

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 amending s. 117.03, F.S.; deleting obsolete
7 language; amending s. 117.04, F.S.; providing
8 for acknowledgements by a notary; creating s.
9 117.045, F.S.; providing for solemnizing rites
10 of marriage by a notary; limiting fees;
11 amending s. 117.05, F.S.; specifying the
12 elements of a notarial certificate; revising
13 provisions relating to identification;
14 providing for notice to the Governor of lost or
15 stolen notary seals; revising provisions
16 relating to copying certain documents; amending
17 s. 117.10, F.S.; correcting a cross reference;
18 amending s. 117.107, F.S.; revising certain
19 provisions relating to prohibited acts;
20 amending ss. 11.03, 475.180, 713.08, 713.13,
21 713.135, 713.245, 727.104, 732.503, and
22 747.051, F.S.; revising certain forms;
23 providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsections (1) and (2), paragraph (g) of
28 subsection (4), and subsections (5) and (7) of section 117.01,
29 Florida Statutes, 1996 Supplement, are amended to read:

30 117.01 Appointment, application, suspension,
31 revocation, application fee, bond, and oath.--

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

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

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

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

29 (g) Failure to report a change in business or home
30 address or telephone number, or failure to submit

31

1 documentation to request an amended commission after a lawful
2 name change, within the specified period of time.

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

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

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

26 (b) Any notary public whose term of appointment
27 extends beyond January 1, 1998 ~~1992~~, is required to increase
28 the amount of his or her bond to \$7,500 ~~\$5,000~~ only upon
29 reappointment on or after January 1, 1998 ~~1992~~.

30 (c) Beginning July 1, 1996, surety companies for hire
31 which process notary public applications, oaths, affidavits of

1 character, and bonds for submission to the Department of State
2 must properly submit these documents in a software and hard
3 copy format approved by the Department of State.

4 Section 2. Section 117.03, Florida Statutes, is
5 amended to read:

6 117.03 Administration of oaths.--A notary public may
7 administer an oath and make a certificate thereof when it is
8 necessary for the execution of any writing or document to be
9 ~~attested, protested, or~~ published under the seal of a notary
10 public. The notary public may not take an acknowledgment of
11 execution in lieu of an oath if an oath is required.

12 Section 3. Section 117.04, Florida Statutes, is
13 amended to read:

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

21 Section 4. Section 117.045, Florida Statutes, is
22 created to read:

23 117.045 Marriages.--A notary public is authorized to
24 solemnize the rites of matrimony. For solemnizing the rites of
25 matrimony, the fee of a notary public may not exceed those
26 provided by law to the clerks of the circuit court for like
27 services.

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

1 117.05 Use of notary commission; unlawful use; notary
2 fee; seal; duties; employer liability; name change;
3 advertising; photocopies; penalties.--

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

6 (4) When notarizing a signature, a notary public shall
7 complete a jurat or notarial certificate in substantially the
8 same form as those found in subsection (16). The jurat or
9 certificate of acknowledgement shall contain the following
10 elements:

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

13 (b) The type of notarial act performed, an oath or an
14 acknowledgement, evidenced by the words "sworn" or
15 "acknowledged."

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

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

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

22 (f) The specific type of identification the notary
23 public is relying upon in identifying the signer, either based
24 on personal knowledge or satisfactory evidence specified in
25 subsection (5).

26 (g) The notary's official signature.

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

29 (i) The notary's official seal affixed below or to
30 either side of the notary's signature. ~~sign and date a~~
31 ~~notarial certificate or jurat and shall specify which~~

1 ~~signature is being notarized and that the signer personally~~
2 ~~appeared before the notary public at the time of notarization.~~
3 ~~It is presumed, absent such specific notation by the notary~~
4 ~~public, that notarization is to all signatures.~~

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

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

20 1. The sworn written statement of a credible witness
21 personally known to the notary public or ~~that the person whose~~
22 ~~signature is to be notarized is personally known to the~~
23 ~~witness;~~

24 ~~2.~~ the sworn written statement of two credible
25 witnesses whose identities are proven to the notary public
26 upon the presentation of satisfactory evidence that each of
27 the following are true:

28 a. That the person whose signature is to be notarized
29 is the person named in the document;

30 b. That the person whose signature is to be notarized
31 is personally known to the witnesses;

1 c. That it is the reasonable belief of the witnesses
2 that the circumstances of the person whose signature is to be
3 notarized are such that it would be very difficult or
4 impossible for that person to obtain another acceptable form
5 of identification;

6 d. That it is the reasonable belief of the witnesses
7 that the person whose signature is to be notarized does not
8 possess any of the identification documents specified in
9 subparagraph 2.3; and

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

12 2.3. Reasonable reliance on the presentation to the
13 notary public of any one of the following forms of
14 identification, if the document is current or has been issued
15 within the past 5 years and bears a serial or other
16 identifying number:

17 a. A Florida ~~An~~ identification card or driver's
18 license issued by the public agency authorized to issue
19 driver's licenses ~~Department of Highway Safety and Motor~~
20 ~~Vehicles~~;

21 b. A passport issued by the Department of State of the
22 United States; or

23 c. A passport issued by a foreign government if
24 ~~Reasonable reliance on the presentation of any one of the~~
25 ~~following forms of identification, if the document is current~~
26 ~~or has been issued within the past 5 years and bears a serial~~
27 ~~or other identifying number, and, if the document is a~~
28 ~~passport,~~ the document is stamped by the United States
29 Immigration and Naturalization Service:

30 (I) ~~A passport issued by a foreign government;~~

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1 d.(II) A driver's license or an identification card
2 issued by a public agency authorized to issue driver's
3 licenses in a state other than Florida, a territory of the
4 United States, or Canada or Mexico territory of the United
5 States or a state other than Florida or by a Canadian or
6 Mexican public agency authorized to issue drivers' licenses;

7 ~~(III) An identification card issued by a territory of~~
8 ~~the United States or a state other than Florida;~~

9 e.(IV) An identification card issued by any branch of
10 the armed forces of the United States;

11 f.(V) An inmate identification card issued on or after
12 January 1, 1991, by the Florida Department of Corrections for
13 an inmate who is in the custody of the department; or

14 g. An inmate identification card issued by the United
15 States Department of Justice, Bureau of Federal Prisons, for
16 an inmate who is in the custody of the department;

17 h. A sworn, written statement from a sworn law
18 enforcement officer that the forms of identification for an
19 inmate in an institution of confinement were confiscated upon
20 confinement and that the person named in the document is the
21 person whose signature is to be notarized;

22 i.(VI) An identification card issued by the United
23 States Department of Justice, Immigration, and Naturalization
24 Service.

25 (6) A notary public may not notarize a signature on a
26 document if:

27 (e) The notary public has a financial interest in or
28 is a party to the underlying transaction; ~~provided,~~ however, a
29 notary public who is an employee may notarize a signature for
30 his or her employer and this employment is not a financial
31 interest in the transaction nor is he or she a party to the

1 transaction under this subsection unless he or she receives a
2 benefit other than salary and any fee for services as a notary
3 public authorized by law. For purposes of this paragraph, a
4 notary public who is an attorney does not have a financial
5 interest in and is not a party to the underlying transaction
6 evidenced by a notarized document if he or she notarizes a
7 signature on that document for a client for whom he or she
8 serves as an attorney of record and the attorney has no
9 interest in the document other than a fee paid to him or her
10 for legal services and any fee authorized by law for services
11 as a notary public.

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

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

30 (15)(a) A notary public may supervise the making of a
31 photocopy of an original document and attest to the trueness

1 of the copy, provided the document is neither a vital record
2 in this state, another state, a territory of the United
3 States, or another country, nor a public record, if a copy can
4 be made by the custodian of the public record. ~~A notary~~
5 ~~public may not supervise the making of a photocopy and may not~~
6 ~~attest to the trueness of a photocopy of a public record if a~~
7 ~~copy can be made by another public official.~~

8 (b) A notary public must use a certificate in
9 substantially the following form in notarizing an attested
10 copy:

11
12 STATE OF FLORIDA
13 COUNTY OF

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

24
25 ... (Official Notary Signature and Notary Seal)...

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

27
28 (16) The following form certificates are sufficient
29 for the purposes indicated, if completed with the information
30 required by this chapter. The specification of forms under
31 this subsection does not preclude the use of other forms.

1 (a) For an oath or affirmation:

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STATE OF FLORIDA
COUNTY OF

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

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

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

Personally Known OR Produced Identification
.....
Type of Identification Produced.....

(b) For an acknowledgment in an individual capacity:

STATE OF FLORIDA
COUNTY OF

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

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

Personally Known OR Produced Identification
.....

1 Type of Identification Produced.....

2

3 (c) For an acknowledgment in a representative
4 capacity:

5

6 STATE OF FLORIDA

7 COUNTY OF

8

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

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

24 117.10 Law enforcement officers and correctional
25 officers.--Law enforcement officers, correctional officers,
26 and correctional probation officers, as defined in s. 943.10,
27 and traffic accident investigation officers,~~as described in~~
28 ~~s. 316.640~~,and traffic infraction enforcement officers,as
29 described in s. 316.640 ~~318.141~~, are authorized to administer
30 oaths ~~notaries public~~ when engaged in the performance of
31 official duties. Sections 117.01, 117.04, 117.045,117.05, and

1 117.103 do not apply to the provisions of this section. An
2 officer may not notarize his or her own signature.

3 Section 7. 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 acknowledge an instrument~~
10 ~~in which the notary public's name appears as a party to the~~
11 ~~transaction.~~

12 (2)~~(3)~~ A notary public may not affix his or her
13 signature to a blank form of affidavit or certificate of
14 acknowledgment and deliver that form to another person with
15 the intent that it be used as an affidavit or acknowledgment.

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

24 (3)~~(5)~~ A notary public may not take the acknowledgment
25 of a person or administer an oath to a person who is blind
26 until the notary public has read the instrument to such
27 person.

28 (4)~~(6)~~ A notary public may not take the acknowledgment
29 of a person or administer an oath to a person who does not
30 speak or understand the English language, unless the nature
31

1 and effect of the instrument to be notarized is translated
2 into a language which the person does understand.

3 (5)~~(7)~~ A notary public may not change anything in a
4 written instrument after it has been signed by anyone.

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

7 11.03 Proof of publication of notice.--

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

12

13 STATE OF FLORIDA

14 COUNTY OF

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

20 ... (here identify bill) ...

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

1 contemplated law, and such copy of the notice so attached is
2 by reference made a part of this affidavit.

3
4

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

8
9 ...(Signature of Notary Public - State of Florida)...
10 ...(Print, Type, or Stamp Commissioned Name of Notary
11 Public)...

12 Personally Known OR Produced Identification
13

14 Type of Identification Produced.....

15

16 ~~Sworn to and subscribed before me this 19....~~

17 ~~(SEAL)~~

18 ~~...(Signature)...~~

19 ~~Notary Public, State of Florida.~~

20 ~~My commission expires~~

21

22 Section 9. Paragraph (a) of subsection (2) of section
23 475.180, Florida Statutes, is amended to read:

24 475.180 Nonresident licenses.--

25 (2)(a) Any applicant who is not a resident of this
26 state shall file an irrevocable consent that suits and actions
27 may be commenced against him in any county of this state in
28 which a plaintiff having a cause of action or suit against him
29 resides, and that service of any process or pleading in suits
30 or actions against him may be made by delivering the process
31 or pleading to the director of the Division of Real Estate by

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

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

11 713.08 Claim of lien.--

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

14
15 CLAIM OF LIEN

16 State of

17 County of

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

25
26 (Legal description of real property)

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

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

5 (Signature)

6 Sworn to (or affirmed) and subscribed before me this
7 day of , 19 , by (name of person making
8 statement)

9
10 (Signature of Notary Public - State of Florida)

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

13 Personally Known OR Produced Identification
14

15 Type of Identification Produced

16
17 ~~Sworn to and subscribed before me this day of ,~~
18 ~~19~~

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

20
21 Section 11. Paragraph (d) of subsection (1) of section
22 713.13, Florida Statutes, is amended to read:

23 713.13 Notice of commencement.--

24 (1)

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

27
28 Permit No. Tax Folio No.

29 NOTICE OF COMMENCEMENT

30 State of

31 County of

1
2 The undersigned hereby gives notice that improvement will be
3 made to certain real property, and in accordance with Chapter
4 713, Florida Statutes, the following information is provided
5 in this Notice of Commencement.
6 1. Description of property: ...(legal description of
7 the property, and street address if available)....
8 2. General description of improvement:.....
9 3. Owner information:.....
10 a. Name and address:.....
11 b. Interest in property:.....
12 c. Name and address of fee simple titleholder (if
13 other than Owner):.....
14 4. Contractor: ...(name and address)....
15 a. Phone number:.....
16 b. Fax number:....(optional, if service by fax is
17 acceptable).
18 5. Surety
19 a. Name and address:.....
20 b. Phone number:.....
21 c. Fax number:....(optional, if service by fax is
22 acceptable).
23 d. Amount of bond: \$.....
24 6. Lender: ...(name and address)....
25 a. Phone number:.....
26 b. Fax number:....(optional, if service by fax is
27 acceptable).
28 7. Persons within the State of Florida designated by
29 Owner upon whom notices or other documents may be served as
30 provided by Section 713.13(1)(a)7., Florida Statutes:
31 ...(name and address)....

1 Section 12. Subsection (7) of section 713.135, Florida
2 Statutes, 1996 Supplement, is amended to read:

3 713.135 Notice of commencement and applicability of
4 lien.--

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

8
9 Tax Folio No.....

10 BUILDING PERMIT APPLICATION

- 11
- 12 Owner's Name.....
- 13 Owner's Address.....
- 14 Fee Simple Titleholder's Name (If other than owner).....
- 15 Fee Simple Titleholder's Address (If other than owner).....
- 16 City.....
- 17 State..... Zip.....
- 18 Contractor's Name.....
- 19 Contractor's Address.....
- 20 City.....
- 21 State..... Zip.....
- 22 Job Name.....
- 23 Job Address.....
- 24 City..... County.....
- 25 Legal Description.....
- 26 Bonding Company.....
- 27 Bonding Company Address.....
- 28 City..... State.....
- 29 Architect/Engineer's Name.....
- 30 Architect/Engineer's Address.....
- 31 Mortgage Lender's Name.....

1 Mortgage Lender's Address.....

2

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

11

12 OWNER'S AFFIDAVIT: I certify that all the foregoing
13 information is accurate and that all work will be done in
14 compliance with all applicable laws regulating construction
15 and zoning.

16

17 WARNING TO OWNER: YOUR FAILURE TO RECORD A
18 NOTICE OF COMMENCEMENT MAY RESULT IN YOUR
19 PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY.

20

21 IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH
22 YOUR LENDER OR AN ATTORNEY BEFORE RECORDING
23 YOUR NOTICE OF COMMENCEMENT.

24

...(Signature of Owner or Agent)...

25

...(including contractor).....

26

STATE OF FLORIDA

27

COUNTY OF

28

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

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 ...(Signature of Contractor)...
9
10 STATE OF FLORIDA
11 COUNTY OF
12
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 ~~Signature....~~ ~~Signature....~~
25 ~~Owner or Agent~~ ~~Contractor~~
26 ~~(including contractor)~~
27
28 ~~Date....~~ ~~Date....~~
29
30 ~~NOTARY as~~ ~~NOTARY as~~
31 ~~to Owner or Agent....~~ ~~to Contractor....~~

1 ~~My Commission Expires:.....~~ ~~My Commission Expires:.....~~

2

3 (Certificate of Competency Holder)

4

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

6

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

8

9 APPLICATION APPROVED BY.....Permit Officer

10

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

13 713.245 Conditional payment bond.--

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

20

21 CERTIFICATE OF PAYMENT TO THE CONTRACTOR

22

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

24 Contractor ...(name and address)...

25 Surety ...(name and address)...

26

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

1 by dated, 19....., and recorded, 19.....,
2 in Official Records Book at Page of the Public
3 Records of County, Florida.

4
5 Dated this day of, 19.....
6(Owner)..
7(Address)..
8
9

10
11 STATE OF FLORIDA
12 COUNTY OF

13
14 Sworn to (or affirmed) and subscribed before me this
15 day of, 19....., by ...(name of person making
16 statement)....

17
18 ...(Signature of Notary Public - State of Florida)...
19 ...(Print, Type, or Stamp Commissioned Name of Notary
20 Public)...

21 Personally Known OR Produced Identification
22
23 Type of Identification Produced.....

24
25 ~~Sworn to and subscribed before me,~~
26 ~~the undersigned authority, this~~
27 ~~.... day of, 19.....~~

28
29 ~~...(Name)...~~

30 ~~NOTARY PUBLIC~~
31 ~~My Commission Expires:~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

4
5 JOINDER IN CERTIFICATE OF PAYMENT

6
7 TO: Owner ...(name and address from certificate of payment)...
8 Lienor ...(name and address from claim of lien)...
9 Surety ...(name and address)...

10
11 The undersigned joins in the Certificate of Payment to the
12 Contractor recorded on, 19..., in Official Records
13 Book at Page of the Public Records of
14 County, Florida, and certifies that the facts stated in the
15 Certificate of Payment to the Contractor are true and correct.

16
17 Dated this day of, 19.....

18 ... (Name)...

19 ... (Address)...

20

21

22
23 STATE OF FLORIDA

24 COUNTY OF

25
26 Sworn to (or affirmed) and subscribed before me this
27 day of, 19..., by ...(name of person making
28 statement)....

29
30 ...(Signature of Notary Public - State of Florida)...

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

1 Public)...
2 Personally Known OR Produced Identification
3
4 Type of Identification Produced.....
5
6 ~~Sworn to and subscribed before me,~~
7 ~~the undersigned authority, this~~
8 ~~.... day of, 19.....~~
9
10 ~~...(Name)...~~
11 ~~NOTARY PUBLIC~~
12 ~~My Commission Expires:~~
13
14 (8) If the contractor disputes the certificate of
15 payment to the contractor, the contractor must record, not
16 later than 15 days after the date the clerk certifies service
17 of the certificate, a sworn statement in substantially the
18 following form:
19
20 NOTICE OF CONTEST OF PAYMENT
21
22 TO: Owner ...(name and address from certificate of payment)...
23 Lienor ...(name and address from claim of lien)...
24 Surety ...(name and address)...
25
26 Under penalties of perjury, the undersigned certifies
27 that the contractor has not been paid or has only been paid
28 \$.... for the labor, services, and materials described in the
29 Certificate of Payment to the Contractor recorded in Official
30 Records Book at Page of the Public Records of
31 County, Florida.

1
2 Dated this day of, 19.....
3 ... (Name) ...
4 ... (Address) ...
5
6

7
8 STATE OF FLORIDA
9 COUNTY OF

10
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,~~
23 ~~the undersigned authority, this~~
24 ~~.... day of, 19.....~~

25
26 ~~...(Name)...~~

27 ~~NOTARY PUBLIC~~

28 ~~My Commission Expires:~~

29
30 Section 14. Paragraph (b) of subsection (1) of section
31 727.104, Florida Statutes, is amended to read:

1 727.104 Commencement of proceedings.--

2 (1)

3 (b) The assignment shall be in substantially the
4 following form:

5

6

ASSIGNMENT

7

8 ASSIGNMENT, made this day of, 19....., between,
9 with a principal place of business at, hereinafter
10 "assignor," and, whose address is, hereinafter
11 "assignee."

12 WHEREAS, the assignor has been engaged in the business
13 of

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

19 NOW, THEREFORE, the assignor, in consideration of the
20 assignee's acceptance of this assignment, and for other good
21 and valuable consideration, hereby grants, assigns, conveys,
22 transfers, and sets over, unto the assignee, his successors
23 and assigns, all of its assets, except such assets as are
24 exempt by law from levy and sale under an execution,
25 including, but not limited to, all real property, fixtures,
26 goods, stock, inventory, equipment, furniture, furnishings,
27 accounts receivable, bank deposits, cash, promissory notes,
28 cash value and proceeds of insurance policies, claims and
29 demands belonging to the assignor, wherever such assets may be
30 located, hereinafter the "estate," as which assets are, to the

31

1 best knowledge and belief of the assignor, set forth on
2 Schedule B annexed hereto.

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

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

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

25 To accomplish the purposes of this assignment, the
26 assignor hereby appoints the assignee its true and lawful
27 attorney, irrevocable, with full power and authority to do all
28 acts and things which may be necessary to execute the
29 assignment hereby created; to demand and recover from all
30 persons all assets of the estate; to sue for the recovery of
31 such assets; to execute, acknowledge, and deliver all

1 Type of Identification Produced.....

2
3
4
5
6

.....
Notary Public

7 ~~My Commission Expires:~~

8
9 Section 15. Section 732.503, Florida Statutes, is
10 amended to read:

11 732.503 Self-proof of will.--A will or codicil
12 executed in conformity with s. 732.502(1) and (2) may be made
13 self-proved at the time of its execution or at any subsequent
14 date by the acknowledgment of it by the testator and the
15 affidavits of the witnesses, each made before an officer
16 authorized to administer oaths and evidenced by the officer's
17 certificate attached to or following the will, in
18 substantially the following form:

19
20
21

STATE OF
COUNTY OF

22 We,,, and the testator and the
23 witnesses, respectively, whose names are signed to the
24 attached or foregoing instrument, having been sworn, declared
25 to the undersigned officer that the testator, in the presence
26 of witnesses, signed the instrument as his last will
27 (codicil), that he (signed) (or directed another to sign for
28 him), and that each of the witnesses, in the presence of the
29 testator and in the presence of each other, signed the will as
30 a witness.

31

...(Testator)...

1 which form shall be made readily available to the applicant by
2 the clerk of the circuit court:

3
4 In the Circuit Court

5
6 In re: ...(Absentee)..., case number

7
8 PETITION FOR SUMMARY RELIEF

9
10 Petitioner, ...(Name)..., whose residence is ...(Street &
11 number)..., ...(City or town)..., and ...(County)..., Florida,
12 and who is the ...(Describe relationship to absentee)... of
13 the absentee, ...(Name)..., states that the absentee has been
14 ...(Imprisoned or missing in action)... since ...(Date)...
15 when ...(Describe details).... Petitioner desires to
16 sell/transfer ...(Describe property)... of the value of
17 ...(Value)... because ...(Give reasons).... The terms of
18 sale/transfer are ...(Give reasons).... Petitioner requires
19 the consent of the absentee for the purpose of

20 ...(Petitioner)...

21 State of Florida

22 County of....

23
24 Sworn to (or affirmed) and subscribed before me this
25 day of, 19...., by ...(name of person making
26 statement)....

27
28 ...(Signature of Notary Public - State of Florida)...
29 ...(Print, Type, or Stamp Commissioned Name of Notary
30 Public)...

1 Personally Known OR Produced Identification
2
3 Type of Identification Produced.....
4
5
6 ~~The above named, , being by me duly sworn, says the~~
7 ~~foregoing petition is true and correct to the best of his/her~~
8 ~~knowledge and belief.~~
9 ~~... (Notary Public or County Court Judge)...~~
10 ~~My commission expires~~
11
12 Section 17. This act shall take effect January 1,
13 1998.
14
15
16
17
18
19
20
21
22
23
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31