

By the Committee on Governmental Operations and
Representative Jones

1 A bill to be entitled
2 An act relating to notaries public; amending s.
3 117.01, F.S.; clarifying provisions relating to
4 appointment of a notary public; providing
5 requirements for a resigning notary public;
6 increasing the bond required for a notary
7 public; amending s. 117.03, F.S.; deleting
8 obsolete language; amending s. 117.04, F.S.;
9 providing for acknowledgements by a notary;
10 creating s. 117.045, F.S.; providing for
11 solemnizing rites of marriage by a notary;
12 limiting fees; amending s. 117.05, F.S.;
13 specifying the elements of a notarial
14 certificate; revising provisions relating to
15 identification; providing for notice to the
16 Governor of lost or stolen notary seals;
17 revising provisions relating to copying certain
18 documents; amending s. 117.10, F.S.; correcting
19 a cross reference; amending s. 117.107, F.S.;
20 revising certain provisions relating to
21 prohibited acts; amending ss. 11.03, 475.180,
22 713.08, 713.13, 713.135, 713.245, 727.104,
23 732.503, and 747.051, F.S.; revising certain
24 forms; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsections (1) and (2), paragraph (g) of
29 subsection (4), and subsections (5) and (7) of section 117.01,
30 Florida Statutes, 1996 Supplement, are amended to read:

31

1 117.01 Appointment, application, suspension,
2 revocation, application fee, bond, and oath.--

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

13 (2) The application for appointment shall be signed
14 and sworn to by the applicant and shall be accompanied by a
15 fee of \$25, together with the \$10 commission fee required by
16 s. 113.01, and a surcharge of \$4, which \$4 is appropriated to
17 the Executive Office of the Governor to be used to educate and
18 assist notaries public. However, no commission fee shall be
19 required for the issuance of a commission as a notary public
20 to a veteran who served during a period of wartime service, as
21 defined in s. 1.01(14), and who has been rated by the United
22 States Government or the United States Department of Veterans
23 Affairs or its predecessor to have a disability rating of 50
24 percent or more; such a disability is subject to verification
25 by the Secretary of State, who has authority to adopt
26 reasonable procedures to implement this act. The oath of
27 office and notary bond required by this section shall also
28 accompany the application and shall be in a form prescribed by
29 the Department of State which shall require, but not be
30 limited to, the following information: full name, residence
31 address and telephone number, business address and telephone

1 number, date of birth, race, sex, social security number,
2 citizenship status, driver's license number or the number of
3 other official state-issued identification, affidavit of good
4 character from someone unrelated to the applicant who has
5 known the applicant for 1 year or more, a list of all
6 professional licenses and commissions issued by the state
7 during the previous 10 years and a statement as to whether or
8 not the applicant has had such license or commission revoked
9 or suspended, and a statement as to whether or not the
10 applicant has been convicted of a felony, and, if there has
11 been a conviction, a statement of the nature of the felony and
12 restoration of civil rights. The applicant may not use a
13 fictitious or assumed name other than a nickname on an
14 application for commission. The application shall be
15 maintained by the Department of State for the full term of a
16 notary commission. A notary public shall notify, in writing,
17 the Department of State of any change in his or her business
18 address, home telephone number, business telephone number,
19 home address, or criminal record within 60 days after such
20 change. The Governor may require any other information he or
21 she deems necessary for determining whether an applicant is
22 eligible for a notary public commission. Each applicant must
23 swear or affirm on the application that the information on the
24 application is true and correct ~~to the best of his or her~~
25 ~~knowledge~~.

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

31

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

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

9 (b) A notary public who wishes to resign his or her
10 commission, or a notary public who does not maintain legal
11 residence in this state during the entire term of appointment,
12 or a notary public whose resignation is required by the
13 Governor, shall send a signed letter of resignation to the
14 Governor and shall return his or her certificate of notary
15 public commission. The resigning notary public shall destroy
16 his or her official notary public seal of office, unless the
17 Governor requests its return.

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

29 (b) Any notary public whose term of appointment
30 extends beyond January 1, 1998 ~~1992~~, is required to increase
31

1 the amount of his or her bond to \$7,500~~\$5,000~~ only upon
2 reappointment on or after January 1, 1998 ~~1992~~.

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

8 Section 2. Section 117.03, Florida Statutes, is
9 amended to read:

10 117.03 Administration of oaths.--A notary public may
11 administer an oath and make a certificate thereof when it is
12 necessary for the execution of any writing or document to be
13 ~~attested, protested, or published~~ under the seal of a notary
14 public. The notary public may not take an acknowledgment of
15 execution in lieu of an oath if an oath is required.

16 Section 3. Section 117.04, Florida Statutes, is
17 amended to read:

18 117.04 ~~Marriages; Acknowledgments~~.--A notary public is
19 authorized to ~~solemnize the rites of matrimony~~ and to take the
20 acknowledgments of deeds and other instruments of writing for
21 record, as fully as other officers of this state. ~~For~~
22 ~~solemnizing the rites of matrimony, the fee of a notary public~~
23 ~~may not exceed those provided by law to the clerks of the~~
24 ~~circuit court for like services.~~

25 Section 4. Section 117.045, Florida Statutes, is
26 created to read:

27 117.045 Marriages.--A notary public is authorized to
28 solemnize the rites of matrimony. For solemnizing the rites of
29 matrimony, the fee of a notary public may not exceed those
30 provided by law to the clerks of the circuit court for like
31 services.

1 Section 5. Subsections (2) and (4), paragraph (b) of
2 subsection (5), paragraph (e) of subsection (6), and
3 subsections (11), (12), (15), and (16) of section 117.05,
4 Florida Statutes, are amended to read:

5 117.05 Use of notary commission; unlawful use; notary
6 fee; seal; duties; employer liability; name change;
7 advertising; photocopies; penalties.--

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

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 subsection (16). 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
29 subsection (5).

30 (g) The notary's official signature.

31

1 (h) The notary's name, typed, printed, or stamped
2 below the signature.

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

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

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

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

29 ~~2.~~ the sworn written statement of two credible
30 witnesses whose identities are proven to the notary public

31

1 upon the presentation of satisfactory evidence that each of
2 the following are true:

3 a. That the person whose signature is to be notarized
4 is the person named in the document;

5 b. That the person whose signature is to be notarized
6 is personally known to the witnesses;

7 c. That it is the reasonable belief of the witnesses
8 that the circumstances of the person whose signature is to be
9 notarized are such that it would be very difficult or
10 impossible for that person to obtain another acceptable form
11 of identification;

12 d. That it is the reasonable belief of the witnesses
13 that the person whose signature is to be notarized does not
14 possess any of the identification documents specified in
15 subparagraph 2.3-; and

16 e. That the witnesses do not have a financial interest
17 in nor are parties to the underlying transaction; or

18 2.3- Reasonable reliance on the presentation to the
19 notary public of any one of the following forms of
20 identification, if the document is current or has been issued
21 within the past 5 years and bears a serial or other
22 identifying number:

23 a. A Florida An identification card or driver's
24 license issued by the public agency authorized to issue
25 driver's licenses ~~Department of Highway Safety and Motor~~
26 ~~Vehicles~~;

27 b. A passport issued by the Department of State of the
28 United States; or

29 c. A passport issued by a foreign government if
30 ~~Reasonable reliance on the presentation of any one of the~~
31 ~~following forms of identification, if the document is current~~

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

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

17 (11) Any notary public who lawfully changes his or her
18 name shall, within 60 days after such change, ~~forthwith~~
19 request an amended commission from the Secretary of State and
20 shall send \$25, his or her current commission, and a notice of
21 change form, obtained from the Secretary of State, which shall
22 include the new name and contain a specimen of his or her
23 official signature. The Secretary of State shall issue an
24 amended commission to the notary public in the new name. A
25 rider to the notary public's bond must accompany the notice of
26 change form. After submitting the required notice of change
27 form and rider to the Secretary of State ~~requesting an amended~~
28 ~~commission~~, the notary public may continue to perform notarial
29 acts in his or her former name for 60 days or until receipt of
30 the amended commission, whichever date is earlier.

31

1 (12) Any notary public whose ~~who loses or misplaces~~
2 ~~his or her~~ notary public seal of office is lost or stolen
3 shall forthwith mail or deliver notice of the fact to the
4 Secretary of State or to the Governor.

5 (15)(a) A notary public may supervise the making of a
6 photocopy of an original document and attest to the trueness
7 of the copy, provided the document is neither a vital record
8 in this state, another state, a territory of the United
9 States, or another country, nor a public record, if a copy can
10 be made by the custodian of the public record. ~~A notary~~
11 ~~public may not supervise the making of a photocopy and may not~~
12 ~~attest to the trueness of a photocopy of a public record if a~~
13 ~~copy can be made by another public official~~.

14 (b) A notary public must use a certificate in
15 substantially the following form in notarizing an attested
16 copy:

17

18 STATE OF FLORIDA
19 COUNTY OF

20

21 On this day of, 19...., I attest that the
22 preceding or attached document is a true, exact, complete, and
23 unaltered photocopy made by me of ...(description of
24 document)... presented to me by the document's custodian,
25, and, to the best of my knowledge, that the
26 photocopied document is neither a vital public record nor a
27 public record ~~publicly recordable document~~, certified copies
28 of which are available from an official source other than a
29 notary public.

30

31 ...(Official Notary Signature and Notary Seal)...

1 ...(Name of Notary Typed, Printed or Stamped)...

2

3 (16) The following form certificates are sufficient

4 for the purposes indicated, if completed with the information

5 required by this chapter. The specification of forms under

6 this subsection does not preclude the use of other forms.

7 (a) For an oath or affirmation:

8

9 STATE OF FLORIDA

10 COUNTY OF

11

12 ~~...(Signature of Applicant)...~~

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

14 day of, 19...., by ...(name of person making

15 statement)....

16

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

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

19 Public)...

20 Personally Known OR Produced Identification

21

22 Type of Identification Produced.....

23

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

25

26 STATE OF FLORIDA

27 COUNTY OF

28

29 The foregoing instrument was acknowledged before me this

30 day of, 19, by ...(name of person

31 acknowledging)...

1
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.....
8
9 (c) For an acknowledgment in a representative
10 capacity:
11
12 STATE OF FLORIDA
13 COUNTY OF
14
15 The foregoing instrument was acknowledged before me this
16 day of, 19, by ...(name of person)... as
17 ...(type of authority, . . . e.g. officer, trustee, attorney
18 in fact)... for ...(name of party on behalf of whom instrument
19 was executed)...
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 Section 6. Section 117.10, Florida Statutes, is
29 amended to read:
30 117.10 Law enforcement officers and correctional
31 officers.--Law enforcement officers, correctional officers,

1 and correctional probation officers, as defined in s. 943.10,
2 and traffic accident investigation officers, ~~as described in~~
3 ~~s. 316.640~~, and traffic infraction enforcement officers, as
4 described in s. 316.640 ~~318.141~~, are authorized to administer
5 oaths ~~notaries public~~ when engaged in the performance of
6 official duties. Sections 117.01, 117.04, 117.045, 117.05, and
7 117.103 do not apply to the provisions of this section. An
8 officer may not notarize his or her own signature.

9 Section 7. Section 117.107, Florida Statutes, is
10 amended to read:

11 117.107 Prohibited acts.--

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

15 ~~(2) A notary public may not acknowledge an instrument~~
16 ~~in which the notary public's name appears as a party to the~~
17 ~~transaction.~~

18 ~~(2)(3)~~ A notary public may not affix his or her
19 signature to a blank form of affidavit or certificate of
20 acknowledgment and deliver that form to another person with
21 the intent that it be used as an affidavit or acknowledgment.

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

30 ~~(3)(5)~~ A notary public may not take the acknowledgment
31 of a person or administer an oath to a person who is blind

1 until the notary public has read the instrument to such
2 person.

3 (4)~~(6)~~ A notary public may not take the acknowledgment
4 of a person or administer an oath to a person who does not
5 speak or understand the English language, unless the nature
6 and effect of the instrument to be notarized is translated
7 into a language which the person does understand.

8 (5)~~(7)~~ A notary public may not change anything in a
9 written instrument after it has been signed by anyone.

10 Section 8. Subsection (1) of section 11.03, Florida
11 Statutes, is amended to read:

12 11.03 Proof of publication of notice.--

13 (1) Affidavit of proof of publication of such notice
14 of intention to apply therefor, may be made, in substantially
15 the following general form, but such form shall not be
16 exclusive:

17

18 STATE OF FLORIDA

19 COUNTY OF

20 Before the undersigned authority personally appeared
21, who on oath does solemnly swear (or affirm) that she or
22 he has knowledge of the matters stated herein; that a notice
23 stating the substance of a contemplated law or proposed bill
24 relating to

25 ... (here identify bill) ...

26 has been published at least 30 days prior to this date, by
27 being printed in the issues of ... (here state day, month and
28 year of issue or issues) ... of the, a newspaper or
29 newspapers published in County or Counties, Florida (or)
30 there being no newspaper, by being posted for at least 30 days
31 prior to this date at three public places in County or

1 Counties, one of which places was at the courthouse of said
2 county or counties, where the matter or thing to be affected
3 by the contemplated law is situated; that a copy of the notice
4 that has been published as aforesaid and also this affidavit
5 of proof of publication are attached to the proposed bill or
6 contemplated law, and such copy of the notice so attached is
7 by reference made a part of this affidavit.

8
9

10 Sworn to (or affirmed) and subscribed before me this
11 day of, 19..., by ...(name of person making
12 statement)....

13
14 ...(Signature of Notary Public - State of Florida)...
15 ...(Print, Type, or Stamp Commissioned Name of Notary
16 Public)...

17 Personally Known OR Produced Identification
18

19 Type of Identification Produced.....

20
21 ~~Sworn to and subscribed before me this 19....~~

22 ~~(SEAL)~~
23 ~~...(Signature)...~~

24 ~~Notary Public, State of Florida.~~
25 ~~My commission expires~~

26
27 Section 9. Paragraph (a) of subsection (2) of section
28 475.180, Florida Statutes, is amended to read:
29 475.180 Nonresident licenses.--
30 (2)(a) Any applicant who is not a resident of this
31 state shall file an irrevocable consent that suits and actions

1 may be commenced against him in any county of this state in
2 which a plaintiff having a cause of action or suit against him
3 resides, and that service of any process or pleading in suits
4 or actions against him may be made by delivering the process
5 or pleading to the director of the Division of Real Estate by
6 certified mail, return receipt requested, and also to the
7 licensee by registered mail addressed to him at his designated
8 principal place of business. Service, when so made, must be
9 taken and held in all courts to be as valid and binding upon
10 the licensee as if made upon him in this state within the
11 jurisdiction of the court in which the suit or action is
12 filed. The irrevocable consent must be in a form prescribed by
13 the department and be acknowledged before by a notary public.

14 Section 10. Subsection (3) of section 713.08, Florida
15 Statutes, is amended to read:

16 713.08 Claim of lien.--

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

19

20 CLAIM OF LIEN

21 State of

22 County of

23 Before me, the undersigned notary public, personally
24 appeared, who was duly sworn and says that he is (the
25 lienor herein) (the agent of the lienor herein), whose
26 address is; and that in accordance with a contract with
27, lienor furnished labor, services, or materials
28 consisting of on the following described real property in
29 County, Florida:

30

31 (Legal description of real property)

1
2 owned by of a total value of \$...., of which there
3 remains unpaid \$...., and furnished the first of the items on
4, 19...., and the last of the items on, 19....; and
5 (if the lien is claimed by one not in privity with the owner)
6 that the lienor served his notice to owner on, 19...., by
7; and (if required) that the lienor served copies of the
8 notice on the contractor on, 19...., by and on the
9 subcontractor,, on, 19...., by

10 ...(Signature)...
11 Sworn to (or affirmed) and subscribed before me this
12 day of, 19...., by ...(name of person making
13 statement)....
14
15 ...(Signature of Notary Public - State of Florida)...
16 ...(Print, Type, or Stamp Commissioned Name of Notary
17 Public)...
18 Personally Known OR Produced Identification
19
20 Type of Identification Produced.....
21
22 ~~Sworn to and subscribed before me this day of,~~
23 ~~19....~~
24 ~~...(Notary Public)..... My commission expires:~~
25
26 Section 11. Paragraph (d) of subsection (1) of section
27 713.13, Florida Statutes, is amended to read:
28 713.13 Notice of commencement.--
29 (1)
30 (d) A notice of commencement must be in substantially
31 the following form:

1
2 Permit No..... Tax Folio No.....
3 NOTICE OF COMMENCEMENT
4 State of....
5 County of....
6
7 The undersigned hereby gives notice that improvement will be
8 made to certain real property, and in accordance with Chapter
9 713, Florida Statutes, the following information is provided
10 in this Notice of Commencement.
11 1. Description of property: ...(legal description of
12 the property, and street address if available)....
13 2. General description of improvement:.....
14 3. Owner information:.....
15 a. Name and address:.....
16 b. Interest in property:.....
17 c. Name and address of fee simple titleholder (if
18 other than Owner):.....
19 4. Contractor: ...(name and address)....
20 a. Phone number:.....
21 b. Fax number:....(optional, if service by fax is
22 acceptable).
23 5. Surety
24 a. Name and address:.....
25 b. Phone number:.....
26 c. Fax number:....(optional, if service by fax is
27 acceptable).
28 d. Amount of bond: \$.....
29 6. Lender: ...(name and address)....
30 a. Phone number:.....
31

1
2 ~~Sworn to and subscribed before me this day of,~~
3 ~~19.....~~
4
5 ~~...(Notary Public)... My Commission Expires:.....~~
6
7 Section 12. Subsection (7) of section 713.135, Florida
8 Statutes, 1996 Supplement, is amended to read:
9 713.135 Notice of commencement and applicability of
10 lien.--
11 (7) In addition to any other information required by
12 the authority issuing the permit, the building permit
13 application must be in substantially the following form:
14
15 Tax Folio No.....
16 BUILDING PERMIT APPLICATION
17
18 Owner's Name.....
19 Owner's Address.....
20 Fee Simple Titleholder's Name (If other than owner).....
21 Fee Simple Titleholder's Address (If other than owner).....
22 City.....
23 State..... Zip.....
24 Contractor's Name.....
25 Contractor's Address.....
26 City.....
27 State..... Zip.....
28 Job Name.....
29 Job Address.....
30 City..... County.....
31 Legal Description.....

1 Bonding Company.....
2 Bonding Company Address.....
3 City..... State.....
4 Architect/Engineer's Name.....
5 Architect/Engineer's Address.....
6 Mortgage Lender's Name.....
7 Mortgage Lender's Address.....

8
9 Application is hereby made to obtain a permit to do the
10 work and installations as indicated. I certify that no work
11 or installation has commenced prior to the issuance of a
12 permit and that all work will be performed to meet the
13 standards of all laws regulating construction in this
14 jurisdiction. I understand that a separate permit must be
15 secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS,
16 FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

17
18 OWNER'S AFFIDAVIT: I certify that all the foregoing
19 information is accurate and that all work will be done in
20 compliance with all applicable laws regulating construction
21 and zoning.

22
23 WARNING TO OWNER: YOUR FAILURE TO RECORD A
24 NOTICE OF COMMENCEMENT MAY RESULT IN YOUR
25 PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY.

26
27 IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH
28 YOUR LENDER OR AN ATTORNEY BEFORE RECORDING
29 YOUR NOTICE OF COMMENCEMENT.

30 ...(Signature of Owner or Agent)...
31 ...(including contractor).....

1 ~~(including contractor)~~
2
3 ~~Date....~~ ~~Date....~~
4
5 ~~NOTARY as~~ ~~NOTARY as~~
6 ~~to Owner or Agent....~~ ~~to Contractor....~~
7 ~~My Commission Expires:....~~ ~~My Commission Expires:....~~
8
9 (Certificate of Competency Holder)
10
11 Contractor's State Certification or Registration No.....
12
13 Contractor's Certificate of Competency No.....
14
15 APPLICATION APPROVED BY.....Permit Officer
16
17 Section 13. Subsections (4), (6), and (8) of section
18 713.245, Florida Statutes, are amended to read:
19 713.245 Conditional payment bond.--
20 (4) Within 90 days after a claim of lien is recorded
21 for labor, services, or materials for which the contractor has
22 been paid, the owner or the contractor may record a notice of
23 bond as specified in s. 713.23(2), together with a copy of the
24 bond and a sworn statement in substantially the following
25 form:
26
27 CERTIFICATE OF PAYMENT TO THE CONTRACTOR
28
29 TO: Lienor ...(name and address from claim of lien)...
30 Contractor ...(name and address)...
31 Surety ...(name and address)...

1 ~~My Commission Expires:~~

2

3 Any notice of bond recorded more than 90 days after the
4 recording of the claim of lien shall have no force or effect
5 as to that lien unless the owner, the contractor and the
6 surety all sign the notice of bond.

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

10

11 JOINDER IN CERTIFICATE OF PAYMENT

12

13 TO: Owner ...(name and address from certificate of payment)...

14 Lienor ...(name and address from claim of lien)...

15 Surety ...(name and address)...

16

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

22

23 Dated this day of, 19.....

24(Name)...

25(Address)...

26

27

28

29 STATE OF FLORIDA

30 COUNTY OF

31

1 Sworn to (or affirmed) and subscribed before me this
2 day of, 19...., by ...(name of person making
3 statement)....
4
5 ...(Signature of Notary Public - State of Florida)...
6 ...(Print, Type, or Stamp Commissioned Name of Notary
7 Public)...
8 Personally Known OR Produced Identification
9
10 Type of Identification Produced.....
11
12 ~~Sworn to and subscribed before me,~~
13 ~~the undersigned authority, this~~
14 ~~.... day of, 19.....~~
15
16 ~~...(Name)...~~
17 ~~NOTARY PUBLIC~~
18 ~~My Commission Expires:~~
19
20 (8) If the contractor disputes the certificate of
21 payment to the contractor, the contractor must record, not
22 later than 15 days after the date the clerk certifies service
23 of the certificate, a sworn statement in substantially the
24 following form:
25
26 NOTICE OF CONTEST OF PAYMENT
27
28 TO: Owner ...(name and address from certificate of payment)..
29 Lienor ...(name and address from claim of lien)..
30 Surety ...(name and address)..
31

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

2 ~~NOTARY PUBLIC~~

3 ~~My Commission Expires:~~

4

5 Section 14. 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, 19...., between,
15 with a principal place of business at, hereinafter
16 "assignor," and, whose address is, hereinafter
17 "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, his successors
29 and assigns, all of its assets, except such assets as are
30 exempt by law from levy and sale under an execution,
31 including, but not limited to, all real property, fixtures,

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

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

5 ... (Testator)...

6 ... (Witness)...

7 ... (Witness)...

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

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

19 ~~My Commission Expires:~~

20
21 Section 16. Subsection (1) of section 747.051, Florida
22 Statutes, is amended to read:

23 747.051 Summary procedure.--

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

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

7

8

In the Circuit Court

9

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

11

12

PETITION FOR SUMMARY RELIEF

13

14 Petitioner, ...(Name)..., whose residence is ...(Street &
15 number)..., ...(City or town)..., and ...(County)..., Florida,
16 and who is the ...(Describe relationship to absentee)... of
17 the absentee, ...(Name)..., states that the absentee has been
18 ...(Imprisoned or missing in action)... since ...(Date)...
19 when ...(Describe details).... Petitioner desires to
20 sell/transfer ...(Describe property)... of the value of
21 ...(Value)... because ...(Give reasons).... The terms of
22 sale/transfer are ...(Give reasons).... Petitioner requires
23 the consent of the absentee for the purpose of

24

...(Petitioner)...

25 State of Florida

26 County of....

27

28 Sworn to (or affirmed) and subscribed before me this
29 day of, 19...., by ...(name of person making
30 statement)....

31

1 ...(Signature of Notary Public - State of Florida)...
2 ...(Print, Type, or Stamp Commissioned Name of Notary
3 Public)...
4 Personally Known OR Produced Identification
5
6 Type of Identification Produced.
7
8
9 ~~The above named, , being by me duly sworn, says the~~
10 ~~foregoing petition is true and correct to the best of his/her~~
11 ~~knowledge and belief.~~
12 ~~_____ . . . (Notary Public or County Court Judge) . . .~~
13 ~~_____ My commission expires~~
14
15 Section 17. This act shall take effect January 1,
16 1998.
17
18
19
20
21
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