

1
2 An act relating to notaries public; amending s.
3 117.01, F.S.; clarifying provisions relating to
4 appointment of a notary public; authorizing the
5 Executive Office of the Governor to contract
6 for certain services; increasing the amount of
7 the bond required of a notary public; providing
8 requirements for a resigning notary public;
9 amending s. 117.03, F.S.; deleting obsolete
10 language; amending s. 117.04, F.S.; providing
11 for acknowledgements by a notary; creating s.
12 117.045, F.S.; providing for solemnizing rites
13 of marriage by a notary; limiting fees;
14 amending s. 117.05, F.S.; providing that the
15 official seal and certificate of commission are
16 the exclusive property of the notary public;
17 providing a criminal penalty for unlawful
18 possession of a notary public official seal or
19 papers; specifying the elements of a notarial
20 certificate; revising provisions relating to
21 identification; deleting specified
22 circumstances under which a signature may not
23 be notarized; revising provisions relating to
24 copying certain documents; requiring a notary
25 public to make reasonable accommodations to
26 provide notarial services to disabled persons;
27 amending s. 117.10, F.S.; conforming a
28 cross-reference; amending s. 117.103, F.S.;
29 providing that a notary public's commission is
30 not required to be filed with the clerk of the
31 circuit court; providing for certification of

1 the commission from the Secretary of State;
2 amending s. 117.107, F.S.; revising certain
3 provisions relating to prohibited acts;
4 providing a civil penalty; amending s. 117.20,
5 F.S.; providing for electronic notarizations;
6 amending s. 118.10, F.S.; redefining the terms
7 "authentication instrument" and "Florida
8 international notary"; revising requirements to
9 become a Florida international notary; amending
10 ss. 11.03, 475.180, 713.08, 713.13, 713.135,
11 713.245, 727.104, 732.503, and 747.051, F.S.;
12 revising certain forms; amending s. 118.10,
13 F.S.; providing for civil-law notaries in lieu
14 of Florida international notaries; providing
15 requirements for becoming a civil-law notary;
16 providing definitions; providing for "authentic
17 acts," in lieu of "authentication instruments";
18 providing powers of civil-law notaries;
19 providing educational requirements; providing
20 for discipline; amending s. 695.03, F.S.,
21 relating to acknowledgement and proof of
22 certain instruments concerning real property;
23 including civil-law notaries as officials
24 before whom acknowledgements of proof may be
25 made; providing an effective date.

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

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

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. An applicant must be able to
13 read, write, and understand the English language.

14 (2) The application for appointment shall be signed
15 and sworn to by the applicant and shall be accompanied by a
16 fee of \$25, together with the \$10 commission fee required by
17 s. 113.01, and a surcharge of \$4, which \$4 is appropriated to
18 the Executive Office of the Governor to be used to educate and
19 assist notaries public. The Executive Office of the Governor
20 may contract with private vendors to provide the services set
21 forth in this section. However, no commission fee shall be
22 required for the issuance of a commission as a notary public
23 to a veteran who served during a period of wartime service, as
24 defined in s. 1.01(14), and who has been rated by the United
25 States Government or the United States Department of Veterans
26 Affairs or its predecessor to have a disability rating of 50
27 percent or more; such a disability is subject to verification
28 by the Secretary of State, who has authority to adopt
29 reasonable procedures to implement this act. The oath of
30 office and notary bond required by this section shall also
31 accompany the application and shall be in a form prescribed by

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

29 (4) The Governor may suspend a notary public for any
30 of the grounds provided in s. 7, Art. IV of the State
31 Constitution. Grounds constituting malfeasance, misfeasance,

1 or neglect of duty include, but are not limited to, the
2 following:

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

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

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

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

31

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

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

10 Section 2. Section 117.03, Florida Statutes, is
11 amended to read:

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

18 Section 3. Section 117.04, Florida Statutes, is
19 amended to read:

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

27 Section 4. Section 117.045, Florida Statutes, is
28 created to read:

29 117.045 Marriages.--A notary public is authorized to
30 solemnize the rites of matrimony. For solemnizing the rites of
31 matrimony, the fee of a notary public may not exceed those

1 provided by law to the clerks of the circuit court for like
2 services.

3 Section 5. Section 117.05, Florida Statutes, is
4 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 (1) No person shall obtain or use a notary public
9 commission in other than his or her legal name, and it is
10 unlawful for a notary public to notarize his or her own
11 signature. Any person applying for a notary public commission
12 must submit proof of identity to the Department of State if so
13 requested. Any person who violates the provisions of this
14 subsection is guilty of a felony of the third degree,
15 punishable as provided in s. 775.082, s. 775.083, or s.
16 775.084.

17 (2) The fee of a notary public may not exceed \$10 for
18 any one notarial act, except as provided in s. 117.045 ~~s.~~
19 ~~117.04~~.

20 (3)(a) A notary public seal shall be affixed to all
21 notarized paper documents and shall be of the rubber stamp
22 type and shall include the words "Notary Public-State of
23 Florida." The seal shall also include the name of the notary
24 public, the date of expiration of the commission of the notary
25 public, and the commission number. The rubber stamp seal must
26 be affixed to the notarized paper document in photographically
27 reproducible black ink. Every notary public shall print, type,
28 or stamp below his or her signature on a paper document his or
29 her name exactly as commissioned. An impression-type seal may
30 be used in addition to the rubber stamp seal, but the rubber
31 stamp seal shall be the official seal for use on a paper

1 document, and the impression-type seal may not be substituted
2 therefor.

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

7 (c) The notary public official seal and the
8 certificate of notary public commission are the exclusive
9 property of the notary public and must be kept under the
10 direct and exclusive control of the notary public. The seal
11 and certificate of commission must not be surrendered to an
12 employer upon termination of employment, regardless of whether
13 the employer paid for the seal or for the commission.

14 (d) A notary public whose official seal is lost,
15 stolen, or believed to be in the possession of another person
16 shall immediately notify the Department of State or the
17 Governor in writing.

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

22 (4) When notarizing a signature, a notary public shall
23 complete a jurat or notarial certificate in substantially the
24 same form as those found in s. 117.05(13). The jurat or
25 certificate of acknowledgement shall contain the following
26 elements:

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

29 (b) The type of notarial act performed, an oath or an
30 acknowledgement, evidenced by the words "sworn" or
31 "acknowledged."

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

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

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

7 (f) The specific type of identification the notary
8 public is relying upon in identifying the signer, either based
9 on personal knowledge or satisfactory evidence specified in s.
10 117.05(5).

11 (g) The notary's official signature.

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

14 (i) The notary's official seal affixed below or to
15 either side of the notary's signature.~~sign and date a~~
16 ~~notarial certificate or jurat and shall specify which~~
17 ~~signature is being notarized and that the signer personally~~
18 ~~appeared before the notary public at the time of notarization.~~
19 ~~It is presumed, absent such specific notation by the notary~~
20 ~~public, that notarization is to all signatures.~~

21 (5) A notary public may not notarize a signature on a
22 document unless he or she personally knows, or has
23 satisfactory evidence, that the person whose signature is to
24 be notarized is the individual who is described in and who is
25 executing the instrument. A notary public shall certify in the
26 certificate of acknowledgment or jurat the type of
27 identification, either based on personal knowledge or other
28 form of identification, upon which the notary public is
29 relying.

30 (b) For the purposes of this subsection, "satisfactory
31 evidence" means the absence of any information, evidence, or

1 other circumstances which would lead a reasonable person to
2 believe that the person whose signature is to be notarized
3 ~~making the acknowledgment~~ is not the person he or she claims
4 to be and any one of the following:

5 1. The sworn written statement of one ~~a~~ credible
6 witness personally known to the notary public or ~~that the~~
7 ~~person whose signature is to be notarized is personally known~~
8 ~~to the witness;~~

9 ~~2.~~ the sworn written statement of two credible
10 witnesses whose identities are proven to the notary public
11 upon the presentation of satisfactory evidence that each of
12 the following is ~~are~~ true:

13 a. That the person whose signature is to be notarized
14 is the person named in the document;

15 b. That the person whose signature is to be notarized
16 is personally known to the witnesses;

17 c. That it is the reasonable belief of the witnesses
18 that the circumstances of the person whose signature is to be
19 notarized are such that it would be very difficult or
20 impossible for that person to obtain another acceptable form
21 of identification;

22 d. That it is the reasonable belief of the witnesses
23 that the person whose signature is to be notarized does not
24 possess any of the identification documents specified in
25 subparagraph 2.3; and

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

28 2.3. Reasonable reliance on the presentation to the
29 notary public of any one of the following forms of
30 identification, if the document is current or has been issued
31

1 within the past 5 years and bears a serial or other
2 identifying number:

3 a. A Florida ~~An~~ identification card or driver's
4 license issued by the public agency authorized to issue
5 driver's licenses ~~Department of Highway Safety and Motor~~
6 ~~Vehicles~~;

7 b. A passport issued by the Department of State of the
8 United States; ~~or~~

9 c. A passport issued by a foreign government if
10 ~~Reasonable reliance on the presentation of any one of the~~
11 ~~following forms of identification, if the document is current~~
12 ~~or has been issued within the past 5 years and bears a serial~~
13 ~~or other identifying number, and, if the document is a~~
14 ~~passport, the document is stamped by the United States~~
15 ~~Immigration and Naturalization Service;~~+

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

17 d. ~~(II)~~ A driver's license or an identification card
18 issued by a public agency authorized to issue driver's
19 licenses in a state other than Florida, a territory of the
20 United States, or Canada or Mexico ~~territory of the United~~
21 ~~States or a state other than Florida or by a Canadian or~~
22 ~~Mexican public agency authorized to issue drivers' licenses;~~

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

25 e. ~~(IV)~~ An identification card issued by any branch of
26 the armed forces of the United States;

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

30
31

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

4 h. A sworn, written statement from a sworn law
5 enforcement officer that the forms of identification for an
6 inmate in an institution of confinement were confiscated upon
7 confinement and that the person named in the document is the
8 person whose signature is to be notarized; or

9 i. (VI) An identification card issued by the United
10 States Department of Justice, Immigration, and Naturalization
11 Service.

12 ~~(6) A notary public may not notarize a signature on a~~
13 ~~document if:~~

14 ~~(a) 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 ~~paragraph is guilty of a civil infraction, punishable by~~
18 ~~penalty not exceeding \$5,000, and that conduct constitutes~~
19 ~~malfeasance and misfeasance in the conduct of official duties.~~
20 ~~It is no defense to the civil infraction specified in this~~
21 ~~paragraph that the notary public acted without intent to~~
22 ~~defraud. A notary public who violates this paragraph with the~~
23 ~~intent to defraud is guilty of violating s. 117.105.~~

24 ~~(b) The document is incomplete. However, an~~
25 ~~endorsement or assignment in blank of a negotiable or~~
26 ~~nonnegotiable note and the assignment in blank of any~~
27 ~~instrument given as security for such note is not deemed~~
28 ~~incomplete.~~

29 ~~(c) The notary public actually knows that the person~~
30 ~~signing the document has been adjudicated mentally~~
31 ~~incapacitated, and the notarization relates to a right that~~

1 ~~has been removed pursuant to s. 744.3215(2) or (3), and that~~
2 ~~the person has not been restored to capacity as a matter of~~
3 ~~record.~~

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

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

22 (6)(7) The employer of a notary public shall be liable
23 to the persons involved for all damages proximately caused by
24 the notary's official misconduct, if the notary public was
25 acting within the scope of his or her employment at the time
26 the notary engaged in the official misconduct.

27 (7)(8) Any person who acts as or otherwise willfully
28 impersonates a notary public while not lawfully appointed and
29 commissioned to perform notarial acts is guilty of a
30 misdemeanor of the second degree, punishable as provided in s.
31 775.082 or s. 775.083.

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

5 (8)~~(10)~~ Any notary public who knowingly acts as a
6 notary public after his or her commission has expired is
7 guilty of a misdemeanor of the second degree, punishable as
8 provided in s. 775.082 or s. 775.083.

9 (9)~~(11)~~ Any notary public who lawfully changes his or
10 her name shall, within 60 days after such change,~~forthwith~~
11 request an amended commission from the Secretary of State and
12 shall send \$25, his or her current commission, and a notice of
13 change form, obtained from the Secretary of State, which shall
14 include the new name and contain a specimen of his or her
15 official signature. The Secretary of State shall issue an
16 amended commission to the notary public in the new name. A
17 rider to the notary public's bond must accompany the notice of
18 change form. After submitting the required notice of change
19 form and rider to the Secretary of State ~~requesting an amended~~
20 ~~commission~~, the notary public may continue to perform notarial
21 acts in his or her former name for 60 days or until receipt of
22 the amended commission, whichever date is earlier.

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

26 (10)~~(13)~~ A notary public who is not an attorney who
27 advertises the services of a notary public in a language other
28 than English, whether by radio, television, signs, pamphlets,
29 newspapers, or other written communication, with the exception
30 of a single desk plaque, shall post or otherwise include with
31 the advertisement a notice in English and in the language used

1 for the advertisement. The notice shall be of a conspicuous
 2 size, if in writing, and shall state: "I AM NOT AN ATTORNEY
 3 LICENSED TO PRACTICE LAW IN THE STATE OF FLORIDA, AND I MAY
 4 NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." If the
 5 advertisement is by radio or television, the statement may be
 6 modified but must include substantially the same message.

7 (11)~~(14)~~ Literal translation of the phrase "Notary
 8 Public" into a language other than English is prohibited in an
 9 advertisement for notarial services.

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

19 (b) A notary public must use a certificate in
 20 substantially the following form in notarizing an attested
 21 copy:

22
 23 STATE OF FLORIDA
 24 COUNTY OF

25
 26 On this day of, ... (year) ...~~19....~~, I attest
 27 that the preceding or attached document is a true, exact,
 28 complete, and unaltered photocopy made by me of
 29 ... (description of document) ... presented to me by the
 30 document's custodian,, and, to the best of my
 31 knowledge, that the photocopied document is neither a vital

1 ~~public record nor a public record publicly recordable~~
2 ~~document~~, certified copies of which are available from an
3 official source other than a notary public.

4
5 ...(Official Notary Signature and Notary Seal)...

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

7
8 (13)~~(16)~~ The following notarial form certificates are
9 sufficient for the purposes indicated, if completed with the
10 information required by this chapter. The specification of
11 forms under this subsection does not preclude the use of other
12 forms.

13 (a) For an oath or affirmation:

14
15 STATE OF FLORIDA
16 COUNTY OF

17
18 ~~...(Signature of Applicant)...~~

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

22
23 ...(Signature of Notary Public - State of Florida)...

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

26 Personally Known OR Produced Identification

27

28 Type of Identification Produced.....

29
30 (b) For an acknowledgment in an individual capacity:

1 STATE OF FLORIDA

2 COUNTY OF

3

4 The foregoing instrument was acknowledged before me this
5 day of, ... (year)~~19~~, by ...(name
6 of person acknowledging)...

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

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13 Type of Identification Produced.....

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15 (c) For an acknowledgment in a representative
16 capacity:

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18 STATE OF FLORIDA

19 COUNTY OF

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21 The foregoing instrument was acknowledged before me this
22 day of, ... (year)~~19~~, by ...(name
23 of person)... as ...(type of authority, . . . e.g. officer,
24 trustee, attorney in fact)... for ...(name of party on behalf
25 of whom instrument was executed)...

26

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

28 ...(Print, Type, or Stamp Commissioned Name of Notary
29 Public)...

30 Personally Known OR Produced Identification

31

1 Type of Identification Produced.....

2

3 (14) A notary public must make reasonable
4 accommodations to provide notarial services to persons with
5 disabilities.

6 (a) A notary public may notarize the signature of a
7 person who is blind after the notary public has read the
8 entire instrument to that person.

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

11 1. The document signing is witnessed by two
12 disinterested persons;

13 2. The notary prints the person's first name at the
14 beginning of the designated signature line and the person's
15 last name at the end of the designated signature line; and

16 3. The notary prints the words "his (or her) mark"
17 below the person's signature mark.

18 (c) The following notarial certificates are sufficient
19 for the purpose of notarizing for a person who signs with a
20 mark:

21 1. For an oath or affirmation:

22

23 ...(First Name).....(Last Name)...

24 ...His (or her) Mark...

25

26 STATE OF FLORIDA

27 COUNTY OF

28

29 Sworn to and subscribed before me this day of,

30 ...(year)...., by ...(name of person making statement)...., who

31 signed with a mark in the presence of these witnesses:

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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.....

2. For an acknowledgment in an individual capacity:

...(First Name).....(Last Name)...

...His (or her) Mark...

STATE OF FLORIDA

COUNTY OF

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

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

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

Personally Known OR Produced Identification

.....

Type of Identification Produced.....

1 (d) A notary public may sign the name of a person
2 whose signature is to be notarized when that person is
3 physically unable to sign or make a signature mark on a
4 document if:
5 1. The person with a disability directs the notary to
6 sign in his or her presence;
7 2. The document signing is witnessed by two
8 disinterested persons;
9 3. The notary writes below the signature the following
10 statement: "Signature affixed by notary, pursuant to s.
11 117.05(14), Florida Statutes," and states the circumstances of
12 the signing in the notarial certificate.
13 (e) The following notarial certificates are sufficient
14 for the purpose of notarizing for a person with a disability
15 who directs the notary to sign his or her name:
16
17 1. For an oath or affirmation:
18
19 STATE OF FLORIDA
20 COUNTY OF
21
22 Sworn to (or affirmed) before me this day of,
23 ...(year)...., by ...(name of person making statement)...., and
24 subscribed by ...(name of notary)... at the direction of and
25 in the presence of ...(name of person making statement)....,
26 and in the presence of these witnesses:
27
28 ...(Signature of Notary Public - State of Florida)...
29
30 ...(Print, Type, or Stamp Commissioned Name of Notary
31 Public)...

1 Personally Known OR Produced Identification
 2
 3 Type of Identification Produced.....
 4

5 2. For an acknowledgment in an individual capacity:
 6

7 STATE OF FLORIDA
 8 COUNTY OF
 9

10 The foregoing instrument was acknowledged before me this
 11 day of, ...(year)..., by ...(name of person
 12 acknowledging)..and subscribed by ...(name of notary)... at
 13 the direction of and in the presence of ...(name of person
 14 acknowledging)..., and in the presence of these witnesses:
 15

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

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

26 117.10 Law enforcement officers and correctional
 27 officers.--Law enforcement officers, correctional officers,
 28 and correctional probation officers, as defined in s. 943.10,
 29 and traffic accident investigation officers, as described in
 30 ~~s. 316.640~~, and traffic infraction enforcement officers, as
 31 described in s. 316.640 ~~318.141~~, are authorized to administer

1 ~~oaths notaries public~~ when engaged in the performance of
2 official duties. Sections 117.01, 117.04, 117.045, 117.05, and
3 117.103 do not apply to the provisions of this section. An
4 officer may not notarize his or her own signature.

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

7 117.103 Certification of notary's authority by
8 Secretary of State.--A notary public is not required to record
9 his or her notary public commission in an office of a clerk of
10 the circuit court. If certification of the notary public's
11 commission is required, it must be obtained from the Secretary
12 of State. Upon the receipt of a written request, the notarized
13 document, and a fee of \$10 payable to the Secretary of State,
14 the Secretary of State shall provide a certificate of notarial
15 authority. Documents destined for countries participating in
16 an International Treaty called the Hague Convention require an
17 Apostille, and that requirement shall be determined by the
18 Secretary of State.

19 Section 8. Section 117.107, Florida Statutes, is
20 amended to read:

21 117.107 Prohibited acts.--

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

25 (2) A notary public may not sign notarial certificates
26 using a facsimile signature stamp unless the notary public has
27 a physical disability that limits or prohibits his or her
28 ability to make a written signature and unless the notary
29 public has first submitted written notice to the Department of
30 State with an exemplar of the facsimile signature stamp.~~A~~

31

1 ~~notary public may not acknowledge an instrument in which the~~
2 ~~notary public's name appears as a party to the transaction.~~

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

7 (4) A notary public may not take the acknowledgment of
8 or administer an oath to a person whom the notary public
9 actually knows to have been adjudicated ~~adjudged~~ mentally
10 incapacitated by a court of competent jurisdiction, where the
11 acknowledgment or oath necessitates the exercise of a right
12 that has been removed pursuant to s. 744.3215(2) or (3), and
13 where the person has not been restored to capacity as a matter
14 of record.

15 (5) A notary public may not notarize a signature on a
16 document if it appears that the person is mentally incapable
17 of understanding the nature and effect of the document at the
18 time of notarization. ~~A notary public may not take the~~
19 ~~acknowledgment of a person who is blind until the notary~~
20 ~~public has read the instrument to such person.~~

21 (6) A notary public may not take the acknowledgment of
22 a person who does not speak or understand the English
23 language, unless the nature and effect of the instrument to be
24 notarized is translated into a language which the person does
25 understand.

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

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

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

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

10 (10) A notary public may not notarize a signature on a
11 document if the document is incomplete or blank. However, an
12 endorsement or assignment in blank of a negotiable or
13 nonnegotiable note and the assignment in blank of any
14 instrument given as security for such note is not deemed
15 incomplete.

16 (11) A notary public may not notarize a signature on a
17 document if the person whose signature is to be notarized is
18 the spouse, son, daughter, mother, or father of the notary
19 public.

20 (12) A notary public may not notarize a signature on a
21 document if the notary public has a financial interest in or
22 is a party to the underlying transaction; however, a notary
23 public who is an employee may notarize a signature for his or
24 her employer, and this employment does not constitute a
25 financial interest in the transaction nor make the notary a
26 party to the transaction under this subsection as long as he
27 or she does not receive a benefit other than his or her salary
28 and the fee for services as a notary public authorized by law.
29 For purposes of this subsection, a notary public who is an
30 attorney does not have a financial interest in and is not a
31 party to the underlying transaction evidenced by a notarized

1 document if he or she notarizes a signature on that document
2 for a client for whom he or she serves as an attorney of
3 record and he or she has no interest in the document other
4 than the fee paid to him or her for legal services and the fee
5 authorized by law for services as a notary public.

6 Section 9. Section 117.20, Florida Statutes, is
7 amended to read:

8 117.20 Electronic notarization.--

9 (1) The provisions of ss. 117.01, 117.03, 117.04,
10 117.05(1)-(11), (13), and (14)~~117.05(1)-(14) and (16),~~
11 117.105, and 117.107 apply to all notarizations under this
12 section except as set forth in this section.

13 (2) An electronic notarization shall include the words
14 "Notary Public - State of Florida,"the name of the notary
15 public, exactly as commissioned, the date of expiration of the
16 commission of the notary public, the commission number, and
17 the notary's digital signature. Neither a rubber stamp seal
18 nor an impression-type seal is required for an electronic
19 notarization.

20 (3) Any notary public who seeks to perform electronic
21 notarizations and obtains a certificate from any certification
22 authority, as defined in s. 282.72(2), and who is licensed in
23 the state shall request an amended commission from the
24 Secretary of State as set forth in s. 117.05(9)~~s. 117.05(11)~~.
25 The Secretary of State shall issue an amended commission to
26 the notary public indicating that the notary is a subscriber
27 to the certification authority identified in the notary's
28 request for an amended commission. After requesting an
29 amended commission, the notary public may continue to perform
30 notarial acts, but may not use his or her digital signature in
31 the performance of notarial acts until receipt of the amended

1 commission. Any fees collected from such amended commissions
2 shall be used to fund the Secretary of State's administration
3 of electronic notary commissions.

4 (4) If the notary public's private key corresponding
5 to his or her public key has been compromised, the notary
6 public shall immediately notify the Secretary of State in
7 writing of the breach of security and shall request the
8 issuing certification authority to suspend or revoke the
9 certificate.

10 (5) A notary public shall keep a sequential journal of
11 all acts performed as a notary public under the provisions of
12 this section.

13 (a) The journal must include, at a minimum, for every
14 notarial act, the date and time of the notarial act, the type
15 of notarial act, the type or name of the document, the
16 signer's printed name and signature, the signer's complete
17 address and telephone number, and the specific type of
18 identification presented by the signer, including both its
19 serial number and its expiration date.

20 (b) When requested in writing by the Governor's Office
21 or Department of State, the notary public must provide the
22 journal for inspection. The notary public must retain the
23 journal for safekeeping for at least five years beyond the
24 date of the last notarial act recorded in the journal.

25 (c) If the notary public journal is stolen, lost,
26 misplaced, destroyed, or rendered unusable within the time
27 period specified in paragraph (b), the notary public must
28 immediately notify the Governor's Office or the Department of
29 State in writing of the circumstances of the incident.

30 ~~(6)(5)~~ Failure to comply with this section constitutes
31 grounds for suspension from office by the Governor.

1 Section 10. Section 118.10, Florida Statutes, is
2 amended to read:

3 118.10 Florida international notary.--

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

5 (a) "Authentic act"~~"Authentication instrument"~~ means
6 an instrument executed by a Florida international notary
7 referencing this section, which includes the particulars and
8 capacities to act of transacting parties, a confirmation of
9 the full text of the instrument, the signatures of the parties
10 or legal equivalent thereof, and the signature and seal of a
11 Florida international notary as prescribed by the Florida
12 Secretary of State ~~for use in a jurisdiction outside the~~
13 ~~borders of the United States.~~

14 (b) "Florida international notary" means a person who
15 is a member in good standing of The Florida Bar ~~admitted to~~
16 ~~the practice of law in this state~~, who has practiced law for
17 at least 5 years, and who is appointed by the Secretary of
18 State as a Florida international notary.

19 (c) "Protocol" means a registry maintained by a
20 Florida international notary in which the acts of the Florida
21 international notary are archived.

22 (2) The Secretary of State shall have the power to
23 appoint Florida international notaries and administer this
24 section.

25 (3) ~~A Florida international notary is authorized to~~
26 ~~issue authentication instruments for use in non-United States~~
27 ~~jurisdictions.~~ A Florida international notary is not
28 authorized to issue authentic acts ~~authentication instruments~~
29 for use in a ~~non-United States~~ jurisdiction if the United
30 States Department of State has determined that the
31 jurisdiction does not have diplomatic relations with the

1 United States or is a terrorist country, or if trade with the
2 jurisdiction is prohibited under the Trading With the Enemy
3 Act of 1917, as amended, 50 U.S.C. ss. 1, et seq.

4 ~~(4) The authentication instruments of a Florida~~
5 ~~international notary shall not be considered authentication~~
6 ~~instruments within the borders of the United States and shall~~
7 ~~have no consequences or effects as authentication instruments~~
8 ~~in the United States.~~

9 (4)(5) The authentic acts ~~authentication instruments~~
10 of a Florida international notary shall be recorded in the
11 Florida international notary's protocol in a manner prescribed
12 by the Secretary of State.

13 (5)(6) The Secretary of State may adopt rules
14 prescribing:

15 (a) The form and content of signatures and seals or
16 their legal equivalents for authentic acts ~~authentication~~
17 ~~instruments~~;

18 (b) Procedures for the permanent archiving of
19 authentic acts ~~authentication instruments~~;

20 (c) The charging of reasonable fees to be retained by
21 the Secretary of State for the purpose of administering this
22 section;

23 (d) Educational requirements and procedures for
24 testing applicants' knowledge of the effects and consequences
25 associated with authentic acts ~~authentication instruments in~~
26 ~~jurisdictions outside the United States~~;

27 (e) Procedures for the disciplining of Florida
28 international notaries, including the suspension and
29 revocation of appointments for misrepresentation or fraud
30 regarding the Florida international notary's authority, the
31 effect of the Florida international notary's authentic acts

1 ~~authentication instruments~~, or the identities or acts of the
2 parties to a transaction; and

3 (f) Other matters necessary for administering this
4 section.

5 (6)~~(7)~~ The Secretary of State shall not regulate,
6 discipline or attempt to discipline, or establish any
7 educational requirements for any Florida international notary
8 for, or with regard to, any action or conduct that would
9 constitute the practice of law in this state, except by
10 agreement with The Florida Bar. The Secretary of State shall
11 not establish as a prerequisite to the appointment of a
12 Florida international notary any test containing any question
13 that inquires of the applicant's knowledge regarding the
14 practice of law in the United States, except by agreement with
15 The Florida Bar.

16 (7)~~(8)~~ This section shall not be construed as
17 abrogating the provisions of any other act relating to
18 notaries public, attorneys, or the practice of law in this
19 state.

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

22 11.03 Proof of publication of notice.--

23 (1) Affidavit of proof of publication of such notice
24 of intention to apply therefor, may be made, in substantially
25 the following general form, but such form shall not be
26 exclusive:

27

28 STATE OF FLORIDA

29 COUNTY OF

30 Before the undersigned authority personally appeared
31, who on oath does solemnly swear (or affirm) that she or

1 he has knowledge of the matters stated herein; that a notice
 2 stating the substance of a contemplated law or proposed bill
 3 relating to
 4 ...(here identify bill)...

5 has been published at least 30 days prior to this date, by
 6 being printed in the issues of ...(here state day, month and
 7 year of issue or issues)... of the, a newspaper or
 8 newspapers published in County or Counties, Florida (or)
 9 there being no newspaper, by being posted for at least 30 days
 10 prior to this date at three public places in County or
 11 Counties, one of which places was at the courthouse of said
 12 county or counties, where the matter or thing to be affected
 13 by the contemplated law is situated; that a copy of the notice
 14 that has been published as aforesaid and also this affidavit
 15 of proof of publication are attached to the proposed bill or
 16 contemplated law, and such copy of the notice so attached is
 17 by reference made a part of this affidavit.

18
 19

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

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

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~~(SEAL)~~

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

~~Notary Public, State of Florida.~~

~~My commission expires~~

Section 12. Paragraph (a) of subsection (2) of section 475.180, Florida Statutes, is amended to read:

475.180 Nonresident licenses.--

(2)(a) Any applicant who is not a resident of this state shall file an irrevocable consent that suits and actions may be commenced against her or him in any county of this state in which a plaintiff having a cause of action or suit against her or him resides, and that service of any process or pleading in suits or actions against her or him may be made by delivering the process or pleading to the director of the Division of Real Estate by certified mail, return receipt requested, and also to the licensee by registered mail addressed to the licensee at her or his designated principal place of business. Service, when so made, must be taken and held in all courts to be as valid and binding upon the licensee as if made upon her or him in this state within the jurisdiction of the court in which the suit or action is filed. The irrevocable consent must be in a form prescribed by the department and be acknowledged before by a notary public.

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

713.08 Claim of lien.--

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

CLAIM OF LIEN

1 State of

2 County of

3 Before me, the undersigned notary public, personally
4 appeared, who was duly sworn and says that she or he is
5 (the lienor herein) (the agent of the lienor herein),
6 whose address is; and that in accordance with a contract
7 with, lienor furnished labor, services, or materials
8 consisting of on the following described real property in
9 County, Florida:

10

11 (Legal description of real property)

12

13 owned by of a total value of \$...., of which there
14 remains unpaid \$...., and furnished the first of the items on
15,... (year).....~~19....~~, and the last of the items on
16,... (year).....~~19....~~; and (if the lien is claimed
17 by one not in privity with the owner) that the lienor served
18 her or his notice to owner on,... (year).....~~19....~~,
19 by; and (if required) that the lienor served copies of
20 the notice on the contractor on,... (year).....
21 ~~19....~~, by and on the subcontractor,, on,
22 ... (year).....~~19....~~, by

23

...(Signature)...

24

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

27

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

29

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

31

1 Personally Known OR Produced Identification
2
3 Type of Identification Produced.....
4

5 ~~Sworn to and subscribed before me this day of,~~
6 ~~19.....~~

7 ~~...(Notary Public)... My commission expires:~~
8

9 Section 14. Paragraph (d) of subsection (1) of section
10 713.13, Florida Statutes, is amended to read:

11 713.13 Notice of commencement.--

12 (1)

13 (d) A notice of commencement must be in substantially
14 the following form:

15
16 Permit No.....

Tax Folio No.....

17 NOTICE OF COMMENCEMENT

18 State of....

19 County of....
20

21 The undersigned hereby gives notice that improvement will be
22 made to certain real property, and in accordance with Chapter
23 713, Florida Statutes, the following information is provided
24 in this Notice of Commencement.

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

27 2. General description of improvement:.....

28 3. Owner information:.....

29 a. Name and address:.....

30 b. Interest in property:.....
31

1 c. Name and address of fee simple titleholder (if
2 other than Owner):.....
3 4. Contractor: ...(name and address)....
4 a. Phone number:.....
5 b. Fax number:....(optional, if service by fax is
6 acceptable).
7 5. Surety
8 a. Name and address:.....
9 b. Phone number:.....
10 c. Fax number:....(optional, if service by fax is
11 acceptable).
12 d. Amount of bond: \$.....
13 6. Lender: ...(name and address)....
14 a. Phone number:.....
15 b. Fax number:....(optional, if service by fax is
16 acceptable).
17 7. Persons within the State of Florida designated by
18 Owner upon whom notices or other documents may be served as
19 provided by Section 713.13(1)(a)7., Florida Statutes:
20 ...(name and address)....
21 a. Phone number:.....
22 b. Fax number:....(optional, if service by fax is
23 acceptable).
24 8. In addition to himself or herself, Owner designates
25 of to receive a copy of the Lienor's
26 Notice as provided in Section 713.13(1)(b), Florida Statutes.
27 a. Phone number:.....
28 b. Fax number:....(optional, if service by fax is
29 acceptable).
30
31

1 9. Expiration date of notice of commencement (the
2 expiration date is 1 year from the date of recording unless a
3 different date is specified).....

4
5 ...(Signature of Owner)...
6

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
21 ~~...(Notary Public)..... My Commission Expires:.....~~
22

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

25 713.135 Notice of commencement and applicability of
26 lien.--

27 (7) In addition to any other information required by
28 the authority issuing the permit, the building permit
29 application must be in substantially the following form:
30

31 Tax Folio No.....

1 BUILDING PERMIT APPLICATION

2

3 Owner's Name.....

4 Owner's Address.....

5 Fee Simple Titleholder's Name (If other than owner).....

6 Fee Simple Titleholder's Address (If other than owner).....

7 City.....

8 State..... Zip.....

9 Contractor's Name.....

10 Contractor's Address.....

11 City.....

12 State..... Zip.....

13 Job Name.....

14 Job Address.....

15 City..... County.....

16 Legal Description.....

17 Bonding Company.....

18 Bonding Company Address.....

19 City..... State.....

20 Architect/Engineer's Name.....

21 Architect/Engineer's Address.....

22 Mortgage Lender's Name.....

23 Mortgage Lender's Address.....

24

25 Application is hereby made to obtain a permit to do the

26 work and installations as indicated. I certify that no work

27 or installation has commenced prior to the issuance of a

28 permit and that all work will be performed to meet the

29 standards of all laws regulating construction in this

30 jurisdiction. I understand that a separate permit must be

31

1 secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS,
2 FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

3
4 OWNER'S AFFIDAVIT: I certify that all the foregoing
5 information is accurate and that all work will be done in
6 compliance with all applicable laws regulating construction
7 and zoning.

8
9 WARNING TO OWNER: YOUR FAILURE TO RECORD A
10 NOTICE OF COMMENCEMENT MAY RESULT IN YOUR
11 PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY.

12
13 IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH
14 YOUR LENDER OR AN ATTORNEY BEFORE RECORDING
15 YOUR NOTICE OF COMMENCEMENT.

16 ...(Signature of Owner or Agent)...
17 ...(including contractor).....

18 STATE OF FLORIDA
19 COUNTY OF

20
21 Sworn to (or affirmed) and subscribed before me this
22 day of, ...(year)..., by ...(name of person
23 making statement).....

24
25 ...(Signature of Notary Public - State of Florida)...
26 ...(Print, Type, or Stamp Commissioned Name of Notary
27 Public)...

28 Personally Known OR Produced Identification
29

30 Type of Identification Produced.....
31 ...(Signature of Contractor)...

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STATE OF FLORIDA

COUNTY OF

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

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

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

Personally Known OR Produced Identification
.....

Type of Identification Produced.....

~~Signature....~~

~~Signature....~~

~~Owner or Agent~~

~~Contractor~~

~~(including contractor)~~

~~Date....~~

~~Date....~~

~~NOTARY as~~

~~NOTARY as~~

~~to Owner or Agent....~~

~~to Contractor....~~

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

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

(Certificate of Competency Holder)

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

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

1 APPLICATION APPROVED BY.....Permit Officer

2

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

5 713.245 Conditional payment bond.--

6 (4) Within 90 days after a claim of lien is recorded
7 for labor, services, or materials for which the contractor has
8 been paid, the owner or the contractor may record a notice of
9 bond as specified in s. 713.23(2), together with a copy of the
10 bond and a sworn statement in substantially the following
11 form:

12

13 CERTIFICATE OF PAYMENT TO THE CONTRACTOR

14

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

16 Contractor ...(name and address)...

17 Surety ...(name and address)...

18

19 Under penalties of perjury, the undersigned certifies
20 that the bond recorded with this certificate conforms with s.
21 713.245, F.S., that the bond is in full force and effect, and
22 that the contractor has been paid \$.... for the labor,
23 services, and materials described in the Claim of Lien filed
24 by dated,...(year).....~~19....~~, and
25 recorded,...(year).....~~19....~~, in Official
26 Records Book at Page of the Public Records of
27 County, Florida.

28

29 Dated this day of,...(year).....

30 ~~19....~~.

31

...(Owner)...

1 COUNTY OF
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,~~
15 ~~the undersigned authority, this~~
16 ~~.... day of, 19.....~~
17
18 ~~...(Name)...~~
19 ~~NOTARY PUBLIC~~
20 ~~My Commission Expires:~~
21
22 Any notice of bond recorded more than 90 days after the
23 recording of the claim of lien shall have no force or effect
24 as to that lien unless the owner, the contractor and the
25 surety all sign the notice of bond.
26 (6) The contractor may join in a certificate of
27 payment to the contractor at any time by recording a sworn
28 statement substantially in the following form:
29
30 JOINDER IN CERTIFICATE OF PAYMENT
31

1 TO: Owner ...(name and address from certificate of payment)...
 2 Lienor ...(name and address from claim of lien)...
 3 Surety ...(name and address)...

4
 5 The undersigned joins in the Certificate of Payment to the
 6 Contractor recorded on,...(year).....~~19....~~, in
 7 Official Records Book at Page of the Public Records
 8 of County, Florida, and certifies that the facts
 9 stated in the Certificate of Payment to the Contractor are
 10 true and correct.

11
 12 Dated this day of,...(year).....
 13 ~~19....~~.
 14(Name)...
 15(Address)...
 16
 17

18
 19 STATE OF FLORIDA
 20 COUNTY OF

21
 22 Sworn to (or affirmed) and subscribed before me this
 23 day of, ...(year),..., by ...(name of person
 24 making statement).....

25
 26 ...(Signature of Notary Public - State of Florida)...
 27 ...(Print, Type, or Stamp Commissioned Name of Notary
 28 Public)...

29 Personally Known OR Produced Identification
 30
 31 Type of Identification Produced.....

ENROLLED

1998 Legislature

CS/HB 1125, Third Engrossed

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

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

~~NOTARY PUBLIC~~

~~My Commission Expires:~~

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

NOTICE OF CONTEST OF PAYMENT

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

Under penalties of perjury, the undersigned certifies that the contractor has not been paid or has only been paid \$.... for the labor, services, and materials described in the Certificate of Payment to the Contractor recorded in Official Records Book at Page of the Public Records of County, Florida.

Dated this day of, ...(year).....
19.....

...(Name)...

1 (b) The assignment shall be in substantially the
2 following form:

3
4 ASSIGNMENT

5
6 ASSIGNMENT, made this day of(year).....
7 ~~19....~~, between, with a principal place of business at
8, hereinafter "assignor," and, whose address is,
9 hereinafter "assignee."

10 WHEREAS, the assignor has been engaged in the business
11 of

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

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

31

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

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

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

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

1 one or more attorneys under her or him to assist the assignee
2 in carrying out her or his duties hereunder.

3 The assignor hereby authorizes the assignee to sign the
4 name of the assignor to any check, draft, promissory note, or
5 other instrument in writing which is payable to the order of
6 the assignor, or to sign the name of the assignor to any
7 instrument in writing, whenever it shall be necessary to do
8 so, to carry out the purpose of this assignment.

9 The assignee hereby accepts the trust created by the
10 assignment, and agrees with the assignor that the assignee
11 will faithfully and without delay carry out her or his duties
12 under the assignment.

13

14
15 Assignor

16

17
18 Assignee

19

20 STATE OF FLORIDA

21 COUNTY OF SS: ~~.....~~

22

23 The foregoing assignment was acknowledged before me
24 this day of, ... (year) ~~19....~~, by, as
25 assignor, and by, as assignee, for the purposes therein
26 expressed.

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

28 ...(Print, Type, or Stamp Commissioned Name of Notary
29 Public)...

30 Personally Known OR Produced Identification

31

1 Type of Identification Produced.....

2

3

4

.....

5

Notary Public

6

7 ~~My Commission Expires:~~

8

9 Section 18. 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 STATE OF

21 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 the testator's last
27 will (codicil), that the testator (signed) (or directed
28 another to sign for him or her), and that each of the
29 witnesses, in the presence of the testator and in the presence
30 of each other, signed the will as 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, ...(year)..., by ...(name of person
26 making statement).....

27

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

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

30 Public)...

31

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 20. Section 118.10, Florida Statutes, is
13 amended to read:
14 118.10 Civil-law ~~Florida international~~ notary.--
15 (1) As used in this section, the term:
16 (a) "Authentic act" ~~"Authentication instrument"~~ means
17 an instrument executed by a civil-law ~~Florida international~~
18 notary referencing this section, which includes the
19 particulars and capacities to act of transacting parties, a
20 confirmation of the full text of the instrument, the
21 signatures of the parties or legal equivalent thereof, and the
22 signature and seal of a civil-law ~~Florida international~~ notary
23 as prescribed by the Florida Secretary of State ~~for use in a~~
24 ~~jurisdiction outside the borders of the United States.~~
25 (b) "Civil-law notary" ~~"Florida international notary"~~
26 means a person who is a member in good standing of The Florida
27 Bar ~~admitted to the practice of law in this state~~, who has
28 practiced law for at least 5 years, and who is appointed by
29 the Secretary of State as a civil-law ~~Florida international~~
30 notary.
31

1 (c) "Protocol" means a registry maintained by a
2 civil-law ~~Florida international~~ notary in which the acts of
3 the civil-law ~~Florida international~~ notary are archived.

4 (2) The Secretary of State shall have the power to
5 appoint civil-law ~~Florida international~~ notaries and
6 administer this section.

7 (3) A civil-law ~~Florida international~~ notary is
8 authorized to issue authentic acts and may administer an oath
9 and make a certificate thereof when it is necessary for
10 execution of any writing or document to be attested,
11 protested, or published under the seal of a notary public
12 authentication instruments for use in non-United States
13 jurisdictions. A civil-law notary may also take
14 acknowledgements of deeds and other instruments of writing for
15 record, and solemnize the rites of matrimony, as fully as
16 other officers of this state. A civil-law ~~Florida~~
17 ~~international~~ notary is not authorized to issue authentic acts
18 ~~authentication instruments~~ for use in a ~~non-United States~~
19 jurisdiction if the United States Department of State has
20 determined that the jurisdiction does not have diplomatic
21 relations with the United States or is a terrorist country, or
22 if trade with the jurisdiction is prohibited under the Trading
23 With the Enemy Act of 1917, as amended, 50 U.S.C. ss. 1, et
24 seq.

25 ~~(4) The authentication instruments of a Florida~~
26 ~~international notary shall not be considered authentication~~
27 ~~instruments within the borders of the United States and shall~~
28 ~~have no consequences or effects as authentication instruments~~
29 ~~in the United States.~~

30 (4)(5) The authentic acts, oaths and acknowledgements,
31 and solemnizations ~~authentication instruments~~ of a civil-law

1 ~~Florida international~~ notary shall be recorded in the
2 civil-law ~~Florida international~~ notary's protocol in a manner
3 prescribed by the Secretary of State.

4 ~~(5)(6)~~ The Secretary of State may adopt rules
5 prescribing:

6 (a) The form and content of signatures and seals or
7 their legal equivalents for authentic acts ~~authentication~~
8 ~~instruments~~;

9 (b) Procedures for the permanent archiving of
10 authentic acts, maintaining records of acknowledgments, oaths
11 and solemnizations, and procedures for the administration of
12 oaths and taking of acknowledgments ~~authentication~~
13 ~~instruments~~;

14 (c) The charging of reasonable fees to be retained by
15 the Secretary of State for the purpose of administering this
16 section;

17 (d) Educational requirements and procedures for
18 testing applicants' knowledge of the effects and consequences
19 associated with authentic acts ~~authentication instruments in~~
20 ~~jurisdictions outside the United States~~;

21 (e) Procedures for the disciplining of civil-law
22 ~~Florida international~~ notaries, including the suspension and
23 revocation of appointments for misrepresentation or fraud
24 regarding the civil-law ~~Florida international~~ notary's
25 authority, the effect of the civil-law ~~Florida international~~
26 notary's authentic acts ~~authentication instruments~~, or the
27 identities or acts of the parties to a transaction; and

28 (f) Other matters necessary for administering this
29 section.

30 ~~(6)(7)~~ The Secretary of State shall not regulate,
31 discipline or attempt to discipline, or establish any

1 educational requirements for any civil-law Florida
2 ~~international~~ notary for, or with regard to, any action or
3 conduct that would constitute the practice of law in this
4 state, except by agreement with The Florida Bar. The
5 Secretary of State shall not establish as a prerequisite to
6 the appointment of a civil-law Florida ~~international~~ notary
7 any test containing any question that inquires of the
8 applicant's knowledge regarding the practice of law in the
9 United States, except by agreement with The Florida Bar.

10 (7) The powers of civil law notaries include, but are
11 not limited to, all of the powers of a notary public under any
12 law of this state.

13 (8) This section shall not be construed as abrogating
14 the provisions of any other act relating to notaries public,
15 attorneys, or the practice of law in this state.

16 Section 21. Section 695.03, Florida Statutes, is
17 amended to read:

18 695.03 Acknowledgment and proof; validation of certain
19 acknowledgments; legalization or authentication before foreign
20 officials.--To entitle any instrument concerning real property
21 to be recorded, the execution must be acknowledged by the
22 party executing it, proved by a subscribing witness to it, or
23 legalized or authenticated by a civil-law notary or notary
24 public who affixes her or his official seal, before the
25 officers and in the form and manner following:

26 (1) WITHIN THIS STATE.--An acknowledgment or proof
27 made within this state may be made before a judge, clerk, or
28 deputy clerk of any court; a United States commissioner or
29 magistrate; or a notary public or civil-law notary of this
30 state, and the certificate of acknowledgment or proof must be
31 under the seal of the court or officer, as the case may be.

1 All affidavits and acknowledgments heretofore made or taken in
2 this manner are hereby validated.

3 (2) WITHOUT THIS STATE BUT WITHIN THE UNITED
4 STATES.--An acknowledgment or proof made out of this state but
5 within the United States may be made before a civil-law notary
6 of this state or a commissioner of deeds appointed by the
7 Governor of this state; a judge or clerk of any court of the
8 United States or of any state, territory, or district; a
9 United States commissioner or magistrate; or a notary public,
10 justice of the peace, master in chancery, or registrar or
11 recorder of deeds of any state, territory, or district having
12 a seal, and the certificate of acknowledgment or proof must be
13 under the seal of the court or officer, as the case may be.
14 If the acknowledgment or proof is made before a notary public
15 who does not affix a seal, it is sufficient for the notary
16 public to type, print, or write by hand on the instrument, "I
17 am a Notary Public of the State of ...(state)..., and my
18 commission expires on ...(date)...."

19 (3) WITHIN FOREIGN COUNTRIES.--If the acknowledgment,
20 legalization, authentication, or proof is made in a foreign
21 country, it may be made before a commissioner of deeds
22 appointed by the Governor of this state to act in such
23 country; before a ~~civil-law notary~~ or notary public of such
24 foreign country or a civil-law notary of this state or of such
25 foreign country who has an official seal; before an
26 ambassador, envoy extraordinary, minister plenipotentiary,
27 minister, commissioner, charge d'affaires, consul general,
28 consul, vice consul, consular agent, or other diplomatic or
29 consular officer of the United States appointed to reside in
30 such country; or before a military or naval officer authorized
31 by the Laws or Articles of War of the United States to perform

1 the duties of notary public, and the certificate of
2 acknowledgment, legalization, authentication, or proof must be
3 under the seal of the officer. A certificate legalizing or
4 authenticating the signature of a person executing an
5 instrument concerning real property and to which a civil-law
6 notary or notary public of that country has affixed her or his
7 official seal is sufficient as an acknowledgment. For the
8 purposes of this section, the term "civil-law notary" means a
9 civil-law notary as defined in chapter 118 or an official of a
10 foreign country who has an official seal and who is authorized
11 to make legal or lawful the execution of any document in that
12 jurisdiction, in which jurisdiction the affixing of her or his
13 official seal is deemed proof of the execution of the document
14 or deed in full compliance with the laws of that jurisdiction.

15

16 All affidavits, legalizations, authentications, and
17 acknowledgments heretofore made or taken in the manner set
18 forth above are hereby validated.

19 Section 22. This act shall take effect January 1 of
20 the year following the year in which enacted.

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