

Bill No. CS/HB 1125, 2nd Eng.

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Grant moved the following amendment:

Senate Amendment (with title amendment)

On page 1, line 27,
through page 36, line 10 delete those lines

and insert:

Section 1. Subsections (1) and (2), paragraph (g) of subsection (4), and subsections (5) and (7) of section 117.01, Florida Statutes, are amended to read:

117.01 Appointment, application, suspension, revocation, application fee, bond, and oath.--

(1) The Governor may appoint ~~for a term of 4 years~~ as many notaries public as he or she deems necessary, each of whom shall be at least 18 years of age and a legal resident of the state. A permanent resident alien may apply and be appointed and shall file with his or her application a recorded Declaration of Domicile. The residence required for appointment must be maintained throughout the term of appointment. Notaries public shall be appointed for 4 years and shall use and exercise the office of notary public within

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1 the boundaries of this state. An applicant must be able to
2 read, write, and understand the English language.

3 (2) The application for appointment shall be signed
4 and sworn to by the applicant and shall be accompanied by a
5 fee of \$25, together with the \$10 commission fee required by
6 s. 113.01, and a surcharge of \$4, which \$4 is appropriated to
7 the Executive Office of the Governor to be used to educate and
8 assist notaries public. The Executive Office of the Governor
9 may contract with private vendors to provide the services set
10 forth in this section. However, no commission fee shall be
11 required for the issuance of a commission as a notary public
12 to a veteran who served during a period of wartime service, as
13 defined in s. 1.01(14), and who has been rated by the United
14 States Government or the United States Department of Veterans
15 Affairs or its predecessor to have a disability rating of 50
16 percent or more; such a disability is subject to verification
17 by the Secretary of State, who has authority to adopt
18 reasonable procedures to implement this act. The oath of
19 office and notary bond required by this section shall also
20 accompany the application and shall be in a form prescribed by
21 the Department of State which shall require, but not be
22 limited to, the following information: full name, residence
23 address and telephone number, business address and telephone
24 number, date of birth, race, sex, social security number,
25 citizenship status, driver's license number or the number of
26 other official state-issued identification, affidavit of good
27 character from someone unrelated to the applicant who has
28 known the applicant for 1 year or more, a list of all
29 professional licenses and commissions issued by the state
30 during the previous 10 years and a statement as to whether or
31 not the applicant has had such license or commission revoked

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1 or suspended, and a statement as to whether or not the
2 applicant has been convicted of a felony, and, if there has
3 been a conviction, a statement of the nature of the felony and
4 restoration of civil rights. The applicant may not use a
5 fictitious or assumed name other than a nickname on an
6 application for commission. The application shall be
7 maintained by the Department of State for the full term of a
8 notary commission. A notary public shall notify, in writing,
9 the Department of State of any change in his or her business
10 address, home telephone number, business telephone number,
11 home address, or criminal record within 60 days after such
12 change. The Governor may require any other information he or
13 she deems necessary for determining whether an applicant is
14 eligible for a notary public commission. Each applicant must
15 swear or affirm on the application that the information on the
16 application is true and correct ~~to the best of his or her~~
17 ~~knowledge.~~

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

23 (g) Failure to report a change in business or home
24 address or telephone number, or failure to submit
25 documentation to request an amended commission after a lawful
26 name change, within the specified period of time.

27 (5)(a) If a notary public receives notice from the
28 Department of State that his or her office has been declared
29 vacant, the notary shall forthwith mail or deliver to the
30 Secretary of State his or her notary commission.

31 (b) A notary public who wishes to resign his or her

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1 commission, or a notary public who does not maintain legal
2 residence in this state during the entire term of appointment,
3 or a notary public whose resignation is required by the
4 Governor, shall send a signed letter of resignation to the
5 Governor and shall return his or her certificate of notary
6 public commission. The resigning notary public shall destroy
7 his or her official notary public seal of office, unless the
8 Governor requests its return.

9 (7)(a) A notary public shall, prior to executing the
10 duties of the office and throughout the term of office, give
11 bond, payable to any individual harmed as a result of a breach
12 of duty by the notary public acting in his or her official
13 capacity, in the amount of \$7,500~~\$5,000~~, conditioned for the
14 due discharge of the office and shall take an oath that he or
15 she will honestly, diligently, and faithfully discharge the
16 duties of the notary public. The bond shall be approved and
17 filed with the Department of State and executed by a surety
18 company for hire duly authorized to transact business in this
19 state.

20 (b) Any notary public whose term of appointment
21 extends beyond January 1, 1999 ~~1992~~, is required to increase
22 the amount of his or her bond to \$7,500~~\$5,000~~ only upon
23 reappointment on or after January 1, 1999 ~~1992~~.

24 (c) Beginning July 1, 1996, surety companies for hire
25 which process notary public applications, oaths, affidavits of
26 character, and bonds for submission to the Department of State
27 must properly submit these documents in a software and hard
28 copy format approved by the Department of State.

29 Section 2. Section 117.03, Florida Statutes, is
30 amended to read:

31 117.03 Administration of oaths.--A notary public may

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1 administer an oath and make a certificate thereof when it is
2 necessary for the execution of any writing or document to be
3 ~~attested, protested, or published~~ under the seal of a notary
4 public. The notary public may not take an acknowledgment of
5 execution in lieu of an oath if an oath is required.

6 Section 3. Section 117.04, Florida Statutes, is
7 amended to read:

8 117.04 ~~Marriages; Acknowledgments.~~--A notary public is
9 authorized to ~~solemnize the rites of matrimony~~ and to take the
10 acknowledgments of deeds and other instruments of writing for
11 record, as fully as other officers of this state. ~~For~~
12 ~~solemnizing the rites of matrimony, the fee of a notary public~~
13 ~~may not exceed those provided by law to the clerks of the~~
14 ~~circuit court for like services.~~

15 Section 4. Section 117.045, Florida Statutes, is
16 created to read:

17 117.045 Marriages.--A notary public is authorized to
18 solemnize the rites of matrimony. For solemnizing the rites of
19 matrimony, the fee of a notary public may not exceed those
20 provided by law to the clerks of the circuit court for like
21 services.

22 Section 5. Section 117.05, Florida Statutes, is
23 amended to read:

24 117.05 Use of notary commission; unlawful use; notary
25 fee; seal; duties; employer liability; name change;
26 advertising; photocopies; penalties.--

27 (1) No person shall obtain or use a notary public
28 commission in other than his or her legal name, and it is
29 unlawful for a notary public to notarize his or her own
30 signature. Any person applying for a notary public commission
31 must submit proof of identity to the Department of State if so

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1 requested. Any person who violates the provisions of this
2 subsection is guilty of a felony of the third degree,
3 punishable as provided in s. 775.082, s. 775.083, or s.
4 775.084.

5 (2) The fee of a notary public may not exceed \$10 for
6 any one notarial act, except as provided in s. 117.045 ~~s.~~
7 ~~117.04~~.

8 (3)(a) A notary public seal shall be affixed to all
9 notarized paper documents and shall be of the rubber stamp
10 type and shall include the words "Notary Public-State of
11 Florida." The seal shall also include the name of the notary
12 public, the date of expiration of the commission of the notary
13 public, and the commission number. The rubber stamp seal must
14 be affixed to the notarized paper document in photographically
15 reproducible black ink. Every notary public shall print, type,
16 or stamp below his or her signature on a paper document his or
17 her name exactly as commissioned. An impression-type seal may
18 be used in addition to the rubber stamp seal, but the rubber
19 stamp seal shall be the official seal for use on a paper
20 document, and the impression-type seal may not be substituted
21 therefor.

22 (b) Any notary public whose term of appointment
23 extends beyond January 1, 1992, is required to use a rubber
24 stamp type notary public seal on paper documents only upon
25 reappointment on or after January 1, 1992.

26 (c) The notary public official seal and the
27 certificate of notary public commission are the exclusive
28 property of the notary public and must be kept under the
29 direct and exclusive control of the notary public. The seal
30 and certificate of commission must not be surrendered to an
31 employer upon termination of employment, regardless of whether

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1 the employer paid for the seal or for the commission.

2 (d) A notary public whose official seal is lost,
3 stolen, or believed to be in the possession of another person
4 shall immediately notify the Department of State or the
5 Governor in writing.

6 (e) Any person who unlawfully possesses a notary
7 public official seal or any papers or copies relating to
8 notarial acts is guilty of a misdemeanor of the second degree,
9 punishable as provided in s. 775.082 or s. 775.083.

10 (4) When notarizing a signature, a notary public shall
11 complete a jurat or notarial certificate in substantially the
12 same form as those found in s. 117.05(13). The jurat or
13 certificate of acknowledgement shall contain the following
14 elements:

15 (a) The venue stating the location of the notarization
16 in the format, "State of Florida, County of"

17 (b) The type of notarial act performed, an oath or an
18 acknowledgement, evidenced by the words "sworn" or
19 "acknowledged."

20 (c) That the signer personally appeared before the
21 notary public at the time of the notarization.

22 (d) The exact date of the notarial act.

23 (e) The name of the person whose signature is being
24 notarized. It is presumed, absent such specific notation by
25 the notary public, that notarization is to all signatures.

26 (f) The specific type of identification the notary
27 public is relying upon in identifying the signer, either based
28 on personal knowledge or satisfactory evidence specified in s.
29 117.05(5).

30 (g) The notary's official signature.

31 (h) The notary's name, typed, printed, or stamped

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1 below the signature.

2 (i) The notary's official seal affixed below or to
3 either side of the notary's signature.~~sign and date a~~
4 ~~notarial certificate or jurat and shall specify which~~
5 ~~signature is being notarized and that the signer personally~~
6 ~~appeared before the notary public at the time of notarization.~~
7 ~~It is presumed, absent such specific notation by the notary~~
8 ~~public, that notarization is to all signatures.~~

9 (5) A notary public may not notarize a signature on a
10 document unless he or she personally knows, or has
11 satisfactory evidence, that the person whose signature is to
12 be notarized is the individual who is described in and who is
13 executing the instrument. A notary public shall certify in the
14 certificate of acknowledgment or jurat the type of
15 identification, either based on personal knowledge or other
16 form of identification, upon which the notary public is
17 relying.

18 (b) For the purposes of this subsection, "satisfactory
19 evidence" means the absence of any information, evidence, or
20 other circumstances which would lead a reasonable person to
21 believe that the person whose signature is to be notarized
22 ~~making the acknowledgment~~ is not the person he or she claims
23 to be and any one of the following:

24 1. The sworn written statement of one ~~a~~ credible
25 witness personally known to the notary public or ~~that the~~
26 ~~person whose signature is to be notarized is personally known~~
27 ~~to the witness.~~

28 ~~2.~~ the sworn written statement of two credible
29 witnesses whose identities are proven to the notary public
30 upon the presentation of satisfactory evidence that each of
31 the following is ~~are~~ true:

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- 1 a. That the person whose signature is to be notarized
 2 is the person named in the document;
- 3 b. That the person whose signature is to be notarized
 4 is personally known to the witnesses;
- 5 c. That it is the reasonable belief of the witnesses
 6 that the circumstances of the person whose signature is to be
 7 notarized are such that it would be very difficult or
 8 impossible for that person to obtain another acceptable form
 9 of identification;
- 10 d. That it is the reasonable belief of the witnesses
 11 that the person whose signature is to be notarized does not
 12 possess any of the identification documents specified in
 13 subparagraph 2.3-; and
- 14 e. That the witnesses do not have a financial interest
 15 in nor are parties to the underlying transaction; or
- 16 2.3- Reasonable reliance on the presentation to the
 17 notary public of any one of the following forms of
 18 identification, if the document is current or has been issued
 19 within the past 5 years and bears a serial or other
 20 identifying number:
- 21 a. A Florida ~~An~~ identification card or driver's
 22 license issued by the public agency authorized to issue
 23 driver's licenses ~~Department of Highway Safety and Motor~~
 24 ~~Vehicles~~;
- 25 b. A passport issued by the Department of State of the
 26 United States; ~~or~~
- 27 c. A passport issued by a foreign government if
 28 ~~Reasonable reliance on the presentation of any one of the~~
 29 ~~following forms of identification, if the document is current~~
 30 ~~or has been issued within the past 5 years and bears a serial~~
 31 ~~or other identifying number, and, if the document is a~~

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1 ~~passport,~~the document is stamped by the United States
 2 Immigration and Naturalization Service;~~+~~
 3 ~~(I) A passport issued by a foreign government;~~
 4 d.(II) A driver's license or an identification card
 5 issued by a public agency authorized to issue driver's
 6 licenses in a state other than Florida, a territory of the
 7 United States, or Canada or Mexico territory of the United
 8 States or a state other than Florida or by a Canadian or
 9 Mexican public agency authorized to issue drivers' licenses;
 10 ~~(III) An identification card issued by a territory of~~
 11 ~~the United States or a state other than Florida;~~
 12 e.(IV) An identification card issued by any branch of
 13 the armed forces of the United States;
 14 f.(V) An inmate identification card issued on or after
 15 January 1, 1991, by the Florida Department of Corrections for
 16 an inmate who is in the custody of the department; or
 17 g. An inmate identification card issued by the United
 18 States Department of Justice, Bureau of Federal Prisons, for
 19 an inmate who is in the custody of the department;
 20 h. A sworn, written statement from a sworn law
 21 enforcement officer that the forms of identification for an
 22 inmate in an institution of confinement were confiscated upon
 23 confinement and that the person named in the document is the
 24 person whose signature is to be notarized; or
 25 i.(VI) An identification card issued by the United
 26 States Department of Justice, Immigration, and Naturalization
 27 Service.
 28 ~~(6) A notary public may not notarize a signature on a~~
 29 ~~document if:~~
 30 ~~(a) The person whose signature is being notarized is~~
 31 ~~not in the presence of the notary public at the time the~~

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1 ~~signature is notarized. Any notary public who violates this~~
2 ~~paragraph is guilty of a civil infraction, punishable by~~
3 ~~penalty not exceeding \$5,000, and that conduct constitutes~~
4 ~~malfeasance and misfeasance in the conduct of official duties.~~
5 ~~It is no defense to the civil infraction specified in this~~
6 ~~paragraph that the notary public acted without intent to~~
7 ~~defraud. A notary public who violates this paragraph with the~~
8 ~~intent to defraud is guilty of violating s. 117.105.~~

9 ~~(b) The document is incomplete. However, an~~
10 ~~endorsement or assignment in blank of a negotiable or~~
11 ~~nonnegotiable note and the assignment in blank of any~~
12 ~~instrument given as security for such note is not deemed~~
13 ~~incomplete.~~

14 ~~(c) The notary public actually knows that the person~~
15 ~~signing the document has been adjudicated mentally~~
16 ~~incapacitated, and the notarization relates to a right that~~
17 ~~has been removed pursuant to s. 744.3215(2) or (3), and that~~
18 ~~the person has not been restored to capacity as a matter of~~
19 ~~record.~~

20 ~~(d) The person whose signature is to be notarized is~~
21 ~~the spouse, son, daughter, mother, or father of the notary~~
22 ~~public.~~

23 ~~(e) The notary public has a financial interest in or~~
24 ~~is a party to the underlying transaction; provided, however, a~~
25 ~~notary public who is an employee may notarize a signature for~~
26 ~~his or her employer and this employment is not a financial~~
27 ~~interest in the transaction nor is he or she a party to the~~
28 ~~transaction under this subsection unless he or she receives a~~
29 ~~benefit other than salary and any fee for services authorized~~
30 ~~by law. For purposes of this paragraph, a notary public who~~
31 ~~is an attorney does not have a financial interest in and is~~

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1 ~~not a party to the underlying transaction evidenced by a~~
2 ~~notarized document if he or she notarizes a signature on that~~
3 ~~document for a client for whom he or she serves as an attorney~~
4 ~~of record and the attorney has no interest in the document~~
5 ~~other than a fee paid to him or her for legal services and any~~
6 ~~fee authorized by law for services as a notary public.~~

7 (6)~~(7)~~ The employer of a notary public shall be liable
8 to the persons involved for all damages proximately caused by
9 the notary's official misconduct, if the notary public was
10 acting within the scope of his or her employment at the time
11 the notary engaged in the official misconduct.

12 (7)~~(8)~~ Any person who acts as or otherwise willfully
13 impersonates a notary public while not lawfully appointed and
14 commissioned to perform notarial acts is guilty of a
15 misdemeanor of the second degree, punishable as provided in s.
16 775.082 or s. 775.083.

17 ~~(9) Any person who unlawfully possesses a notary~~
18 ~~public official seal or any papers or copies relating to~~
19 ~~notarial acts is guilty of a misdemeanor of the second degree,~~
20 ~~punishable as provided in s. 775.082 or s. 775.083.~~

21 (8)~~(10)~~ Any notary public who knowingly acts as a
22 notary public after his or her commission has expired is
23 guilty of a misdemeanor of the second degree, punishable as
24 provided in s. 775.082 or s. 775.083.

25 (9)~~(11)~~ Any notary public who lawfully changes his or
26 her name shall, within 60 days after such change,~~forthwith~~
27 request an amended commission from the Secretary of State and
28 shall send \$25, his or her current commission, and a notice of
29 change form, obtained from the Secretary of State, which shall
30 include the new name and contain a specimen of his or her
31 official signature. The Secretary of State shall issue an

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1 amended commission to the notary public in the new name. A
2 rider to the notary public's bond must accompany the notice of
3 change form. After submitting the required notice of change
4 form and rider to the Secretary of State requesting an amended
5 commission, the notary public may continue to perform notarial
6 acts in his or her former name for 60 days or until receipt of
7 the amended commission, whichever date is earlier.

8 ~~(12) Any notary public who loses or misplaces his or~~
9 ~~her notary public seal of office shall forthwith mail or~~
10 ~~deliver notice of the fact to the Secretary of State.~~

11 ~~(10)(13)~~ A notary public who is not an attorney who
12 advertises the services of a notary public in a language other
13 than English, whether by radio, television, signs, pamphlets,
14 newspapers, or other written communication, with the exception
15 of a single desk plaque, shall post or otherwise include with
16 the advertisement a notice in English and in the language used
17 for the advertisement. The notice shall be of a conspicuous
18 size, if in writing, and shall state: "I AM NOT AN ATTORNEY
19 LICENSED TO PRACTICE LAW IN THE STATE OF FLORIDA, AND I MAY
20 NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." If the
21 advertisement is by radio or television, the statement may be
22 modified but must include substantially the same message.

23 ~~(11)(14)~~ Literal translation of the phrase "Notary
24 Public" into a language other than English is prohibited in an
25 advertisement for notarial services.

26 ~~(12)(15)(a)~~ A notary public may supervise the making
27 of a photocopy of an original document and attest to the
28 trueness of the copy, provided the document is neither a vital
29 record in this state, another state, a territory of the United
30 States, or another country, nor a public record, if a copy can
31 be made by the custodian of the public record. A notary

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1 ~~public may not supervise the making of a photocopy and may not~~
2 ~~attest to the trueness of a photocopy of a public record if a~~
3 ~~copy can be made by another public official.~~

4 (b) A notary public must use a certificate in
5 substantially the following form in notarizing an attested
6 copy:

7
8 STATE OF FLORIDA
9 COUNTY OF

10
11 On this day of, ... (year) ... ~~19....~~, I attest
12 that the preceding or attached document is a true, exact,
13 complete, and unaltered photocopy made by me of
14 ...(description of document)... presented to me by the
15 document's custodian,, and, to the best of my
16 knowledge, that the photocopied document is neither a vital
17 ~~public record nor a public record publicly recordable~~
18 ~~document~~, certified copies of which are available from an
19 official source other than a notary public.

20
21 ... (Official Notary Signature and Notary Seal) ...
22 ... (Name of Notary Typed, Printed or Stamped) ...
23

24 ~~(13)(16)~~ The following notarial form certificates are
25 sufficient for the purposes indicated, if completed with the
26 information required by this chapter. The specification of
27 forms under this subsection does not preclude the use of other
28 forms.

29 (a) For an oath or affirmation:

30
31 STATE OF FLORIDA

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2

3 ~~...(Signature of Applicant)...~~

4 Sworn to (or affirmed) and subscribed before me this
5 day of, ...(year).....19....., by ...(name
6 of person making statement)....

7

8 ...(Signature of Notary Public - State of Florida)...

9 ...(Print, Type, or Stamp Commissioned Name of Notary
10 Public)...

11 Personally Known OR Produced Identification

12

13 Type of Identification Produced.....

14

15 (b) For an acknowledgment in an individual capacity:

16

17 STATE OF FLORIDA

18 COUNTY OF

19

20 The foregoing instrument was acknowledged before me this
21 day of, ...(year).....19....., by ...(name
22 of person acknowledging)...

23

24 ...(Signature of Notary Public - State of Florida)...

25 ...(Print, Type, or Stamp Commissioned Name of Notary
26 Public)...

27 Personally Known OR Produced Identification

28

29 Type of Identification Produced.....

30

31 (c) For an acknowledgment in a representative

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1 capacity:

2

3 STATE OF FLORIDA

4 COUNTY OF

5

6 The foregoing instrument was acknowledged before me this
7 day of,... (year).....19....., by ...(name
8 of person)... as ...(type of authority, . . . e.g. officer,
9 trustee, attorney in fact)... for ...(name of party on behalf
10 of whom instrument was executed)...

11

12 ...(Signature of Notary Public - State of Florida)...

13 ...(Print, Type, or Stamp Commissioned Name of Notary
14 Public)...

15 Personally Known OR Produced Identification

16

17 Type of Identification Produced.....

18

19 (14) A notary public must make reasonable
20 accommodations to provide notarial services to persons with
21 disabilities.

22 (a) A notary public may notarize the signature of a
23 person who is blind after the notary public has read the
24 entire instrument to that person.

25 (b) A notary public may notarize the signature of a
26 person who signs with a mark if:

27 1. The document signing is witnessed by two
28 disinterested persons;

29 2. The notary prints the person's first name at the
30 beginning of the designated signature line and the person's
31 last name at the end of the designated signature line; and

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1 COUNTY OF

2

3 The foregoing instrument was acknowledged before me this
4 day of, ...(year)..., by ...(name of person
5 acknowledging)..., who signed with a mark in the presence of
6 these witnesses:

7

8 ...(Signature of Notary Public - State of Florida)...

9

10 ...(Print, Type, or Stamp Commissioned Name of Notary
11 Public)...

12 Personally Known OR Produced Identification
13

14 Type of Identification Produced.....

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16 (d) A notary public may sign the name of a person
17 whose signature is to be notarized when that person is
18 physically unable to sign or make a signature mark on a
19 document if:

20 1. The person with a disability directs the notary to
21 sign in his or her presence;

22 2. The document signing is witnessed by two
23 disinterested persons;

24 3. The notary writes below the signature the following
25 statement: "Signature affixed by notary, pursuant to s.
26 117.05(14), Florida Statutes," and states the circumstances of
27 the signing in the notarial certificate.

28 (e) The following notarial certificates are sufficient
29 for the purpose of notarizing for a person with a disability
30 who directs the notary to sign his or her name:

31

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1 1. For an oath or affirmation:

2
3 STATE OF FLORIDA

4 COUNTY OF

5
6 Sworn to (or affirmed) before me this day of,
7 ...(year)..., by ...(name of person making statement)..., and
8 subscribed by ...(name of notary)... at the direction of and
9 in the presence of ...(name of person making statement)...,
10 and in the presence of these witnesses:

11
12 ...(Signature of Notary Public - State of Florida)...

13
14 ...(Print, Type, or Stamp Commissioned Name of Notary
15 Public)...

16 Personally Known OR Produced Identification
17

18 Type of Identification Produced.....

19
20 2. For an acknowledgment in an individual capacity:

21
22 STATE OF FLORIDA

23 COUNTY OF

24
25 The foregoing instrument was acknowledged before me this
26 day of, ...(year)..., by ...(name of person
27 acknowledging)..and subscribed by ...(name of notary)... at
28 the direction of and in the presence of ...(name of person
29 acknowledging)..., and in the presence of these witnesses:

30
31 ...(Signature of Notary Public - State of Florida)...

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...(Print, type, or Stamp Commissioned Name of Notary Public)...

Personally Known OR Produced Identification

Type of Identification Produced.....

Section 6. Section 117.10, Florida Statutes, is amended to read:

117.10 Law enforcement officers and correctional officers.--Law enforcement officers, correctional officers, and correctional probation officers, as defined in s. 943.10, and traffic accident investigation officers, as described in s. 316.640,and traffic infraction enforcement officers,as described in s. 316.640 ~~318.141~~, are authorized to administer oaths notaries public when engaged in the performance of official duties. Sections 117.01, 117.04, 117.045,117.05, and 117.103 do not apply to the provisions of this section. An officer may not notarize his or her own signature.

Section 7. Section 117.103, Florida Statutes, is amended to read:

117.103 Certification of notary's authority by Secretary of State.--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, the notarized document, and a fee of \$10 payable to the Secretary of State, the Secretary of State shall provide a certificate of notarial authority. Documents destined for countries participating in an International Treaty called the Hague Convention require an

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1 Apostille, and that requirement shall be determined by the
2 Secretary of State.

3 Section 8. Section 117.107, Florida Statutes, is
4 amended to read:

5 117.107 Prohibited acts.--

6 (1) A notary public may not use a name or initial in
7 signing certificates other than that by which the notary
8 public is commissioned.

9 (2) A notary public may not sign notarial certificates
10 using a facsimile signature stamp unless the notary public has
11 a physical disability that limits or prohibits his or her
12 ability to make a written signature and unless the notary
13 public has first submitted written notice to the Department of
14 State with an exemplar of the facsimile signature stamp.~~A~~
15 ~~notary public may not acknowledge an instrument in which the~~
16 ~~notary public's name appears as a party to the transaction.~~

17 (3) A notary public may not affix his or her signature
18 to a blank form of affidavit or certificate of acknowledgment
19 and deliver that form to another person with the intent that
20 it be used as an affidavit or acknowledgment.

21 (4) A notary public may not take the acknowledgment of
22 or administer an oath to a person whom the notary public
23 actually knows to have been adjudicated ~~adjudged~~ mentally
24 incapacitated by a court of competent jurisdiction, where the
25 acknowledgment or oath necessitates the exercise of a right
26 that has been removed pursuant to s. 744.3215(2) or (3), and
27 where the person has not been restored to capacity as a matter
28 of record.

29 (5) A notary public may not notarize a signature on a
30 document if it appears that the person is mentally incapable
31 of understanding the nature and effect of the document at the

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1 time of notarization.~~A notary public may not take the~~
2 ~~acknowledgment of a person who is blind until the notary~~
3 ~~public has read the instrument to such person.~~

4 (6) A notary public may not take the acknowledgment of
5 a person who does not speak or understand the English
6 language, unless the nature and effect of the instrument to be
7 notarized is translated into a language which the person does
8 understand.

9 (7) A notary public may not change anything in a
10 written instrument after it has been signed by anyone.

11 (8) A notary public may not amend a notarial
12 certificate after the notarization is complete.

13 (9) A notary public may not notarize a signature on a
14 document if the person whose signature is being notarized is
15 not in the presence of the notary public at the time the
16 signature is notarized. Any notary public who violates this
17 subsection is guilty of a civil infraction, punishable by
18 penalty not exceeding \$5,000, and such violation constitutes
19 malfeasance and misfeasance in the conduct of official duties.
20 It is no defense to the civil infraction specified in this
21 subsection that the notary public acted without intent to
22 defraud. A notary public who violates this subsection with the
23 intent to defraud is guilty of violating s. 117.105.

24 (10) A notary public may not notarize a signature on a
25 document if the document is incomplete or blank. However, an
26 endorsement or assignment in blank of a negotiable or
27 nonnegotiable note and the assignment in blank of any
28 instrument given as security for such note is not deemed
29 incomplete.

30 (11) A notary public may not notarize a signature on a
31 document if the person whose signature is to be notarized is

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1 the spouse, son, daughter, mother, or father of the notary
2 public.

3 (12) A notary public may not notarize a signature on a
4 document if the notary public has a financial interest in or
5 is a party to the underlying transaction; however, a notary
6 public who is an employee may notarize a signature for his or
7 her employer, and this employment does not constitute a
8 financial interest in the transaction nor make the notary a
9 party to the transaction under this subsection as long as he
10 or she does not receive a benefit other than his or her salary
11 and the fee for services as a notary public authorized by law.
12 For purposes of this subsection, a notary public who is an
13 attorney does not have a financial interest in and is not a
14 party to the underlying transaction evidenced by a notarized
15 document if he or she notarizes a signature on that document
16 for a client for whom he or she serves as an attorney of
17 record and he or she has no interest in the document other
18 than the fee paid to him or her for legal services and the fee
19 authorized by law for services as a notary public.

20 Section 9. Section 117.20, Florida Statutes, is
21 amended to read:

22 117.20 Electronic notarization.--

23 (1) The provisions of ss. 117.01, 117.03, 117.04,
24 117.05(1)-(11), (13), and (14)~~117.05(1)-(14) and (16)~~,
25 117.105, and 117.107 apply to all notarizations under this
26 section except as set forth in this section.

27 (2) An electronic notarization shall include the words
28 "Notary Public - State of Florida,"the name of the notary
29 public, exactly as commissioned, the date of expiration of the
30 commission of the notary public, the commission number, and
31 the notary's digital signature. Neither a rubber stamp seal

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1 nor an impression-type seal is required for an electronic
2 notarization.

3 (3) Any notary public who seeks to perform electronic
4 notarizations and obtains a certificate from any certification
5 authority, as defined in s. 282.72(2), and who is licensed in
6 the state shall request an amended commission from the
7 Secretary of State as set forth in s. 117.05(9)~~s. 117.05(11)~~.

8 The Secretary of State shall issue an amended commission to
9 the notary public indicating that the notary is a subscriber
10 to the certification authority identified in the notary's
11 request for an amended commission. After requesting an
12 amended commission, the notary public may continue to perform
13 notarial acts, but may not use his or her digital signature in
14 the performance of notarial acts until receipt of the amended
15 commission. Any fees collected from such amended commissions
16 shall be used to fund the Secretary of State's administration
17 of electronic notary commissions.

18 (4) If the notary public's private key corresponding
19 to his or her public key has been compromised, the notary
20 public shall immediately notify the Secretary of State in
21 writing of the breach of security and shall request the
22 issuing certification authority to suspend or revoke the
23 certificate.

24 (5) A notary public shall keep a sequential journal of
25 all acts performed as a notary public under the provisions of
26 this section.

27 (a) The journal must include, at a minimum, for every
28 notarial act, the date and time of the notarial act, the type
29 of notarial act, the type or name of the document, the
30 signer's printed name and signature, the signer's complete
31 address and telephone number, and the specific type of

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1 identification presented by the signer, including both its
2 serial number and its expiration date.

3 (b) When requested in writing by the Governor's Office
4 or Department of State, the notary public must provide the
5 journal for inspection. The notary public must retain the
6 journal for safekeeping for at least five years beyond the
7 date of the last notarial act recorded in the journal.

8 (c) If the notary public journal is stolen, lost,
9 misplaced, destroyed, or rendered unusable within the time
10 period specified in paragraph (b), the notary public must
11 immediately notify the Governor's Office or the Department of
12 State in writing of the circumstances of the incident.

13 (6)(5) Failure to comply with this section constitutes
14 grounds for suspension from office by the Governor.

15 Section 10. Section 118.10, Florida Statutes, is
16 amended to read:

17 118.10 Florida international notary.--

18 (1) As used in this section, the term:

19 (a) "Authentic act"~~"Authentication instrument"~~ means
20 an instrument executed by a Florida international notary
21 referencing this section, which includes the particulars and
22 capacities to act of transacting parties, a confirmation of
23 the full text of the instrument, the signatures of the parties
24 or legal equivalent thereof, and the signature and seal of a
25 Florida international notary as prescribed by the Florida
26 Secretary of State ~~for use in a jurisdiction outside the~~
27 ~~borders of the United States.~~

28 (b) "Florida international notary" means a person who
29 is a member in good standing of The Florida Bar ~~admitted to~~
30 ~~the practice of law in this state~~, who has practiced law for
31 at least 5 years, and who is appointed by the Secretary of

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1 State as a Florida international notary.

2 (c) "Protocol" means a registry maintained by a
3 Florida international notary in which the acts of the Florida
4 international notary are archived.

5 (2) The Secretary of State shall have the power to
6 appoint Florida international notaries and administer this
7 section.

8 (3) ~~A Florida international notary is authorized to~~
9 ~~issue authentication instruments for use in non-United States~~
10 ~~jurisdictions.~~A Florida international notary is not
11 authorized to issue authentic acts ~~authentication instruments~~
12 for use in a ~~non-United States~~ jurisdiction if the United
13 States Department of State has determined that the
14 jurisdiction does not have diplomatic relations with the
15 United States or is a terrorist country, or if trade with the
16 jurisdiction is prohibited under the Trading With the Enemy
17 Act of 1917, as amended, 50 U.S.C. ss. 1, et seq.

18 ~~(4) The authentication instruments of a Florida~~
19 ~~international notary shall not be considered authentication~~
20 ~~instruments within the borders of the United States and shall~~
21 ~~have no consequences or effects as authentication instruments~~
22 ~~in the United States.~~

23 ~~(4)(5) The authentic acts authentication instruments~~
24 of a Florida international notary shall be recorded in the
25 Florida international notary's protocol in a manner prescribed
26 by the Secretary of State.

27 ~~(5)(6) The Secretary of State may adopt rules~~
28 prescribing:

29 (a) The form and content of signatures and seals or
30 their legal equivalents for authentic acts ~~authentication~~
31 ~~instruments;~~

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1 (b) Procedures for the permanent archiving of
2 authentic acts ~~authentication instruments~~;

3 (c) The charging of reasonable fees to be retained by
4 the Secretary of State for the purpose of administering this
5 section;

6 (d) Educational requirements and procedures for
7 testing applicants' knowledge of the effects and consequences
8 associated with authentic acts ~~authentication instruments in~~
9 ~~jurisdictions outside the United States~~;

10 (e) Procedures for the disciplining of Florida
11 international notaries, including the suspension and
12 revocation of appointments for misrepresentation or fraud
13 regarding the Florida international notary's authority, the
14 effect of the Florida international notary's authentic acts
15 ~~authentication instruments~~, or the identities or acts of the
16 parties to a transaction; and

17 (f) Other matters necessary for administering this
18 section.

19 ~~(6)~~~~(7)~~ The Secretary of State shall not regulate,
20 discipline or attempt to discipline, or establish any
21 educational requirements for any Florida international notary
22 for, or with regard to, any action or conduct that would
23 constitute the practice of law in this state, except by
24 agreement with The Florida Bar. The Secretary of State shall
25 not establish as a prerequisite to the appointment of a
26 Florida international notary any test containing any question
27 that inquires of the applicant's knowledge regarding the
28 practice of law in the United States, except by agreement with
29 The Florida Bar.

30 ~~(7)~~~~(8)~~ This section shall not be construed as
31 abrogating the provisions of any other act relating to

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1 notaries public, attorneys, or the practice of law in this
2 state.

3 Section 11. Subsection (1) of section 11.03, Florida
4 Statutes, is amended to read:

5 11.03 Proof of publication of notice.--

6 (1) Affidavit of proof of publication of such notice
7 of intention to apply therefor, may be made, in substantially
8 the following general form, but such form shall not be
9 exclusive:

10

11 STATE OF FLORIDA

12 COUNTY OF

13 Before the undersigned authority personally appeared
14, who on oath does solemnly swear (or affirm) that she or
15 he has knowledge of the matters stated herein; that a notice
16 stating the substance of a contemplated law or proposed bill
17 relating to

18 ... (here identify bill) ...

19 has been published at least 30 days prior to this date, by
20 being printed in the issues of ... (here state day, month and
21 year of issue or issues) ... of the, a newspaper or
22 newspapers published in County or Counties, Florida (or)
23 there being no newspaper, by being posted for at least 30 days
24 prior to this date at three public places in County or
25 Counties, one of which places was at the courthouse of said
26 county or counties, where the matter or thing to be affected
27 by the contemplated law is situated; that a copy of the notice
28 that has been published as aforesaid and also this affidavit
29 of proof of publication are attached to the proposed bill or
30 contemplated law, and such copy of the notice so attached is
31 by reference made a part of this affidavit.

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1
2
3 Sworn to (or affirmed) and subscribed before me this
4 day of, ...(year)..., by ...(name of person
5 making statement).....
6
7 ...(Signature of Notary Public - State of Florida)...
8 ...(Print, Type, or Stamp Commissioned Name of Notary
9 Public)...
10 Personally Known OR Produced Identification
11
12 Type of Identification Produced.....
13
14 ~~Sworn to and subscribed before me this 19....~~
15 ~~(SEAL)~~
16 ~~...(Signature)...~~
17 ~~Notary Public, State of Florida.~~
18 ~~My commission expires~~
19
20 Section 12. Paragraph (a) of subsection (2) of section
21 475.180, Florida Statutes, is amended to read:
22 475.180 Nonresident licenses.--
23 (2)(a) Any applicant who is not a resident of this
24 state shall file an irrevocable consent that suits and actions
25 may be commenced against her or him in any county of this
26 state in which a plaintiff having a cause of action or suit
27 against her or him resides, and that service of any process or
28 pleading in suits or actions against her or him may be made by
29 delivering the process or pleading to the director of the
30 Division of Real Estate by certified mail, return receipt
31 requested, and also to the licensee by registered mail

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1 addressed to the licensee at her or his designated principal
 2 place of business. Service, when so made, must be taken and
 3 held in all courts to be as valid and binding upon the
 4 licensee as if made upon her or him in this state within the
 5 jurisdiction of the court in which the suit or action is
 6 filed. The irrevocable consent must be in a form prescribed by
 7 the department and be acknowledged before ~~by~~ a notary public.

8 Section 13. Subsection (3) of section 713.08, Florida
 9 Statutes, is amended to read:

10 713.08 Claim of lien.--

11 (3) The claim of lien shall be sufficient if it is in
 12 substantially the following form:

13

CLAIM OF LIEN

14 State of

15 County of

16 Before me, the undersigned notary public, personally
 17 appeared, who was duly sworn and says that she or he is
 18 (the lienor herein) (the agent of the lienor herein),
 19 whose address is; and that in accordance with a contract
 20 with, lienor furnished labor, services, or materials
 21 consisting of on the following described real property in
 22 County, Florida:

23

(Legal description of real property)

24

25 owned by of a total value of \$...., of which there
 26 remains unpaid \$...., and furnished the first of the items on
 27, ... (year) 19...., and the last of the items on
 28, ... (year) 19....; and (if the lien is claimed
 29 by one not in privity with the owner) that the lienor served
 30

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1 her or his notice to owner on(year).....19.....,
2 by; and (if required) that the lienor served copies of
3 the notice on the contractor on(year).....
4 19....., by and on the subcontractor,, on,
5 ...(year).....19....., by

6 ...(Signature)...
7 Sworn to (or affirmed) and subscribed before me this
8 day of, ...(year)..., by ...(name of person
9 making statement).....

10
11 ...(Signature of Notary Public - State of Florida)...
12 ...(Print, Type, or Stamp Commissioned Name of Notary
13 Public)...

14 Personally Known OR Produced Identification
15

16 Type of Identification Produced.....

17
18 ~~Sworn to and subscribed before me this day of,~~
19 ~~19.....~~

20 ~~...(Notary Public)..... My commission expires:~~

21
22 Section 14. Paragraph (d) of subsection (1) of section
23 713.13, Florida Statutes, is amended to read:

24 713.13 Notice of commencement.--

25 (1)

26 (d) A notice of commencement must be in substantially
27 the following form:

28
29 Permit No.....

Tax Folio No.....

30 NOTICE OF COMMENCEMENT

31 State of....

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1 County of....

2

3 The undersigned hereby gives notice that improvement will be
4 made to certain real property, and in accordance with Chapter
5 713, Florida Statutes, the following information is provided
6 in this Notice of Commencement.

7 1. Description of property: ...(legal description of
8 the property, and street address if available)....

9 2. General description of improvement:.....

10 3. Owner information:.....

11 a. Name and address:.....

12 b. Interest in property:.....

13 c. Name and address of fee simple titleholder (if
14 other than Owner):.....

15 4. Contractor: ...(name and address)....

16 a. Phone number:.....

17 b. Fax number:....(optional, if service by fax is
18 acceptable).

19 5. Surety

20 a. Name and address:.....

21 b. Phone number:.....

22 c. Fax number:....(optional, if service by fax is
23 acceptable).

24 d. Amount of bond: \$.....

25 6. Lender: ...(name and address)....

26 a. Phone number:.....

27 b. Fax number:....(optional, if service by fax is
28 acceptable).

29 7. Persons within the State of Florida designated by
30 Owner upon whom notices or other documents may be served as
31 provided by Section 713.13(1)(a)7., Florida Statutes:

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Section 15. Subsection (7) of section 713.135, Florida Statutes, is amended to read:

713.135 Notice of commencement and applicability of lien.--

(7) In addition to any other information required by the authority issuing the permit, the building permit application must be in substantially the following form:

Tax Folio No.....

BUILDING PERMIT APPLICATION

Owner's Name.....
Owner's Address.....
Fee Simple Titleholder's Name (If other than owner).....
Fee Simple Titleholder's Address (If other than owner).....
City.....
State..... Zip.....
Contractor's Name.....
Contractor's Address.....
City.....
State..... Zip.....
Job Name.....
Job Address.....
City..... County.....
Legal Description.....
Bonding Company.....
Bonding Company Address.....
City..... State.....
Architect/Engineer's Name.....
Architect/Engineer's Address.....

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1	to Owner or Agent....	to Contractor....
2	My Commission Expires:....	My Commission Expires:....

3

4 (Certificate of Competency Holder)

5

6 Contractor's State Certification or Registration No.....

7

8 Contractor's Certificate of Competency No.....

9

10 APPLICATION APPROVED BY.....Permit Officer

11

12 Section 16. Subsections (4), (6), and (8) of section
13 713.245, Florida Statutes, are amended to read:

14 713.245 Conditional payment bond.--

15 (4) Within 90 days after a claim of lien is recorded
16 for labor, services, or materials for which the contractor has
17 been paid, the owner or the contractor may record a notice of
18 bond as specified in s. 713.23(2), together with a copy of the
19 bond and a sworn statement in substantially the following
20 form:

21

22 CERTIFICATE OF PAYMENT TO THE CONTRACTOR

23

24 TO: Lienor ...(name and address from claim of lien)...

25 Contractor ...(name and address)...

26 Surety ...(name and address)...

27

28 Under penalties of perjury, the undersigned certifies
29 that the bond recorded with this certificate conforms with s.
30 713.245, F.S., that the bond is in full force and effect, and
31 that the contractor has been paid \$.... for the labor,

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1 services, and materials described in the Claim of Lien filed
2 by dated,... (year).....19....., and
3 recorded,... (year).....19....., in Official
4 Records Book at Page of the Public Records of
5 County, Florida.

6
7 Dated this day of,... (year).....
8 19......

9(Owner)....
10(Address)....
11
12
13

14 STATE OF FLORIDA
15 COUNTY OF

16
17 Sworn to (or affirmed) and subscribed before me this
18 day of, ... (year)...., by ... (name of person
19 making statement).....

20
21(Signature of Notary Public - State of Florida)...
22(Print, Type, or Stamp Commissioned Name of Notary
23 Public)...

24 Personally Known OR Produced Identification
25

26 Type of Identification Produced.....

27
28 ~~Sworn to and subscribed before me,~~
29 ~~the undersigned authority, this~~
30 ~~.... day of, 19.....~~

31

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1 recording of the claim of lien shall have no force or effect
2 as to that lien unless the owner, the contractor and the
3 surety all sign the notice of bond.

4 (6) The contractor may join in a certificate of
5 payment to the contractor at any time by recording a sworn
6 statement substantially in the following form:

7
8
9

JOINDER IN CERTIFICATE OF PAYMENT

10 TO: Owner ...(name and address from certificate of payment)...
11 Lienor ...(name and address from claim of lien)...
12 Surety ...(name and address)...

13

14 The undersigned joins in the Certificate of Payment to the
15 Contractor recorded on,...(year).....19...., in
16 Official Records Book at Page of the Public Records
17 of County, Florida, and certifies that the facts
18 stated in the Certificate of Payment to the Contractor are
19 true and correct.

20

21 Dated this day of,...(year).....
22 ~~19....~~.

23

...(Name)...

24

...(Address)...

25

.....

26

.....

27

28 STATE OF FLORIDA

29 COUNTY OF

30

31 Sworn to (or affirmed) and subscribed before me this

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1 day of, ...(year),..., by ...(name of person
2 making statement).....
3
4 ...(Signature of Notary Public - State of Florida)...
5 ...(Print, Type, or Stamp Commissioned Name of Notary
6 Public)...
7 Personally Known OR Produced Identification
8
9 Type of Identification Produced.....

10
11 ~~Sworn to and subscribed before me,~~
12 ~~the undersigned authority, this~~
13 ~~.... day of, 19.....~~

14
15 ~~...(Name)...~~

16 ~~NOTARY PUBLIC~~
17 ~~My Commission Expires:~~
18

19 (8) If the contractor disputes the certificate of
20 payment to the contractor, the contractor must record, not
21 later than 15 days after the date the clerk certifies service
22 of the certificate, a sworn statement in substantially the
23 following form:

24
25 NOTICE OF CONTEST OF PAYMENT

26
27 TO: Owner ...(name and address from certificate of payment)..
28 Lienor ...(name and address from claim of lien)..
29 Surety ...(name and address)..
30

31 Under penalties of perjury, the undersigned certifies

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1 that the contractor has not been paid or has only been paid
2 \$.... for the labor, services, and materials described in the
3 Certificate of Payment to the Contractor recorded in Official
4 Records Book at Page of the Public Records of
5 County, Florida.

6
7 Dated this day of, ...(year).....
8 ~~19.....~~.

9(Name)....
10(Address)....
11
12
13

14 STATE OF FLORIDA
15 COUNTY OF

16
17 Sworn to (or affirmed) and subscribed before me this
18 day of, ...(year)..., by ...(name of person
19 making statement).....

20
21 ...(Signature of Notary Public - State of Florida)...
22 ...(Print, Type, or Stamp Commissioned Name of Notary
23 Public)...

24 Personally Known OR Produced Identification
25

26 Type of Identification Produced.....

27
28 ~~Sworn to and subscribed before me,~~
29 ~~the undersigned authority, this~~
30 ~~.... day of, 19.....~~

31

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1 ~~... (Name) ...~~

2 ~~NOTARY PUBLIC~~

3 ~~My Commission Expires:~~

4

5 Section 17. Paragraph (b) of subsection (1) of section
6 727.104, Florida Statutes, is amended to read:

7 727.104 Commencement of proceedings.--

8 (1)

9 (b) The assignment shall be in substantially the
10 following form:

11

12 ASSIGNMENT

13

14 ASSIGNMENT, made this day of, ... (year)
15 ~~19....~~, between, with a principal place of business at
16, hereinafter "assignor," and, whose address is,
17 hereinafter "assignee."

18 WHEREAS, the assignor has been engaged in the business
19 of

20 WHEREAS, the assignor is indebted to creditors, as set
21 forth in Schedule A annexed hereto, is unable to pay its debts
22 as they become due, and is desirous of providing for the
23 payment of its debts, so far as it is possible by an
24 assignment of all of its assets for that purpose.

25 NOW, THEREFORE, the assignor, in consideration of the
26 assignee's acceptance of this assignment, and for other good
27 and valuable consideration, hereby grants, assigns, conveys,
28 transfers, and sets over, unto the assignee, her or his
29 successors and assigns, all of its assets, except such assets
30 as are exempt by law from levy and sale under an execution,
31 including, but not limited to, all real property, fixtures,

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1 goods, stock, inventory, equipment, furniture, furnishings,
 2 accounts receivable, bank deposits, cash, promissory notes,
 3 cash value and proceeds of insurance policies, claims and
 4 demands belonging to the assignor, wherever such assets may be
 5 located, hereinafter the "estate," as which assets are, to the
 6 best knowledge and belief of the assignor, set forth on
 7 Schedule B annexed hereto.

8 The assignee shall take possession and administer the
 9 estate in accordance with the provisions of chapter 727,
 10 Florida Statutes, and shall liquidate the assets of the estate
 11 with reasonable dispatch and convert the estate into money,
 12 collect all claims and demands hereby assigned as may be
 13 collectible, and pay and discharge all reasonable expenses,
 14 costs, and disbursements in connection with the execution and
 15 administration of this assignment from the proceeds of such
 16 liquidations and collections.

17 The assignee shall then pay and discharge in full, to
 18 the extent that funds are available in the estate after
 19 payment of administrative expenses, costs, and disbursements,
 20 all of the debts and liabilities now due from the assignor,
 21 including interest on such debts and liabilities. If funds of
 22 the estate shall not be sufficient to pay such debts and
 23 liabilities in full, then the assignee shall pay from funds of
 24 the estate such debts and liabilities, on a pro rata basis and
 25 in proportion to their priority as set forth in s. 727.114,
 26 Florida Statutes.

27 In the event that all debts and liabilities are paid in
 28 full, any funds of the estate remaining shall be returned to
 29 the assignor.

30 To accomplish the purposes of this assignment, the
 31 assignor hereby appoints the assignee its true and lawful

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1 expressed.

2 ...(Signature of Notary Public - State of Florida)...

3 ...(Print, Type, or Stamp Commissioned Name of Notary

4 Public)...

5 Personally Known OR Produced Identification

6

7 Type of Identification Produced.....

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9

10

.....

11

Notary Public

12

13 ~~My Commission Expires:~~

14

15 Section 18. Section 732.503, Florida Statutes, is
16 amended to read:

17 732.503 Self-proof of will.--A will or codicil
18 executed in conformity with s. 732.502(1) and (2) may be made
19 self-proved at the time of its execution or at any subsequent
20 date by the acknowledgment of it by the testator and the
21 affidavits of the witnesses, each made before an officer
22 authorized to administer oaths and evidenced by the officer's
23 certificate attached to or following the will, in
24 substantially the following form:

25

26 STATE OF

27 COUNTY OF

28 We,,, and the testator and the
29 witnesses, respectively, whose names are signed to the
30 attached or foregoing instrument, having been sworn, declared
31 to the undersigned officer that the testator, in the presence

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1 of witnesses, signed the instrument as the testator's last
2 will (codicil), that the testator (signed) (or directed
3 another to sign for him or her), and that each of the
4 witnesses, in the presence of the testator and in the presence
5 of each other, signed the will as a witness.

6 ...(Testator)...
7 ...(Witness)...
8 ...(Witness)...

9 Subscribed and sworn to before me by, the testator
10 ~~a witness~~ who is personally known to me or who has produced
11 ...(type of identification)... as identification, and by,
12 a witness who is personally known to me or who has produced
13 ...(type of identification)... as identification, and by,
14 a witness who is personally known to me or who has produced
15 ...(type of identification)... as identification, on,
16 ...(year).....19......

17 ...(Signature of Notary Public)...
18 ...(Print, type, or stamp commissioned name of Notary
19 Public)...

20 ~~My Commission Expires:~~

22 Section 19. Subsection (1) of section 747.051, Florida
23 Statutes, is amended to read:

24 747.051 Summary procedure.--

25 (1) If the wife of any person defined as an absentee
26 in s. 747.01(1), or his next of kin if said absentee has no
27 wife, shall wish to sell or transfer any property of the
28 absentee which has a gross value of less than \$5,000, or shall
29 require the consent of the absentee in any matter regarding
30 the absentee's children or in any other matter in which the
31 gross value of the subject matter is less than \$5,000, she may

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1 apply to the circuit court for an order authorizing said sale,
2 transfer, or consent without opening a full conservatorship
3 proceeding as provided by this chapter. She may make the
4 application without the assistance of an attorney. Said
5 application shall be made by petition on the following form,
6 which form shall be made readily available to the applicant by
7 the clerk of the circuit court:

8

9

In the Circuit Court

10

11

In re: ...(Absentee)..., case number

12

13

PETITION FOR SUMMARY RELIEF

14

15

Petitioner, ...(Name)..., whose residence is ...(Street &
16 number)..., ...(City or town)..., and ...(County)..., Florida,
17 and who is the ...(Describe relationship to absentee)... of
18 the absentee, ...(Name)..., states that the absentee has been
19 ...(Imprisoned or missing in action)... since ...(Date)...

20

when ...(Describe details).... Petitioner desires to

21

sell/transfer ...(Describe property)... of the value of

22

...(Value)... because ...(Give reasons).... The terms of

23

sale/transfer are ...(Give reasons).... Petitioner requires

24

the consent of the absentee for the purpose of

25

...(Petitioner)...

26

State of Florida

27

County of.....

28

29

Sworn to (or affirmed) and subscribed before me this

30

.... day of, ...(year)..., by ...(name of person

31

making statement).....

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...(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 above named,, being by me duly sworn, says the
foregoing petition is true and correct to the best of his/her
knowledge and belief.~~

~~...(Notary Public or County Court Judge)...~~

~~My commission expires~~

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

On page 1, lines 2 through 22, delete those lines

and insert:

An act relating to notaries public; amending s.
117.01, F.S.; clarifying provisions relating to
appointment of a notary public; authorizing the
Executive Office of the Governor to contract
for certain services; increasing the amount of
the bond required of a notary public; providing
requirements for a resigning notary public;
amending s. 117.03, F.S.; deleting obsolete
language; amending s. 117.04, F.S.; providing

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1 for acknowledgements by a notary; creating s.
2 117.045, F.S.; providing for solemnizing rites
3 of marriage by a notary; limiting fees;
4 amending s. 117.05, F.S.; providing that the
5 official seal and certificate of commission are
6 the exclusive property of the notary public;
7 providing a criminal penalty for unlawful
8 possession of a notary public official seal or
9 papers; specifying the elements of a notarial
10 certificate; revising provisions relating to
11 identification; deleting specified
12 circumstances under which a signature may not
13 be notarized; revising provisions relating to
14 copying certain documents; requiring a notary
15 public to make reasonable accommodations to
16 provide notarial services to disabled persons;
17 amending s. 117.10, F.S.; conforming a
18 cross-reference; amending s. 117.103, F.S.;

19 providing that a notary public's commission is
20 not required to be filed with the clerk of the
21 circuit court; providing for certification of
22 the commission from the Secretary of State;
23 amending s. 117.107, F.S.; revising certain
24 provisions relating to prohibited acts;
25 providing a civil penalty; amending s. 117.20,
26 F.S.; providing for electronic notarizations;
27 amending s. 118.10, F.S.; redefining the terms
28 "authentication instrument" and "Florida
29 international notary"; revising requirements to
30 become a Florida international notary; amending
31 ss. 11.03, 475.180, 713.08, 713.13, 713.135,

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1 713.245, 727.104, 732.503, and 747.051, F.S.;

2 revising certain forms;

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