THE AMOUNT OF MILEAGE **IN EXCESS OF ITS MECHANICAL LIMITS**

☐ 2. **NOT THE ACTUAL MILEAGE.** I HEREBY CERTIFY THAT THE ODOMETER READING **IS NOT THE ACTUAL MILEAGE.** **WARNING - ODOMETER DISCREPANCY.**

**OWNER'S SIGNATURE AND PRINTED NAME** (ONLY ONE SIGNATURE REQUIRED FOR MULTIPLE OWNERS)

\_\_\_\_\_  
(Owner's Signature)

\_\_\_\_\_  
(Owner's Printed Name)

**NOTARIZATION:**

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day, \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_  
(Name of Person Making Statement)

\_\_\_\_\_  
(Signature of Notary Public) State of \_\_\_\_\_

\_\_\_\_\_  
(Print, Type or Stamp Commissioned Name of Notary Public)

Personally Known ☐ OR Produced Identification ☐ Type of Identification Produced: \_\_\_\_\_ (SEAL)

---

**PART B — VERIFICATION OF VEHICLE IDENTIFICATION**  
(Completion of this part requires a physical inspection of the above described motor vehicle by a licensed Florida Dealer, Florida Notary Public, Police Officer or Division of Motor Vehicles Inspector completing the verification of the vehicle identification number.)

I, the undersigned, certify that I have physically inspected the above described vehicle and find that the vehicle identification number on the vehicle to be identical to the vehicle identification number recorded on this form.

Date: \_\_\_\_\_

FLORIDA NOTARY SEAL

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_

Any Law Enforcement Officer \_\_\_\_\_ Badge Number \_\_\_\_\_

Florida Dealer License Number \_\_\_\_\_

Florida Compliance Examiner / Inspector Badge or ID Number \_\_\_\_\_

NOTICE: ANY ALTERATION OR ERASURE MAY VOID THIS DOCUMENT

HSMV 82042 (Rev. 5/95) S

This VIN verification form is also found on the Application for Certificate of Title With/Without Registration, HSMV 82040 (Rev. 5/96)S. These forms and all other forms related to vehicle registration are available from the tag office of the Tax Collector's Office in each county.

## ***Certifying the Contents of a Safe-Deposit Box***

Florida law provides that a financial institution may open a safe-deposit box if the rental fee is past due, providing that proper notice has been made and that certain other conditions are met. A notary public is authorized and required to be present for the opening of the safe-deposit box, to inventory the contents of the vault, and to make an appropriate certificate of the opening. The notary is not required to estimate the value of the contents of the safe-deposit box.

As with other notarial acts, the maximum fee a notary may charge for performing the authorized duties at the opening of a safe-deposit box is \$10.

The law authorizing notaries to perform this function became effective on July 3, 1992, and is found in section 655.94(1), Florida Statutes.

### **Procedure for the Notary Public**

- The notary must be present at the time the safe-deposit box is opened and may not be a director, officer, employee, or stockholder of the financial institution. An officer of the institution must also be present with the notary at the opening of the safe-deposit box.
- When the safe-deposit box is opened, the notary should inventory the contents of the box and should complete a certificate reciting the name of the lessee, the date of the opening, and a list of the contents. Florida law does not provide a form certificate; however, the following form, prepared by the Notary Section, should be sufficient.
- Once the certificate is completed, copies should be made. The notary should place the original certificate in a package with the contents of the safe-deposit box and seal the package. The notary must then write on the outside of the package the name of the lessee and the date of the opening.
- The notary should leave the sealed package and a copy of the certificate with the financial institution.
- If the notary keeps a record book or journal of notarial acts, details of the act should be recorded. It may be a good idea to require the person opening the box, the officer of the institution, and any other witness to sign the journal as well.

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, safe-deposit box number \_\_\_\_\_ rented in the name of \_\_\_\_\_ was opened by \_\_\_\_\_ (name of financial institution) in my presence and in the presence of \_\_\_\_\_ (name of officer) \_\_\_\_\_. The contents of the box consisted of the following:

(List contents here.)

(SEAL)

***Notary Public***

(PRINT, TYPE OR STAMP NAME OF NOTARY)

***Signature***

(PRINT OR TYPE NAME OF PERSON OPENING BOX)

***Signature***

(PRINT OR TYPE NAME OF OFFICER OF FINANCIAL INSTITUTION)



# Prohibited Acts for Notaries

*From Chapter 117, Florida Statutes*

**A notary public may not notarize a signature on a document if:**

- The person whose signature is being notarized is not in the presence of the notary at the time the signature is notarized. §117.107(9).
- The document is incomplete. §117.107(10).
- The notary public actually knows that the person signing the document has been adjudicated mentally incapacitated. §117.107(4).
- The person whose signature is to be notarized is the spouse, son, daughter, mother, or father of the notary public. §117.107(11).
- The notary public has a financial interest in or is a party to the underlying transaction. §117.107(12).



**Also, a notary public may not:**

- Give legal advice, unless the notary public is a licensed attorney. §117.01(4)(f).
- Take an acknowledgment of execution in lieu of an oath if an oath is required. §117.03.
- Obtain or use a notary commission in a name other than his or her legal name. §117.05(1).
- Notarize his or her own signature. §117.05(1).
- Charge more than \$10 for any one notarial act or more than \$20 for solemnizing the rites of matrimony. §§117.05(2), 117.045, 28.24(29), & 839.11.
- Notarize a signature on a document unless the notary personally knows the signer or has satisfactory evidence of identification. §117.05(5).
- Act as a notary public after his or her commission has expired. §117.05(8).
- Translate the phrase “Notary Public” into a language other than English in an advertisement for notarial services. §117.05(11).
- Attest to the trueness of a photocopy of a public record if a copy can be made by another public official. §117.05(12)(a).
- Use a name or initial in signing certificates other than that by which the notary public is commissioned. §117.107(1).
- Sign a blank form of affidavit or certificate of acknowledgment. §117.107(3).
- Take the acknowledgment of a person who is blind until the notary public has read the instrument to such person. §117.05(14)(a).
- Take the acknowledgment of a person who does not speak or understand the English language, unless the nature and effect of the instrument to be notarized is translated into a language which the person does understand. §117.107(6).
- Change anything in a written instrument after it has been signed by anyone. §117.107(7).
- Notarize a signature on a document if it appears that the person is mentally incapable of understanding the nature and effect of the document at the time of notarization. §117.107(5).

## **Penalties for Violations**

### **Grounds for Suspension**

The State Constitution authorizes the Governor to suspend a notary public from office for “malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform his official duties, or commission of a felony.” s.7, Art. IV, Fla. Const.

#### **Subsection 117.01(4) of the Florida Statutes provides:**

The Governor may suspend a notary public for any of the grounds provided in s. 7, Art. IV of the State Constitution. Grounds constituting malfeasance, misfeasance, or neglect of duty include, but are not limited to, the following:

- (a) A material false statement on the application.
- (b) A complaint found to have merit by the Governor.
- (c) Failure to cooperate or respond to an investigation by the Governor’s Office or the Department of State regarding a complaint.
- (d) Official misconduct as defined in s. 839.25.
- (e) False or misleading advertising relating to notary public services.
- (f) Unauthorized practice of law.
- (g) Failure to report a change in business or home address or telephone number within the specified period of time.
- (h) Commission of fraud, misrepresentation or any intentional violation of Chapter 117.
- (i) Charging fees in excess of fees authorized by Chapter 117.
- (j) Failure to maintain the bond required.

### **Civil Penalty**

#### **Section 117.107(9) of the Florida Statutes provides in part:**

A notary public may not notarize a signature on a document if:

The person whose signature is being notarized is not in the presence of the notary public at the time the signature is notarized. Any notary public who violates this paragraph is guilty of a civil infraction, punishable by penalty not exceeding \$5,000, and that conduct constitutes malfeasance and misfeasance in the conduct of official duties. It is no defense to the civil infraction specified in this paragraph that the notary public acted without intent to defraud. A notary public who violates this paragraph with the intent to defraud is guilty of violating s.117.105.

### **Criminal Penalties**

- No person shall obtain or use a notary public commission in other than his legal name, and it is unlawful for a notary public to notarize his own signature. Any person applying for a notary public commission must submit proof of his identity to the Department of State if so requested. Any person who violates the provisions of this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082 s 775.083, or s. 775.084. § 117.05(1).
- Any person who acts as or otherwise willfully impersonates a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. § 117.05(7).
- Any person who unlawfully possesses a notary public official seal or any papers or copies relating to notarial acts is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. § 117.05(3)(e).
- Any notary public who knowingly acts as a notary public after his commission has expired is guilty of a misdemeanor of the second degree, punishable in s. 775.082 or s. 775.083. § 117.05(8).
- A notary public who falsely or fraudulently takes an acknowledgment of an instrument as a notary public or who falsely or fraudulently makes a certificate as a notary public or who falsely takes or receives an acknowledgment of the signature on a written instrument is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s.775.084. §117.105.

## Other Prohibited Acts

- Do not notarize a photograph (*see next article*).
- Do not notarize a copy of a birth certificate, or any other vital record or public record (*see page 15*).
- Do not certify a translation of a document from one language into another. (*see page 64 for correct procedure*)
- Do not provide signature guarantees. This duty is usually performed by officials in the banking and securities industry.
- Do not certify the authenticity of objects, such as art or sports memorabilia.
- Do not judge contests or certify contest results.
- Do not certify a person's residency or citizenship status.
- Do not prepare legal documents, or immigration papers, unless you are an attorney licensed to practice in Florida.



## Don't Notarize Photographs

Occasionally, you may be asked to “notarize” a photograph. Please be aware that certifying or notarizing photographs is not an authorized notarial act under Florida law.

You may, however, notarize a person's signature on a written statement concerning the photograph. For example, if John Doe wants to certify that the person in a particular photograph is John Doe, he could sign a sworn written statement stating that the photograph is of John Doe. You could then notarize his signature on that statement in the same way that you notarize any sworn written statement. His statement could be made on the back of the photograph or on a separate paper to be attached to the photograph.

Keep in mind that you should not certify or attest that the person in the photograph is John Doe. Rather, you should certify that the statement concerning the photograph was signed and sworn to in your presence by John Doe. This is accomplished by using the standard notarial certificate (jurat) provided in the Florida Statutes for oaths. Remember, you should never apply your notary seal to and sign any document without completing a proper notarial certificate.

## ***Don't Provide Certified Copies of Birth Certificates***

**T**he Notary Section continues to receive numerous inquiries about certifying copies of birth certificates. A notary public may NOT make a certified photocopy of a birth certificate, whether it was issued in Florida, another state, or a foreign country. Birth certificates are official records and certified copies may be obtained from the public official who is the custodian of the records.

The typical problem arises when a person is leaving the country within a few days and is required by his or her travel agency to have a "notarized" birth certificate. The word "notarized" immediately sends the person to a notary public. Actually, a person should obtain a "certified" copy of his or her birth

certificate, rather than a "notarized" copy. Notaries should decline to certify or notarize these documents for two reasons.

First, a notary public may not attest to the trueness of a photocopy of a public record if a copy can be made by another public official. The Florida Department of Health retains vital records such as birth certificates, death certificates, marriage licenses, and certain divorce records. The Department produces certified copies of these documents when requested by an authorized person.

Second, a notary public may only attest to the trueness of a photocopy of an original document. Most people do not possess their original birth certificate; they only have a certified copy.

Additionally, Florida law prohibits even the photocopying of birth certificates. This would eliminate the

alternative procedure of attaching an affidavit to a photocopy of a birth certificate in which a party swears that the photocopy is a true copy of the birth certificate.

Officials at the Bureau of Vital Statistics in Jacksonville, where Florida vital records are housed, report that birth certificates and other vital records are available from their office and may be available for the last 30 years from the county health department in most counties in Florida. The Jacksonville office takes orders by telephone using a major credit card for payment and even offers express or overnight delivery for an additional fee. It is best, of course, to request such records in writing allowing 2-3 weeks for delivery.

If you are requested to make a certified copy of a birth certificate, or other vital record, please decline and refer the party to the public office holding that record. If the document is a Florida vital record, the party may go to the county health department or write to:

**Department of Health  
Bureau of Vital Statistics  
Vital Records Section  
1217 Pearl Street  
Jacksonville, Florida 32202**

For telephone orders or additional information, the party may call the Jacksonville office at (904) 359-6931 or (904) 359-6912.

## ***Don't Notarize Blank Documents***

**A**pparently, it is a common practice for people to sign a blank power of attorney form to facilitate the sale of a motor vehicle. Notaries should be careful not to notarize incomplete documents.

Many notarized blank forms have been found at car dealerships by DMV investigators and are often presented to officials at U.S. Customs in Miami. According to officials at these agencies, incomplete forms will not be accepted, and if notarized, they will be presented to the State Attorney's Office and to the Governor's Office for investigation and appropriate action.

