

By the Committee on Banking and Insurance and Senator Grant

311-1969-98

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; 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; providing an effective  
13 date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Subsections (1) and (2), paragraph (g) of  
18 subsection (4), and subsections (5) and (7) of section 117.01,  
19 Florida Statutes, are amended to read:

20 117.01 Appointment, application, suspension,  
21 revocation, application fee, bond, and oath.--

22 (1) The Governor may appoint ~~for a term of 4 years~~ as  
23 many notaries public as he or she deems necessary, each of  
24 whom shall be at least 18 years of age and a legal resident of  
25 the state. A permanent resident alien may apply and be  
26 appointed and shall file with his or her application a  
27 recorded Declaration of Domicile. The residence required for  
28 appointment must be maintained throughout the term of  
29 appointment. Notaries public shall be appointed for 4 years  
30 and shall use and exercise the office of notary public within  
31

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

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

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

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

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

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

31

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

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

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

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

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

1           117.03 Administration of oaths.--A notary public may  
2 administer an oath and make a certificate thereof when it is  
3 necessary for the execution of any writing or document to be  
4 ~~attested, protested, or published~~ under the seal of a notary  
5 public. The notary public may not take an acknowledgment of  
6 execution in lieu of an oath if an oath is required.

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

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

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

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

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

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

28           (1) No person shall obtain or use a notary public  
29 commission in other than his or her legal name, and it is  
30 unlawful for a notary public to notarize his or her own  
31 signature. Any person applying for a notary public commission

1 must submit proof of identity to the Department of State if so  
2 requested. Any person who violates the provisions of this  
3 subsection is guilty of a felony of the third degree,  
4 punishable as provided in s. 775.082, s. 775.083, or s.  
5 775.084.

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

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

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

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

1 employer upon termination of employment, regardless of whether  
2 the employer paid for the seal or for the commission.

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

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

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

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

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

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

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

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

27 (f) The specific type of identification the notary  
28 public is relying upon in identifying the signer, either based  
29 on personal knowledge or satisfactory evidence specified in s.  
30 117.05(5).

31 (g) The notary's official signature.



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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (7)~~(8)~~ Any person who acts as or otherwise willfully  
15 impersonates a notary public while not lawfully appointed and  
16 commissioned to perform notarial acts is guilty of a  
17 misdemeanor of the second degree, punishable as provided in s.  
18 775.082 or s. 775.083.

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

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

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

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

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

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

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

28 (12)~~(15)~~(a) A notary public may supervise the making  
29 of a photocopy of an original document and attest to the  
30 trueness of the copy, provided the document is neither a vital  
31 record in this state, another state, a territory of the United

1 States, or another country, nor a public record, if a copy can  
2 be made by the custodian of the public record. A notary  
3 ~~public may not supervise the making of a photocopy and may not~~  
4 ~~attest to the trueness of a photocopy of a public record if a~~  
5 ~~copy can be made by another public official.~~

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

9  
10 STATE OF FLORIDA  
11 COUNTY OF .....

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

22  
23 ... (Official Notary Signature and Notary Seal) ...  
24 ... (Name of Notary Typed, Printed or Stamped) ...  
25

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

31 (a) For an oath or affirmation:

1  
2 STATE OF FLORIDA  
3 COUNTY OF .....  
4  
5 ~~...(Signature of Applicant)...~~  
6 Sworn to (or affirmed) and subscribed before me this  
7 .... day of .....,...(year).....19....., by ...(name  
8 of person making 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 (b) For an acknowledgment in an individual capacity:  
18  
19 STATE OF FLORIDA  
20 COUNTY OF .....  
21  
22 The foregoing instrument was acknowledged before me this ....  
23 day of .....,...(year).....19....., by ...(name  
24 of person acknowledging)...  
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.....



1  
2           (c) For an acknowledgment in a representative  
3 capacity:  
4  
5 STATE OF FLORIDA  
6 COUNTY OF .....

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

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

17           Personally Known ..... OR Produced Identification  
18 .....

19           Type of Identification Produced.....

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

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

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

29           1. The document signing is witnessed by two  
30 disinterested persons;  
31

1           2. The notary prints the person's first name at the  
2 beginning of the designated signature line and the person's  
3 last name at the end of the designated signature line; and  
4           3. The notary prints the words "his (or her) mark"  
5 below the person's signature mark.  
6           (c) The following notarial certificates are sufficient  
7 for the purpose of notarizing for a person who signs with a  
8 mark:  
9           1. For an oath or affirmation:  
10  
11                                   ...(First Name).....(Last Name)...  
12   ...His (or her) Mark...  
13  
14 STATE OF FLORIDA  
15 COUNTY OF .....  
16  
17 Sworn to and subscribed before me this .... day of .....,  
18 ...(year)..., by ...(name of person making statement)..., who  
19 signed with a mark in the presence of these witnesses:  
20  
21                   ...(Signature of Notary Public - State of Florida)...  
22  
23                   ...(Print, Type, or Stamp Commissioned Name of Notary  
24 Public)...  
25                   Personally Known ..... OR Produced Identification  
26 .....  
27                   Type of Identification Produced.....  
28  
29           2. For an acknowledgment in an individual capacity:  
30  
31                                   ...(First Name).....(Last Name)...

1 ...His (or her) Mark...  
2  
3 STATE OF FLORIDA  
4 COUNTY OF .....  
5  
6 The foregoing instrument was acknowledged before me this ....  
7 day of ....., ...(year)..., by ...(name of person  
8 acknowledging)..., who signed with a mark in the presence of  
9 these witnesses:  
10  
11 ...(Signature of Notary Public - State of Florida)...  
12  
13 ...(Print, Type, or Stamp Commissioned Name of Notary  
14 Public)...  
15 Personally Known ..... OR Produced Identification  
16 .....  
17 Type of Identification Produced.....  
18  
19 (d) A notary public may sign the name of a person  
20 whose signature is to be notarized when that person is  
21 physically unable to sign or make a signature mark on a  
22 document if:  
23 1. The person with a disability directs the notary to  
24 sign in his or her presence;  
25 2. The document signing is witnessed by two  
26 disinterested persons;  
27 3. The notary writes below the signature the following  
28 statement: "Signature affixed by notary, pursuant to s.  
29 117.05(14), Florida Statutes," and states the circumstances of  
30 the signing in the notarial certificate.  
31

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

4

5           1. For an oath or affirmation:

6

7           STATE OF FLORIDA

8           COUNTY OF .....

9

10 Sworn to (or affirmed) before me this .... day of .....,  
11 ...(year)..., by ...(name of person making statement)..., and  
12 subscribed by ...(name of notary)... at the direction of and  
13 in the presence of ...(name of person making statement)...,  
14 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           2. For an acknowledgment in an individual capacity:

25

26           STATE OF FLORIDA

27           COUNTY OF .....

28

29 The foregoing instrument was acknowledged before me this ....  
30 day of ....., ...(year)..., by ...(name of person  
31 acknowledging)..and subscribed by ...(name of notary)... at

1 the direction of and in the presence of ...(name of person  
 2 acknowledging)..., and in the presence of these witnesses:  
 3  
 4 ...(Signature of Notary Public - State of Florida)...  
 5  
 6 ...(Print, type, or Stamp Commissioned Name of Notary  
 7 Public)...  
 8 Personally Known ..... OR Produced Identification  
 9 .....  
 10 Type of Identification Produced.....  
 11

12 Section 6. Section 117.10, Florida Statutes, is  
 13 amended to read:  
 14 117.10 Law enforcement officers and correctional  
 15 officers.--Law enforcement officers, correctional officers,  
 16 and correctional probation officers, as defined in s. 943.10,  
 17 and traffic accident investigation officers, as described in  
 18 s. 316.640, and traffic infraction enforcement officers, as  
 19 described in s. 316.640 318.141, are authorized to administer  
 20 oaths notaries public when engaged in the performance of  
 21 official duties. Sections 117.01, 117.04, 117.045, 117.05, and  
 22 117.103 do not apply to the provisions of this section. An  
 23 officer may not notarize his or her own signature.

24 Section 7. Section 117.103, Florida Statutes, is  
 25 amended to read:  
 26 117.103 Certification of notary's authority by  
 27 Secretary of State.--A notary public is not required to record  
 28 his or her notary public commission in an office of a clerk of  
 29 the circuit court. If certification of the notary public's  
 30 commission is required, it must be obtained from the Secretary  
 31 of State. Upon the receipt of a written request, the notarized

1 document, and a fee of \$10 payable to the Secretary of State,  
2 the Secretary of State shall provide a certificate of notarial  
3 authority. Documents destined for countries participating in  
4 an International Treaty called the Hague Convention require an  
5 Apostille, and that requirement shall be determined by the  
6 Secretary of State.

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

9 117.107 Prohibited acts.--

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

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

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

25 (4) A notary public may not take the acknowledgment of  
26 or administer an oath to a person whom the notary public  
27 actually knows to have been adjudicated ~~adjudged~~ mentally  
28 incapacitated by a court of competent jurisdiction, where the  
29 acknowledgment or oath necessitates the exercise of a right  
30 that has been removed pursuant to s. 744.3215(2) or (3), and  
31

1 where the person has not been restored to capacity as a matter  
2 of record.

3       (5) A notary public may not notarize a signature on a  
4 document if it appears that the person is mentally incapable  
5 of understanding the nature and effect of the document at the  
6 time of notarization.~~A notary public may not take the~~  
7 ~~acknowledgment of a person who is blind until the notary~~  
8 ~~public has read the instrument to such person.~~

9       (6) A notary public may not take the acknowledgment of  
10 a person who does not speak or understand the English  
11 language, unless the nature and effect of the instrument to be  
12 notarized is translated into a language which the person does  
13 understand.

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

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

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

29       (10) A notary public may not notarize a signature on a  
30 document if the document is incomplete or blank. However, an  
31 endorsement or assignment in blank of a negotiable or

1 nonnegotiable note and the assignment in blank of any  
2 instrument given as security for such note is not deemed  
3 incomplete.

4 (11) A notary public may not notarize a signature on a  
5 document if the person whose signature is to be notarized is  
6 the spouse, son, daughter, mother, or father of the notary  
7 public.

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

25 Section 9. Section 117.20, Florida Statutes, is  
26 amended to read:

27 117.20 Electronic notarization.--

28 (1) The provisions of ss. 117.01, 117.03, 117.04,  
29 117.05(1)-(11), (13), and (14)~~117.05(1)-(14) and (16)~~,  
30 117.105, and 117.107 apply to all notarizations under this  
31 section except as set forth in this section.



1           (2) An electronic notarization shall include the words  
2 "Notary Public - State of Florida," the name of the notary  
3 public, exactly as commissioned, the date of expiration of the  
4 commission of the notary public, the commission number, and  
5 the notary's digital signature. Neither a rubber stamp seal  
6 nor an impression-type seal is required for an electronic  
7 notarization.

8           (3) Any notary public who seeks to perform electronic  
9 notarizations and obtains a certificate from any certification  
10 authority, as defined in s. 282.72(2), and who is licensed in  
11 the state shall request an amended commission from the  
12 Secretary of State as set forth in s. 117.05(9)~~s. 117.05(11)~~.  
13 The Secretary of State shall issue an amended commission to  
14 the notary public indicating that the notary is a subscriber  
15 to the certification authority identified in the notary's  
16 request for an amended commission. After requesting an  
17 amended commission, the notary public may continue to perform  
18 notarial acts, but may not use his or her digital signature in  
19 the performance of notarial acts until receipt of the amended  
20 commission. Any fees collected from such amended commissions  
21 shall be used to fund the Secretary of State's administration  
22 of electronic notary commissions.

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

29           (5) A notary public shall keep a sequential journal of  
30 all acts performed as a notary public under the provisions of  
31 this section.

1       (a) The journal must include, at a minimum, for every  
2 notarial act, the date and time of the notarial act, the type  
3 of notarial act, the type or name of the document, the  
4 signer's printed name and signature, the signer's complete  
5 address and telephone number, and the specific type of  
6 identification presented by the signer, including both its  
7 serial number and its expiration date.

8       (b) When requested in writing by the Governor's Office  
9 or Department of State, the notary public must provide the  
10 journal for inspection. The notary public must retain the  
11 journal for safekeeping for at least five years beyond the  
12 date of the last notarial act recorded in the journal.

13       (c) If the notary public journal is stolen, lost,  
14 misplaced, destroyed, or rendered unusable within the time  
15 period specified in paragraph (b), the notary public must  
16 immediately notify the Governor's Office or the Department of  
17 State in writing of the circumstances of the incident.

18       (6)(5) Failure to comply with this section constitutes  
19 grounds for suspension from office by the Governor.

20       Section 10. Section 118.10, Florida Statutes, is  
21 amended to read:

22       118.10 Florida international notary.--

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

24       (a) "Authentic act"~~"Authentication instrument"~~ means  
25 an instrument executed by a Florida international notary  
26 referencing this section, which includes the particulars and  
27 capacities to act of transacting parties, a confirmation of  
28 the full text of the instrument, the signatures of the parties  
29 or legal equivalent thereof, and the signature and seal of a  
30 Florida international notary as prescribed by the Florida  
31

1 Secretary of State ~~for use in a jurisdiction outside the~~  
2 ~~borders of the United States.~~

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

8 (c) "Protocol" means a registry maintained by a  
9 Florida international notary in which the acts of the Florida  
10 international notary are archived.

11 (2) The Secretary of State shall have the power to  
12 appoint Florida international notaries and administer this  
13 section.

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

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

29 ~~(4)(5)~~ (5) The authentic acts ~~authentication instruments~~  
30 of a Florida international notary shall be recorded in the

31

1 Florida international notary's protocol in a manner prescribed  
2 by the Secretary of State.

3 (5)~~(6)~~ The Secretary of State may adopt rules  
4 prescribing:

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

8 (b) Procedures for the permanent archiving of  
9 authentic acts ~~authentication instruments~~;

10 (c) The charging of reasonable fees to be retained by  
11 the Secretary of State for the purpose of administering this  
12 section;

13 (d) Educational requirements and procedures for  
14 testing applicants' knowledge of the effects and consequences  
15 associated with authentic acts ~~authentication instruments in~~  
16 ~~jurisdictions outside the United States~~;

17 (e) Procedures for the disciplining of Florida  
18 international notaries, including the suspension and  
19 revocation of appointments for misrepresentation or fraud  
20 regarding the Florida international notary's authority, the  
21 effect of the Florida international notary's authentic acts  
22 ~~authentication instruments~~, or the identities or acts of the  
23 parties to a transaction; and

24 (f) Other matters necessary for administering this  
25 section.

26 (6)~~(7)~~ The Secretary of State shall not regulate,  
27 discipline or attempt to discipline, or establish any  
28 educational requirements for any Florida international notary  
29 for, or with regard to, any action or conduct that would  
30 constitute the practice of law in this state, except by  
31 agreement with The Florida Bar. The Secretary of State shall

1 not establish as a prerequisite to the appointment of a  
2 Florida international notary any test containing any question  
3 that inquires of the applicant's knowledge regarding the  
4 practice of law in the United States, except by agreement with  
5 The Florida Bar.

6 (7)(8) This section shall not be construed as  
7 abrogating the provisions of any other act relating to  
8 notaries public, attorneys, or the practice of law in this  
9 state.

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

12 11.03 Proof of publication of notice.--

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

17

18 STATE OF FLORIDA

19 COUNTY OF ....

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

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

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

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

8 .....  
9

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

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

17 Personally Known ..... OR Produced Identification  
18 .....

19 Type of Identification Produced.....

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

22 ~~(SEAL)~~

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

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

25 ~~My commission expires ....~~

26  
27 Section 12. Paragraph (a) of subsection (2) of section  
28 475.180, Florida Statutes, is amended to read:

29 475.180 Nonresident licenses.--

30 (2)(a) Any applicant who is not a resident of this  
31 state shall file an irrevocable consent that suits and actions

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

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

17 713.08 Claim of lien.--

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

20

21 CLAIM OF LIEN

22 State of ....

23 County of ....

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

31

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

13 ...(Signature)...

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

26 ~~19....~~

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

28

29 Section 14. Paragraph (d) of subsection (1) of section  
30 713.13, Florida Statutes, is amended to read:

31 713.13 Notice of commencement.--



1           (1)  
2           (d) A notice of commencement must be in substantially  
3 the following form:

4  
5 Permit No..... Tax Folio No.....

6                                   NOTICE OF COMMENCEMENT  
7 State of....  
8 County of....

9  
10 The undersigned hereby gives notice that improvement will be  
11 made to certain real property, and in accordance with Chapter  
12 713, Florida Statutes, the following information is provided  
13 in this Notice of Commencement.

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

16           2. General description of improvement:.....

17           3. Owner information:.....

18           a. Name and address:.....

19           b. Interest in property:.....

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

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

23           a. Phone number:.....

24           b. Fax number:....(optional, if service by fax is  
25 acceptable).

26           5. Surety

27           a. Name and address:.....

28           b. Phone number:.....

29           c. Fax number:....(optional, if service by fax is  
30 acceptable).

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

1           6. Lender: ...(name and address)....  
2           a. Phone number:.....  
3           b. Fax number:....(optional, if service by fax is  
4 acceptable).  
5           7. Persons within the State of Florida designated by  
6 Owner upon whom notices or other documents may be served as  
7 provided by Section 713.13(1)(a)7., Florida Statutes:  
8           ...(name and address)....  
9           a. Phone number:.....  
10           b. Fax number:....(optional, if service by fax is  
11 acceptable).  
12           8. In addition to himself or herself, Owner designates  
13 ..... of ..... to receive a copy of the Lienor's  
14 Notice as provided in Section 713.13(1)(b), Florida Statutes.  
15           a. Phone number:.....  
16           b. Fax number:....(optional, if service by fax is  
17 acceptable).  
18           9. Expiration date of notice of commencement (the  
19 expiration date is 1 year from the date of recording unless a  
20 different date is specified).....  
21  
22   ...(Signature of Owner)...  
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         ~~Sworn to and subscribed before me this .... day of ....,~~  
 6         ~~19.....~~  
 7  
 8         ~~... (Notary Public) ... My Commission Expires: .....~~  
 9  
 10         Section 15. Subsection (7) of section 713.135, Florida  
 11         Statutes, is amended to read:  
 12                 713.135 Notice of commencement and applicability of  
 13         lien.--  
 14                 (7) In addition to any other information required by  
 15         the authority issuing the permit, the building permit  
 16         application must be in substantially the following form:  
 17  
 18   Tax Folio No.....  
 19   BUILDING PERMIT APPLICATION  
 20  
 21         Owner's Name.....  
 22         Owner's Address.....  
 23         Fee Simple Titleholder's Name (If other than owner).....  
 24         Fee Simple Titleholder's Address (If other than owner).....  
 25         City.....  
 26         State..... Zip.....  
 27         Contractor's Name.....  
 28         Contractor's Address.....  
 29         City.....  
 30         State..... Zip.....  
 31         Job Name.....

1 Job Address.....  
2 City..... County.....  
3 Legal Description.....  
4 Bonding Company.....  
5 Bonding Company Address.....  
6 City..... State.....  
7 Architect/Engineer's Name.....  
8 Architect/Engineer's Address.....  
9 Mortgage Lender's Name.....  
10 Mortgage Lender's Address.....

11

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

20

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

25

26           WARNING TO OWNER: YOUR FAILURE TO RECORD A  
27 NOTICE OF COMMENCEMENT MAY RESULT IN YOUR  
28 PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY.

29

30

31

1 IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH  
2 YOUR LENDER OR AN ATTORNEY BEFORE RECORDING  
3 YOUR NOTICE OF COMMENCEMENT.  
4 ...(Signature of Owner or Agent)...  
5 ...(including contractor).....  
6 STATE OF FLORIDA  
7 COUNTY OF .....  
8  
9 Sworn to (or affirmed) and subscribed before me this  
10 .... day of ....., ...(year)..., by ...(name of person  
11 making statement).....  
12  
13 ...(Signature of Notary Public - State of Florida)...  
14 ...(Print, Type, or Stamp Commissioned Name of Notary  
15 Public)...  
16 Personally Known ..... OR Produced Identification  
17 .....  
18 Type of Identification Produced.....  
19 ...(Signature of Contractor)...  
20  
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 Signature....                                 Signature....  
6 Owner or Agent                                 Contractor  
7 (including contractor)  
8  
9 Date....   Date....  
10  
11 NOTARY as   NOTARY as  
12 to Owner or Agent....                                 to Contractor....  
13 My Commission Expires:....                                 My Commission Expires:....  
14  
15                                 (Certificate of Competency Holder)  
16  
17 Contractor's State Certification or Registration No.....  
18  
19 Contractor's Certificate of Competency No.....  
20  
21 APPLICATION APPROVED BY.....Permit Officer  
22  
23           Section 16. Subsections (4), (6), and (8) of section  
24 713.245, Florida Statutes, are amended to read:  
25           713.245 Conditional payment bond.--  
26           (4) Within 90 days after a claim of lien is recorded  
27 for labor, services, or materials for which the contractor has  
28 been paid, the owner or the contractor may record a notice of  
29 bond as specified in s. 713.23(2), together with a copy of the  
30 bond and a sworn statement in substantially the following  
31 form:

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CERTIFICATE OF PAYMENT TO THE CONTRACTOR

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

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

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

...(Owner)...  
...(Address)...  
.....  
.....

STATE OF FLORIDA  
COUNTY OF .....

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

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





1           Type of Identification Produced.....  
2  
3 ~~Sworn to and subscribed before me,~~  
4 ~~the undersigned authority, this~~  
5 ~~.... day of ...., 19.....~~  
6  
7 ~~...(Name)...~~  
8 ~~NOTARY PUBLIC~~  
9 ~~My Commission Expires+~~  
10  
11 Any notice of bond recorded more than 90 days after the  
12 recording of the claim of lien shall have no force or effect  
13 as to that lien unless the owner, the contractor and the  
14 surety all sign the notice of bond.  
15           (6) The contractor may join in a certificate of  
16 payment to the contractor at any time by recording a sworn  
17 statement substantially in the following form:  
18  
19                           JOINDER IN CERTIFICATE OF PAYMENT  
20  
21 TO: Owner ...(name and address from certificate of payment)...  
22 Lienor ...(name and address from claim of lien)...  
23 Surety ...(name and address)...  
24  
25 The undersigned joins in the Certificate of Payment to the  
26 Contractor recorded on .....,...(year).....~~19....~~, in  
27 Official Records Book .... at Page .... of the Public Records  
28 of ..... County, Florida, and certifies that the facts  
29 stated in the Certificate of Payment to the Contractor are  
30 true and correct.  
31



1 later than 15 days after the date the clerk certifies service  
2 of the certificate, a sworn statement in substantially the  
3 following form:

4

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

17

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

19 ~~19.....~~

20

...(Name)...

21

...(Address)...

22

.....

23

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24

25 STATE OF FLORIDA

26 COUNTY OF .....

27

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

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

30 making statement).....

31

1                   ...(Signature of Notary Public - State of Florida)...  
2                   ...(Print, Type, or Stamp Commissioned Name of Notary  
3 Public)...  
4                   Personally Known ..... OR Produced Identification  
5 .....  
6                   Type of Identification Produced.....  
7  
8 ~~Sworn to and subscribed before me,~~  
9 ~~the undersigned authority, this~~  
10 ~~.... day of ...., 19.....~~  
11  
12 ~~...(Name)...~~  
13 ~~NOTARY PUBLIC~~  
14 ~~My Commission Expires:~~  
15  
16                   Section 17. Paragraph (b) of subsection (1) of section  
17 727.104, Florida Statutes, is amended to read:  
18                   727.104 Commencement of proceedings.--  
19                   (1)  
20                   (b) The assignment shall be in substantially the  
21 following form:  
22  
23    ASSIGNMENT  
24  
25 ASSIGNMENT, made this .... day of .....,...(year).....  
26 ~~19.....~~, between ....., with a principal place of business at  
27 ....., hereinafter "assignor," and ....., whose address is .....,  
28 hereinafter "assignee."  
29                   WHEREAS, the assignor has been engaged in the business  
30 of .....;  
31

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

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

20           The assignee shall take possession and administer the  
21 estate in accordance with the provisions of chapter 727,  
22 Florida Statutes, and shall liquidate the assets of the estate  
23 with reasonable dispatch and convert the estate into money,  
24 collect all claims and demands hereby assigned as may be  
25 collectible, and pay and discharge all reasonable expenses,  
26 costs, and disbursements in connection with the execution and  
27 administration of this assignment from the proceeds of such  
28 liquidations and collections.

29           The assignee shall then pay and discharge in full, to  
30 the extent that funds are available in the estate after  
31 payment of administrative expenses, costs, and disbursements,

1 all of the debts and liabilities now due from the assignor,  
2 including interest on such debts and liabilities. If funds of  
3 the estate shall not be sufficient to pay such debts and  
4 liabilities in full, then the assignee shall pay from funds of  
5 the estate such debts and liabilities, on a pro rata basis and  
6 in proportion to their priority as set forth in s. 727.114,  
7 Florida Statutes.

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

11 To accomplish the purposes of this assignment, the  
12 assignor hereby appoints the assignee its true and lawful  
13 attorney, irrevocable, with full power and authority to do all  
14 acts and things which may be necessary to execute the  
15 assignment hereby created; to demand and recover from all  
16 persons all assets of the estate; to sue for the recovery of  
17 such assets; to execute, acknowledge, and deliver all  
18 necessary deeds, instruments, and conveyances; and to appoint  
19 one or more attorneys under her or him to assist the assignee  
20 in carrying out her or his duties hereunder.

21 The assignor hereby authorizes the assignee to sign the  
22 name of the assignor to any check, draft, promissory note, or  
23 other instrument in writing which is payable to the order of  
24 the assignor, or to sign the name of the assignor to any  
25 instrument in writing, whenever it shall be necessary to do  
26 so, to carry out the purpose of this assignment.

27 The assignee hereby accepts the trust created by the  
28 assignment, and agrees with the assignor that the assignee  
29 will faithfully and without delay carry out her or his duties  
30 under the assignment.

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.....  
Assignor  
.....  
Assignee

STATE OF FLORIDA  
COUNTY OF ..... SS: ~~.....~~

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

... (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.....

.....  
Notary Public

~~My Commission Expires:~~

Section 18. Section 732.503, Florida Statutes, is  
amended to read:  
732.503 Self-proof of will.--A will or codicil  
executed in conformity with s. 732.502(1) and (2) may be made  
self-proved at the time of its execution or at any subsequent

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

1 date by the acknowledgment of it by the testator and the  
2 affidavits of the witnesses, each made before an officer  
3 authorized to administer oaths and evidenced by the officer's  
4 certificate attached to or following the will, in  
5 substantially the following form:

6

7 STATE OF ....

8 COUNTY OF ....

9 We, ....., ....., and .... the testator and the  
10 witnesses, respectively, whose names are signed to the  
11 attached or foregoing instrument, having been sworn, declared  
12 to the undersigned officer that the testator, in the presence  
13 of witnesses, signed the instrument as the testator's last  
14 will (codicil), that the testator (signed) (or directed  
15 another to sign for him or her), and that each of the  
16 witnesses, in the presence of the testator and in the presence  
17 of each other, signed the will as a witness.

18 .....(Testator)...

19 .....(Witness)...

20 .....(Witness)...

21 Subscribed and sworn to before me by ....., the testator  
22 ~~a witness~~ who is personally known to me or who has produced  
23 ...(type of identification)... as identification, and by .....,  
24 a witness who is personally known to me or who has produced  
25 ...(type of identification)... as identification, and by .....,  
26 a witness who is personally known to me or who has produced  
27 ...(type of identification)... as identification, on .....,  
28 ...(year).....~~19.....~~.

29 .....(Signature of Notary Public)...

30 ...(Print, type, or stamp commissioned name of Notary  
31 Public)...



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

2

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

5 747.051 Summary procedure.--

6 (1) If the wife of any person defined as an absentee  
7 in s. 747.01(1), or his next of kin if said absentee has no  
8 wife, shall wish to sell or transfer any property of the  
9 absentee which has a gross value of less than \$5,000, or shall  
10 require the consent of the absentee in any matter regarding  
11 the absentee's children or in any other matter in which the  
12 gross value of the subject matter is less than \$5,000, she may  
13 apply to the circuit court for an order authorizing said sale,  
14 transfer, or consent without opening a full conservatorship  
15 proceeding as provided by this chapter. She may make the  
16 application without the assistance of an attorney. Said  
17 application shall be made by petition on the following form,  
18 which form shall be made readily available to the applicant by  
19 the clerk of the circuit court:

20

21 In the Circuit Court

22

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

24

25 PETITION FOR SUMMARY RELIEF

26

27 Petitioner, ...(Name)..., whose residence is ...(Street &  
28 number)..., ...(City or town)..., and ...(County)..., Florida,  
29 and who is the ...(Describe relationship to absentee)... of  
30 the absentee, ...(Name)..., states that the absentee has been  
31 ...(Imprisoned or missing in action)... since ...(Date)...

1 when ...(Describe details).... Petitioner desires to  
2 sell/transfer ...(Describe property)... of the value of  
3 ...(Value)... because ...(Give reasons).... The terms of  
4 sale/transfer are ...(Give reasons).... Petitioner requires  
5 the consent of the absentee for the purpose of .....

6 .....(Petitioner)...

7 State of Florida  
8 County of....

9

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

13

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

17 Personally Known ..... OR Produced Identification  
18 .....

19 Type of Identification Produced.....  
20  
21

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

25 ~~.....(Notary Public or County Court Judge)...~~  
26 ~~My commission expires ....~~

27

28 Section 20. This act shall take effect January 1,  
29 1999.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1130

Increases the surety bond requirement for notaries from \$5,000 to 7,500.

Revises the law related to Florida international notaries to change the term "authentication instruments" to "authentic acts" and to establish that the authentic acts of Florida international notaries have legal effect in this country as well as in foreign jurisdictions. The committee substitute also authorizes the Secretary of State to establish educational and other requirements for international notaries (who must be attorneys) subject to agreement with The Florida Bar.

Authorizes the Executive Office of the Governor to contract with private vendors for the notary educational functions of the Office.