

Instructions for Florida New Notary Applicants

STEP 1: Complete Your Training

- Access the NNA®'s Florida State-Required Training online course:
 - Retrieve your login NNA ID# and password from the training confirmation email sent separately.
 - Go to <http://www.NationalNotaryAssociation.edu> and enter your login information.
- Complete the course.
- Print two copies of your certificate of completion.
 - One will be sent with your application.
 - One to keep for your records.

STEP 2: Complete and Return Your Application

- Complete the accompanying Notary Public commission application and State of Florida bond of Notary Public. Review the included instructions for help.
- Mail all items below in one envelope:
 1. Completed application
 2. Certificate of completionto:

Trusted Notary Support
9350 De Soto Ave.
Chatsworth, CA 91311
- The NNA will submit your application to the state and pay your application fee.
- Within three weeks, the state will issue your Notary commission and mail you your commission certificate. Retain this certificate for the duration of your four-year Notary term.

STEP 3: Receive Your Notary Seal

- The state will notify the NNA your commission has been issued. The NNA will manufacture and ship your official Notary seal. Your seal will arrive in 15–20 business days from the date the NNA received your application.
- When you receive your seal, you may begin performing the duties of a Notary Public for the State of Florida.

**Need Help? Call Trusted Notary Support: 1-877-876-0827
or Email: TrustedNotary@nationalnotary.org**



NOTARY PUBLIC COMMISSION APPLICATION

Florida Department of State
Notary Commissions (850) 245-6975

Complete and Return Originals to:
National Notary Association
9350 De Soto Avenue, P.O. Box 2402
Chatsworth, CA 91313-2402

This application and the information it contains, except social security numbers, are public record and will be available on the Division's website.

BOTH SIDES AND ALL FIELDS ARE REQUIRED. (PLEASE COMPLETE EACH FIELD BEFORE MAILING APPLICATION.)

All fields must be completed. A valid phone number is required.

Full Name: _____ (Last) _____ (First) _____ (Middle)

Home Address: _____ (Street) _____ (City) _____ (State) _____ (County) _____ (Zip)

Place of Employment: _____ Unemployed Retired

Business Address: _____ (Street) _____ (City) _____ (State) _____ (County) _____ (Zip)

Mail to: Home Business Other Address: _____ (Street/PO Box) _____ (City) _____ (State) _____ (Zip)

E-mail Address: _____ (or write "NONE") Sex: M F Race: _____

Home Phone: (_____) _____ (or write "NONE") Business Phone: (_____) _____ (or write "NONE") Extension _____

Florida Driver's License (or other State of Florida Issued ID): _____ Date of Birth: ____/____/____ (Month/Day/Year)

Be sure to answer all six questions.

- Are you a legal resident of Florida? Yes No (If No, you are not eligible to apply for a notary commission. Legal residency must be maintained throughout the appointment.)
- Are you a United States citizen? Yes No (If No, you must submit a recorded Declaration of Domicile. Obtain this document from your County Courthouse.)
- Are you now or have you ever been commissioned a Notary Public in the State of Florida? Yes No (If No, you, must complete a 3 hour Notary education course and submit a signed certificate of completion. (Ch. 668.50 (11) F.S.)
If Yes: ____/____/____ (Commission expiration date) _____ (Commission number) _____ (Name in which your commission was issued)
- Have you held any professional licenses or commissions (other than Notary Public) in Florida during the past 10 years? Yes No (If yes, please list.) _____ Have any been revoked? Yes No (If Yes, you must submit a written statement about the nature of the action and any supporting documentation, such as a copy of the Final Order from the regulating agency.)
- Have you been disciplined by a regulatory agency, including the Florida Bar, and including disciplinary action that is confidential? Yes No (If Yes, you must submit a written statement about the nature of the action and any supporting documentation, such as a copy of the Final Order from the regulating agency.)
- Have you been convicted of a felony, had adjudication of guilt withheld, or are you on probation? Yes No (If Yes, you must submit a written statement of the nature of the offense(s), a copy of the court judgment and sentencing order. If convicted, you must submit a certificate of Restoration of Civil Rights.)

Have someone complete this section for you.

AFFIDAVIT OF CHARACTER

STATE OF _____ COUNTY _____

I, _____ (Print or Type Name of Affiant) am unrelated to and have known _____ (Name of Applicant) for one year or more; and to the best of my knowledge and observation know (him)(her) to be of good character.

My address is _____ (Street) _____ (City) _____ (State) _____ (County) _____ (Zip)

UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING AFFIDAVIT AND THAT THE FACTS STATED IN IT ARE TRUE

Home Phone: (_____) _____ (or write "NONE") X _____ (Signature of Affiant)

Work Phone: (_____) _____ (or write "NONE")

OATH OF OFFICE

STATE OF FLORIDA COUNTY _____

I DO solemnly (swear) (affirm) that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State of Florida; that I have read Chapter 117, Florida Statutes, and any amendments thereto, and know the duties, responsibilities, limitations, and powers of a notary public; and that I will honestly, diligently, and faithfully discharge the duties of Notary Public, State of Florida on which I am now about to enter, (so help me God).

UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING APPLICATION AND OATH AND THAT THE FACTS STATED THEREIN ARE TRUE. I accept the office of Notary Public, State of Florida.

X _____ (Signature of Applicant - This is the name in which your commission and notary seal will be issued)

_____ (Print or Type Name - Must EXACTLY match signature)

< Sign Here

< Print Name Here

_____/_____/_____ (Date)

Social Security Number: ____/____/_____ < Must Include

Important: Please Complete Page 2



STATE OF FLORIDA BOND OF NOTARY PUBLIC

Secretary of State
Notary Commissions

FOR OFFICE USE ONLY
Approved by Department of State:

STATE OF FLORIDA

KNOW ALL MEN BY THESE PRESENTS, That we,

_____ as Principal, and
(Name of Applicant)

Merchants Bonding Company (Mutual)

(515) 243-8171

(Imprint Name of Surety Company)

(Telephone Number)

as Surety Company, give bond payable to any individual who may be harmed as a result of a breach of duty by said applicant acting in his/her official capacity as Notary Public, in the amount of Seven Thousand, Five Hundred Dollars (\$7,500) as assurance for the due discharge of the duties of his/her office of Notary Public and we do bind ourselves, and each of our heirs, executors and administrators, jointly and severally.

Applicant was, on the date of issuance of commission, bonded as a Notary Public in and for the State of Florida, to hold office for the term of four years in accordance with the Constitution and Laws of this State.

Now, therefore, if said applicant shall faithfully discharge the duties of the office of Notary Public, as prescribed by law, then this obligation shall be void.

Please Sign Here

X

(Signature of Applicant)

Signed and sealed this _____ day of _____ 20____

Merchants Bonding Company (Mutual)

(Name of Surety Company)

2100 Fleur Drive, Des Moines, Iowa 50321-1158

(Address of Surety Company)

National Notary Association

(Name of Bonding Agency or Company)

9350 De Soto Avenue, P.O. Box 2402, Chatsworth, CA 91313-2402

(Address of Bonding Agency or Company)

By **X**

(Signature of Florida Licensed Agent)

License # P155576

(Florida Licensed Agent Number)

Mary Elizabeth Erba

(Printed name of Florida Licensed Agent)



Section 817.234(1)(b), F.S. "Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony in the third degree."

This bond shall be for Seven Thousand, Five Hundred Dollars (\$7,500).

After execution by surety company, the bond must be submitted to the Department of State for approval and filing before issuance of the notary public commission.

DS/DE 76 (3/04)

Important: Please See Other Side

Instructions for Notary Commissioning Process

NOTARY PUBLIC COMMISSION APPLICATION
 Florida Department of State
 Notary Commissions (850) 245-6975

Complete and Return Originals to:
 National Notary Association
 9350 De Soto Avenue, P.O. Box 2402
 Chatsworth, CA 91313-2402

This application and the information it contains, except social security numbers, are public record and will be available on the Division's website.

BOTH SIDES AND ALL FIELDS ARE REQUIRED. (PLEASE COMPLETE EACH FIELD BEFORE MAILING APPLICATION.)

All fields must be completed. A valid phone number is required.

Full Name: Jones **A**
 Home Address: 234 West Main Street **B**
 Place of Employment: Unemployed
 Business Address: 8754 Mason Rd
 Mail to: Home Business Other Address:
 E-mail Address:
 Home Phone: 305-555-8465 **C** Business Phone: 305-555-3942 Extension: 2222
 Florida Driver's License (or other State of Florida Issued ID): L252-0676-945-3 **D** Date of Birth: 3/24/61

Begin to answer all 6 questions.

- Are you a legal resident of Florida? Yes No (If No, you are not eligible to apply for a notary commission. Legal residency must be maintained throughout the appointment.)
- Are you a United States citizen? Yes No (If No, you must submit a Notarized Declaration of Denial. Obtain this document from your County Courthouse.)
- Are you now or have you ever been commissioned a Notary Public in the State of Florida? Yes No (If Yes, you must complete a Notary Public Renewal application and submit a signed certificate of completion. (Ch. 408.30(1)(f), F.S.)
- Have you held any professional licenses or commissions (other than Notary Public) in Florida during the past 10 years? Yes No (If Yes, please list a suspension from the State of Florida and all expiring dates, with a copy of the final order from the expiring agency.)
- Have you been disciplined by a regulatory agency, including the Florida Bar, and including disciplinary action that is confidential? Yes No (If Yes, you must submit a written statement about the nature of the action and any supporting documentation, such as a copy of the Final Order from the regulating agency.)
- Have you been convicted of a felony, had adjudication of guilt withheld, or are you on probation? Yes No (If Yes, you must submit a written statement of the nature of the offense, a copy of the court judgment or conviction order, if available, and a certificate of completion of probation, if applicable.)

Have answers complete this section for you.

AFFIDAVIT OF CHARACTER
 STATE OF Florida COUNTY Miami-Dade
 I, James K. Hawkins am unrelated to and have known Pat R. Jones
 for one year or more, and to the best of my knowledge and observation know (him)(her) to be of good character.
 My address is 14 Oak St. Miami FL Miami-Dade 33104 **E**
 UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING AFFIDAVIT AND THAT THE FACTS STATED IN IT ARE TRUE.
 Home Phone: 305-555-8714
 Work Phone: 305-555-9942
 Signature of Affiant: James K. Hawkins

OATH OF OFFICE COUNTY Miami-Dade
 I DO solemnly (swear) (affirm) that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State of Florida; that I have read Chapter 117, Florida Statutes, and any amendments thereto, and know the duties, responsibilities, limitations, and powers of a notary public; and that I will honestly, diligently, and faithfully discharge the duties of Notary Public, State of Florida on which I am now about to enter, (so help me God).
 UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING APPLICATION AND OATH AND THAT THE FACTS STATED THEREIN ARE TRUE. I accept the office of Notary Public, State of Florida.
 Signature of Applicant: Pat R. Jones **F** Sign Here Print Name Here
 Date: 3/01/06
 Social Security Number: 555 / 12 / 3456 **G** Must Include

Important: Please Complete Page 2

1. Complete Your Notary Public Commission Application and Bond Forms

Notary Public Commission Application

A Fill out this section completely. Do not leave any blank spaces. Write "None" (not "N/A") for questions that do not apply to you. **Make any corrections to the pre-filled data directly on the form or print a blank form at www.NationalNotary.org/FL/Renew.**

B Provide a physical Florida residential address **and county**.

C Provide at least one telephone number.

D IMPORTANT: Include your **Florida Driver's License number** or number from another Florida state-issued ID.

Affidavit of Character

E This section must be completed and signed by a person who has known you for at least one year and is not related to you. He or she must sign their name where indicated by an "X."

Oath of Office

F Sign the oath of office and print your name exactly as you want it to appear on your commission certificate. **Signature must match printed name.** To read Chapter 117, Florida statutes, go to www.NationalNotary.org/FL/Renew.

G IMPORTANT: Include your **Social Security number**. Your Social Security number is required by Subsection 117.01(2), Florida Statutes. It may be used to facilitate a criminal background check.

2. Complete and Sign Your State of Florida Bond of Notary Public

H Print your name.

I Leave date line blank. This will be completed in our office.

J Sign your name.

K Leave this signature line blank.

3. Select Your Notary Package

If ordering by mail, Web, phone or fax, be sure to select an NNA[®] Notary package that includes your state application fee, state-required Notary bond, official Notary seal stamp and other supplies that meet your needs.

4. Payment and Application Submittal

Forward an original Application/Bond form(s), **not copies**, with your payment to:

National Notary Association
 9350 De Soto Avenue, P.O. Box 2402
 Chatsworth, CA 91313-2402

If ordering by mail or fax, include your order form, noting your choice of package. All packages include the \$39 State Application Fee — a separate check is not required.

NOTE: New Notaries must complete a state-required Notary training course. A copy of the Training Certificate of Completion must accompany your Application/Bond Form when mailed to the NNA.

STATE OF FLORIDA
BOND OF NOTARY PUBLIC

Secretary of State
 Notary Commissions

FOR OFFICE USE ONLY
 Approved by Department of State:

STATE OF FLORIDA
 KNOW ALL MEN BY THESE PRESENTS, That we, Pat R. Jones **H**
 (Name of Applicant)
Merchants Bonding Company (Mutual) (515) 243-8171
 (Important Name of Surety Company) (Telephone Number)
 as Surety Company, give bond payable to any individual who may be harmed as a result of a breach of duty by said applicant acting in his/her official capacity as Notary Public, in the amount of Seven Thousand, Five Hundred Dollars (\$7,500) as assurance for the due discharge of the duties of his/her office of Notary Public and we do bind ourselves, and each of our heirs, executors and administrators, jointly and severally.
 Applicant was, on the date of issuance of commission, bonded as a Notary Public in and for the State of Florida, to hold office for the term of four years in accordance with the Constitution and Laws of this State.
 Now, therefore, if said applicant shall faithfully discharge the duties of the office of Notary Public, as prescribed by law, then this obligation shall be void.
 Signed and sealed this day of , 20
Pat R. Jones **J** (Signature of Applicant)
Merchants Bonding Company (Mutual)
 2100 Fleur Drive, Des Moines, Iowa 50321-1158
 (Address of Surety Company)
National Notary Association
 (Name of Bonding Agency or Company)
 9350 De Soto Avenue, P.O. Box 2402, Chatsworth, CA 91313-2402
 (Address of Bonding Agency or Company)
 By X **K**
 (Signature of Florida Licensed Agent)
 License # P155576
 (Florida Licensed Agent Number)
 Mary Elizabeth Erba
 (Printed name of Florida Licensed Agent)

Section 817.234(1)(b), F.S. "Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony in the third degree."

This bond shall be for Seven Thousand, Five Hundred Dollars (\$7,500).
 After execution by surety company, the bond must be submitted to the Department of State for approval and filing before issuance of the notary public commission.
 DS/DE 76 (3/04)

Important: Please See Other Side



NATIONAL NOTARY ASSOCIATION
 1-800-US NOTARY (1-800-876-6827) • www.NationalNotary.org

on behalf of whom instrument was executed) .

...(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...

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

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

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

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

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

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

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

1. For an oath or affirmation:

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

...His (or Her) Mark

STATE OF FLORIDA

COUNTY OF...

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

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...

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

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

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

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

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

1. For an oath or affirmation:

STATE OF FLORIDA

COUNTY OF...

Sworn to (or affirmed) before me this...day of..., (year) , by (name of person making statement) , and subscribed by (name of notary) at the direction of and in the presence of (name of person making statement) , and 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...

2. For an acknowledgment in an individual capacity:

STATE OF FLORIDA

COUNTY OF...

The foregoing instrument was acknowledged before me this...day of..., (year) , by (name of person acknowledging) and subscribed by (name of notary) at the direction of and in the presence of (name of person acknowledging) , and 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...

117.06 Validity of acts prior to April 1, 1903.

Any and all notarial acts that were done by any notary public in the state prior to April 1, 1903, which would have been valid had not the term of office of the notary public expired, are declared to be valid.

117.10 Law enforcement and correctional officers.

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

117.103 Certification of notary's authority by Secretary of State.

A notary public is not required to record his or her notary public commission in an office of a clerk of the circuit court. If certification of the notary public's commission is required, it must be obtained from the Secretary of State. Upon the receipt of a written request and a fee of \$10 payable to the Secretary of State, the Secretary of State shall issue a certificate of notarial authority, in a form prescribed by the Secretary of State, which shall include a statement explaining the legal qualifications and authority of a notary public in this state.

117.105 False or fraudulent acknowledgments; penalty.

A notary public who falsely or fraudulently takes an acknowledgment of an instrument as a notary public or who falsely or fraudulently makes a certificate as a notary public or who falsely takes or receives an acknowledgment of the signature on a written instrument is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

117.107 Prohibited acts.

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

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

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

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

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

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

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

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

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

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

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

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

117.108 Validity of acts, seals, and certificates prior to January 1, 1995.

A notarial act performed, a notarial certificate signed, or a notarial seal used by any notary public before January 1, 1995, which would have been valid under the laws in effect in this state on January 1, 1991, is valid.

668.50 (11) Notarization And Acknowledgment.

(b) A first-time applicant for a notary commission must submit proof that the applicant has, within 1 year prior to the application, completed at least 3 hours of interactive or classroom instruction, including electronic notarization, and covering the duties of the notary public. Courses satisfying this section may be offered by any public or private sector person or entity registered with the Executive Office of the Governor and must include a core curriculum approved by that office.



NATIONAL
NOTARY
ASSOCIATION

1-800-US NOTARY • 1-800-876-6827 • NationalNotary.org

STATE OFFICES GOVERNING FLORIDA NOTARIES

Office of the Governor

Notary Section
Room 209, The Capitol
Tallahassee, FL 32399-0001
1-850-922-6400

Department of State

Division of Corporations, Notary Commissions
P.O. Box 6327
Tallahassee, FL 32314
1-850-245-6975

FLORIDA NOTARY PUBLIC LAW SECTION 117

Effective January 1, 2008

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

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

(2) The application for appointment shall be signed and sworn to by the applicant and shall be accompanied by a fee of \$25, together with the \$10 commission fee required by s. 113.01, and a surcharge of \$4, which \$4 is appropriated to the Executive Office of the Governor to be used to educate and assist notaries public. The Executive Office of the Governor may contract with private vendors to provide the services set forth in this section. However, no commission fee shall be required for the issuance of a commission as a notary public to a veteran who served during a period of wartime service, as defined in s. 1.01(14), and who has been rated by the United States Government or the United States Department of Veterans Affairs or its predecessor to have a disability rating of 50 percent or more; such a disability is subject to verification by the Secretary of State, who has authority to adopt reasonable procedures to implement this act. The oath of office and notary bond required by this section shall also accompany the application and shall be in a form prescribed by the Department of State which shall require, but not be limited to, the following information: full name, residence address and telephone number, business address and telephone number, date of birth, race, sex, social security number, citizenship status, driver's license number or the number of other official state-issued identification, affidavit of good character from someone unrelated to the applicant who has known the applicant for 1 year or more, a list of all professional licenses and commissions issued by the state during the previous 10 years and a statement as to whether or not the applicant has had such license or commission revoked or suspended, and a statement as to whether or not the applicant has been convicted of a felony, and, if there has been a conviction, a statement of the nature of the felony and restoration of civil rights. The applicant may not use a fictitious or assumed name other than a nickname on an application for commission. The application shall be maintained by the Department of State for the full term of a notary commission. A notary public shall notify, in writing, the Department of State of any change in his or her business address, home telephone number, business telephone number, home address, or criminal record within 60 days after such change. The Governor may require any other information he or she deems necessary for determining whether an applicant is eligible for a notary public commission. Each applicant must swear or affirm on the application that the information on the application is true and correct.

(3) As part of the oath, the applicant must swear that he or she has read this chapter and knows the duties, responsibilities, limitations, and powers of a notary public.

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

(a) A material false statement on the application.

(b) A complaint found to have merit by the Governor.

(c) Failure to cooperate or respond to an investigation by the Governor's office or the Department of State regarding a complaint.

(d) Official misconduct as defined in s. 838.022.

(e) False or misleading advertising relating to notary public services.

(f) Unauthorized practice of law.

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

(h) Commission of fraud, misrepresentation, or any intentional violation of this chapter.

(i) Charging fees in excess of fees authorized by this chapter.

(j) Failure to maintain the bond required by this section.

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

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

(6) No person may be automatically reappointed as a notary public. The application process must be completed regardless of whether an applicant is requesting his or her first notary commission, a renewal of a commission, or any subsequent commission.

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

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

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

(8) Upon payment to any individual harmed as a result of a breach of duty by the notary public, the entity who has issued the bond for the notary public shall notify the Governor of the payment and the circumstances which led to the claim.

117.021 Electronic notarization.

(1) Any document requiring notarization may be notarized electronically. The provisions of ss. 117.01, 117.03, 117.04, 117.05(1)-(11), (13), and (14), 117.105, and 117.107 apply to all notarizations under this section.

(2) In performing an electronic notarial act, a notary public shall use an electronic signature that is:

- (a) Unique to the notary public;
- (b) Capable of independent verification;
- (c) Retained under the notary public's sole control; and

(d) Attached to or logically associated with the electronic document in a manner that any subsequent alteration to the electronic document displays evidence of the alteration.

(3) When a signature is required to be accompanied by a notary public seal, the requirement is satisfied when the electronic signature of the notary public contains all of the following seal information:

- (a) The full name of the notary public exactly as provided on the notary public's application for commission;
- (b) The words "Notary Public State of Florida";
- (c) The date of expiration of the commission of the notary public; and
- (d) The notary public's commission number.

(4) Failure of a notary public to comply with any of the requirements of this section may constitute grounds for suspension of the notary public's commission by the Executive Office of the Governor.

(5) The Department of State may adopt rules to ensure the security, reliability, and uniformity of signatures and seals authorized in this section.

117.03 Administration of oaths.

A notary public may administer an oath and make a certificate thereof when it is necessary for the execution of any writing or document to be published under the seal of a notary public. The notary public may not take an acknowledgment of execution in lieu of an oath if an oath is required.

117.04 Acknowledgments.

A notary public is authorized to take the acknowledgments of deeds and other instruments of writing for record, as fully as other officers of this state.

117.045 Marriages.

A notary public is authorized to solemnize the rites of matrimony. For solemnizing the rites of matrimony, the fee of a notary public may not exceed those provided by law to the clerks of the circuit court for like services.

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

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

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

(b) A notary public may not charge a fee for witnessing an absentee ballot in an election, and must witness such a ballot upon the request of an elector, provided the notarial act is in accordance with the provisions of this chapter.

(3)(a) A notary public seal shall be affixed to all notarized paper documents and shall be of the rubber

stamp type and shall include the words "Notary Public-State of Florida." The seal shall also include the name of the notary public, the date of expiration of the commission of the notary public, and the commission number. The rubber stamp seal must be affixed to the notarized paper document in photographically reproducible black ink. Every notary public shall print, type, or stamp below his or her signature on a paper document his or her name exactly as commissioned. An impression-type seal may be used in addition to the rubber stamp seal, but the rubber stamp seal shall be the official seal for use on a paper document, and the impression-type seal may not be substituted therefor.

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

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

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

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

(4) When notarizing a signature, a notary public shall complete a jurat or notarial certificate in substantially the same form as those found in subsection (13). The jurat or certificate of acknowledgment shall contain the following elements:

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

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

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

(d) The exact date of the notarial act.

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

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

(g) The notary's official signature.

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

(i) The notary's official seal affixed below or to either side of the notary's signature.

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

(a) For purposes of this subsection, "personally knows" means having an acquaintance, derived from association with the individual, which establishes the individual's identity with at least a reasonable certainty.

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

1. The sworn written statement of one credible witness personally known to the notary public or the sworn written statement of two credible witnesses whose identities are proven to the notary public upon the presentation of satisfactory evidence that each of the following is true:

- a. That the person whose signature is to be notarized is the person named in the document;
- b. That the person whose signature is to be notarized is personally known to the witnesses;
- c. That it is the reasonable belief of the witnesses that the circumstances of the person whose signature is to be notarized are such that it would be very difficult or impossible for that person to obtain another acceptable form of identification;
- d. That it is the reasonable belief of the witnesses that the person whose signature is to be notarized does not possess any of the identification documents specified in subparagraph 2.; and
- e. That the witnesses do not have a financial interest in nor are parties to the underlying transaction; or

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

- a. A Florida identification card or driver's license issued by the public agency authorized to issue driver's licenses;
- b. A passport issued by the Department of State of the United States;
- c. A passport issued by a foreign government if the document is stamped by the United States Bureau of Citizenship and Immigration Services;
- d. A driver's license or an identification card issued by a public agency authorized to issue driver's licenses in a state other than Florida, a territory of the United States, or Canada or Mexico;
- e. An identification card issued by any branch of the armed forces of the United States;
- f. An inmate identification card issued on or after January 1, 1991, by the Florida Department of Corrections for an inmate who is in the custody of the department;
- g. An inmate identification card issued by the United States Department of Justice, Bureau of Prisons, for an inmate who is in the custody of the department;
- h. A sworn, written statement from a sworn law enforcement officer that the forms of identification for an

inmate in an institution of confinement were confiscated upon confinement and that the person named in the document is the person whose signature is to be notarized; or

i. An identification card issued by the United States Bureau of Citizenship and Immigration Services.

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

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

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

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

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

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

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

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

STATE OF FLORIDA
COUNTY OF...

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

...(Official Notary Signature and Notary Seal)
...(Name of Notary Typed, Printed or Stamped)

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

(a) For an oath or affirmation:

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...

(b) For an acknowledgment in an individual capacity:

STATE OF FLORIDA
COUNTY OF...

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

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

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

(c) For an acknowledgment in a representative capacity:

STATE OF FLORIDA
COUNTY OF...

The foregoing instrument was acknowledged before me this...day of..., (year) , by (name of person) as (type of authority, e.g. officer, trustee, attorney in fact) for (name of party