

Resources for Florida Notaries

Resources

Contact the Governor's Notary Section:

- To obtain educational materials.
- To ask a question about the notary law or proper procedure.
- To file a complaint against a notary.
- To respond to a complaint filed against you for notary misconduct.
- To check the status of a "problem" application.
- To resign your notary commission.
- To report your lost or stolen notary seal.

**Notary Section
Office of the Governor
LL06 Capitol
Tallahassee, Florida 32399-0001
(850) 922-6400**

Contact the Department of State, Notary Commissions and Certifications Section:

- To report a change in your home or business address or telephone number.
- To obtain information about a particular notary public or the notary's bond.
- To receive a duplicate copy of your commission certificate.
- To obtain a list of the surety bond companies approved to process applications.

- To report your lost or stolen notary seal.
- To request authentication of a notary's commission for a document being sent to another state or a foreign country (a Certificate of Notarial Authority or an Apostille).

**Department of State
Notaries Commissions and
Certifications Section
1902 Capitol
Tallahassee, Florida 32399-0250
(850) 488-7521
(850) 413-9732 or (850) 921-5268
(for Authentications only)**

Contact your Bonding Agency:

- To obtain and submit an application for appointment as a notary public.
- To check the status of your pending application.
- To amend your commission after a lawful name change.
- To receive information about your notary bond or optional errors and omissions insurance.
- To purchase a notary seal.

Notary Information on the Internet

Be sure to check out the Governor's Notary Section on the Internet for answers to your notary questions and mark the site for quick reference. Our website address is:

[http://www.myflorida.com/myflorida/government/governor initiatives/notary/index.html](http://www.myflorida.com/myflorida/government/governor%20initiatives/notary/index.html)

Currently, we have access to the complete Florida notary laws, the last issue of *The Notary View*, information about how to become a notary, a list of the bonding agencies, and our newest addition, the Governor's Reference Manual for Notaries. You can also e-mail the Governor's Notary Education Coordinator with your questions or comments.

Another internet site that may interest you is the Department of State Notary Public Access system. From that site, you can look up any Florida notary and obtain basic information about that notary, such as the mailing address and telephone number, the commission number, the expiration date of commission, the name of the bonding agency, and the Notary Education Course for first time notary applicants. The website address is:

<http://notaries.dos.state.fl.us/index.html>

Check out these other helpful Internet sites for notaries:

Florida Statutes and Constitution

<http://www.leg.state.fl.us>

American Society of Notaries

<http://www.notaries.org>

National Notary Association

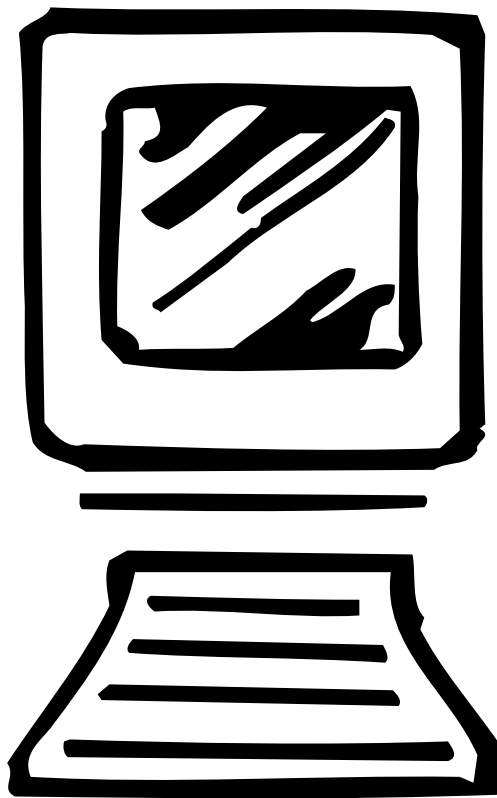
<http://www.nationalnotary.org>

U.S. Immigration and Naturalization Service

<http://www.ins.usdoj.gov>

U.S. State Department Office of Authentications

<http://www.state.gov/www/authenticate>



E-Mail E-ducation for Notaries

How would you like to receive education about your duties as a notary public through your own e-mail system? Sound good? Then, simply e-mail the Notary Education Coordinator with your e-mail address.

The Notary Section recently added a new feature to the Governor's education program for notaries. An issue or question is addressed in an informative article and then e-mailed to notaries once each month. So, send in your address and watch your e-mail each month.

Notary Education Coordinator
Governor's Notary Section
FL_GOV_NOTARY@eog.state.fl.us

National Organizations

Florida notaries are fortunate to have numerous opportunities for education and support. In addition to the Governor's Notary Section, two



national, non-profit, membership organizations offer educational publications and other services to our state's notaries.

The National Notary Association (NNA) was established in 1957 and is based in Chatsworth, California. The chief goal of the NNA is to provide information on notarial laws, customs, and practices, and to support the nation's 4.5 million notaries with a wide variety of instructional programs, professional services, and advocacy efforts. The Association produces several publications of interest to Florida notaries, including *The National Notary* magazine, the *Notary Bulletin* newspaper, and *The Florida Notary Law Primer*.

The American Society of Notaries (ASN) is the oldest non-profit educational organization for notaries in the United States. Its primary aims are to educate notaries, to protect the office of notary public in America, and to inspire a high ethical code of conduct in our nation's notaries. ASN is now based



in Tallahassee after moving to the Sunshine State in 1994 from Washington, DC. The Society publishes a bi-monthly newsletter, *The American Notary*, and notary manuals for various states, including Florida. ASN is also dedicated to the historic preservation of the contribution of notaries

to America and has an extensive collection of notarial memorabilia, antique documents, seals, and artifacts.

Both organizations hold annual conferences for their members which feature workshops on a variety of issues conducted by experts on notarial practices. Additionally, state officials who regulate notaries gather at these conferences to discuss topics of common interest.

NNA and ASN also assume an advocacy role for notaries. State legislators and officials across the nation often rely upon them for their expert assistance in understanding the complex issues concerning notaries. As a result, these organizations have influenced the development of current notarial laws and practices in Florida and other states. They are well respected for their expertise and valuable service.

If you are interested in membership in either or both organizations, you may contact them directly for additional information about their benefits and membership fees.

NATIONAL NOTARY ASSOCIATION

9350 DeSoto Avenue
Post Office Box 2402
Chatsworth, CA 91313-2402
(800) 876-6827
(818) 713-4000
www.nationalnotaries.org

AMERICAN SOCIETY OF NOTARIES

Post Office Box 5707
Tallahassee, FL 32314-5707
(800) 522-3392
(850) 671-5164
www.notaries.org

The Office of Notary Public

General Information

What is a Notary Public?

A notary public is a public officer appointed and commissioned by the Governor whose function is to administer oaths; to take acknowledgments of deeds and other instruments; to attest to or certify photocopies of certain documents; and to perform other duties specified by law.

Qualifications and Requirements for Appointment

- You may only be commissioned in your legal name (or a nickname of your legal name).

Example: John Quinton Public could be commissioned in the names:

John Quinton Public
John Q. Public
J. Quinton Public
J. Q. Public
Johnny Public

You must sign notarial certificates in your commissioned name, and your notary seal must bear that name. No variation from the commissioned name is permitted.

- You must be at least 18 years of age.
- You must be a legal resident of Florida. There is no certain length of time required to establish residency. However, if the Governor's Office requires proof of residency, the following methods, along with the applicant's intent to reside in Florida, would be acceptable: a Florida driver's license; a Florida vehicle registration document; a voter's registration card; or a recorded Declaration of Domicile.
- If not a U.S. citizen, you must submit a recorded Declaration of Domicile. This affidavit is available at your county clerk's office.
- If ever convicted of a felony charge, you must have your civil rights restored.

If ever convicted of a felony or if ever charged with a felony and adjudication was withheld on the charge or the sentence was suspended, you must submit several documents:

- (1) a written statement regarding the nature and circumstances of the charges;
- (2) a copy of the Judgment and Sentencing Order, or a comparable court document; and,
- (3) if convicted, a copy of the Certificate of Restoration of Civil Rights (or pardon). The name of this document may vary depending on the state where the conviction occurred.

This information is required for all felony convictions whether the charges were brought by the State of Florida, another state, or the United States. If adjudication was withheld and civil rights were not forfeited, the written statement and court documents are sufficient.

To obtain information about the restoration of civil rights, you may contact:

Office of Executive Clemency
2601 Blair Stone Road
Building C, Room 229
Tallahassee, FL 32399-2450
(850) 488-2952

Note: Submission of all the required information does not guarantee appointment. Decisions are made on an individual basis.

- You must take the constitutional oath of office.
- You must swear or affirm that you have read the notary laws and will obey them.
- You must complete a three hour notary education course if you are a first time applicant. §668.50(b), Fla. Stat.

Appointment and Commission

- Notaries are public officers appointed and commissioned by the Governor. You are not licensed, you are appointed. An appointment is a privilege, not a right.
- The term of office is four years. *Example:* A commission which began on July 1, 1996 (12:01 a.m.) will end on June 30, 2000 (12:00 p.m.).
- If your lawful name changes, you must request an amended commission by submitting the appropriate application form, a rider to the notary bond, and a fee of \$25. You should contact your bonding company for assistance. Once you make application for a change of name, you may continue notarizing in your former name until receipt of your amended commission and seal. You will be given a new commission number, but you will retain the same expiration date.
- If you lose your commission certificate, you may request a duplicate from the Department of State, Bureau of Notaries Public, or from your bonding agency.

Application Process

- Since July 1, 1996, applications have been submitted by bonding agencies both in paper format and in an electronic format approved by the Department of State.
- The application form is prescribed by the Department of State and consists of 3 parts:
 - (1) *Personal information* — name, social security number, date of birth, sex, race, residence address, place of employment, business address, home phone, business phone, Florida driver's license number or other state issued identification, information about any previous notary commission, residency status, citizenship status, criminal record, and information about any professional licenses.
 - (2) *Oath of office* — The applicant must sign the following oath. The signature is the notary's legal signature on file.

<p>State of Florida _____ County</p> <p><i>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).</i></p> <p><i>Under penalties of perjury, I declare that I have read the foregoing application and oath and that the facts stated in it are true.</i></p> <p><i>I accept the office of Notary Public, State of Florida.</i></p>

- (3) *Affidavit of Character* — A person who is unrelated to the applicant and who has known the applicant for at least one year must give a sworn statement that the applicant is of good character.

Note: *The application form no longer requires notarization.*

- The total state fees are \$39.
 - \$25 application fee
 - \$10 commission fee
 - \$ 4 education surcharge

Veterans who served during a wartime period defined in law and who have a disability rating of 50% or more are exempt from the \$10 commission fee. A veteran who qualifies should request the reduction in writing and provide proof of exemption. See section 117.01(2), Florida Statutes, (effective 1/1/97).

- Once the appointment is made, the commission certificate is usually mailed back to the bonding agency, who forwards it to the notary with the notary seal.



Renewal

- The process to renew your notary commission is exactly the same as the application process to obtain your first appointment. The application form is the same and all the required information must be submitted. See sections 117.01(2) and (6), Florida Statutes.
- The State does not notify you prior to the expiration of your notary commission. However, you will probably receive notification from your bonding agency and a number of other companies seeking your business.
- Submit your application for renewal about two months in advance of your expiration date, or earlier if your application will require special review by the Governor's Office. That should be ample time for processing to ensure that there is no break in service.
- Continue using your current notary seal through the end of your current commission. If you are reappointed, you must not use your new notary seal until the first day of your new commission. Destroy your old seal to prevent its misuse.

Change of Address

- You must submit any change in writing to the Notary Commissions and Certifications Section.
- You are required to keep your home and business addresses and telephone numbers updated.
- If you move out of state and change your legal residence, you must resign your notary commission.
- To change your address, you may photocopy and use the form on page 71.

Resignation

- When resigning your commission, you must submit a resignation in writing to the Governor's Office, return your notary commission certificate (the original, not a copy), and destroy or return your notary seal.

Jurisdiction

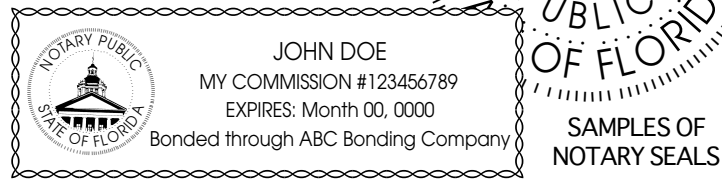
- You may only perform your official duties within the geographical boundaries of Florida.
- Notaries are appointed with statewide jurisdiction; that is, you may perform your official duties anywhere within the state. You are not confined to the county in which you reside. You should always indicate in the notarial certificate the location of the notarization, usually designated by State of Florida, County of _____.
- Notaries from other states have no authority to notarize while in the State of Florida.
- If you are performing your duties on an airplane or a ship, check with the pilot or the ship's captain to make sure that you are within the state boundaries.

Surety Bond


- Prior to appointment, applicants must obtain a surety bond in the amount of \$7,500 and maintain that bond throughout the term of appointment.
- The bond does not protect the notary. The bond is designed to protect the public against any act of misconduct or negligence in the performance of your official duties as a notary public. It does not protect you. In fact, when a notary bond is paid to some individual who was harmed as a result of an improper notarization, the bonding company will usually demand repayment from the notary.
- For your protection, you may want to carry errors and omissions insurance. Contact your bonding company for information.

Notary Seal

- The official notary seal is the rubber stamp type seal with four elements:
 - the words, “Notary Public-State of Florida”
 - the notary’s exact commissioned name
 - the notary’s commission number
 - the notary’s commission expiration date
- The name of the notary’s bonding company may be included on the seal but is not required.
- The state does not furnish notary seals. You may purchase a seal from your bonding company or from a company that makes rubber stamps.
- Some companies that produce notary seals include a symbol or emblem on the stamp, such as the Capitol dome, a flag, an eagle, etc., but this is optional. No emblem or symbol is required. Additionally, you may NOT use the Great Seal of the State of Florida on your notary seal.
- You may sign notarial certificates with any color ink, but the notary seal must be affixed with **black** ink only.
- You may use an impression seal (embosser) in addition to the rubber stamp seal, but not in place of it. If you choose to use an impression seal, your name should be correct and the seal should contain the words, “Notary Public-State of Florida.”
- Before using your notary seal, examine the seal to ensure that all information is correct.
- Keep your seal in a secure location to avoid its loss or misuse.
- If your notary seal is lost, misplaced, or stolen, you are required to notify the Department of State (or the Governor’s Notary Section) in writing. You should include your commission name and number, date of birth, and the last date the seal was in your possession. Additionally, if your seal was stolen, you should file a report with your local law enforcement agency. Please refer to Q & A on page 65 for instructions when an employer keeps your notary seal.



Notary Fees

- Florida authorizes notaries to charge up to \$10 for each notarial act — administering an oath, taking an acknowledgment, attesting to a photocopy, verifying a VIN, or certifying the contents of a safe-deposit box.
 - Notaries may charge up to \$20 to solemnize marriage (perform a marriage ceremony).
 - Fees are optional. Be reasonable when setting fees.
 - If you charge fees for other services not directly related to your notary services, you should provide your customer with an itemized list of charges beforehand.
 - If you are a government employee whose commission fees were paid by your employer for the purpose of notarizing during work hours, please review the information on Government Employees as Notaries on page 24.
-  Remember, notary fees are considered income and should be reported when filing annual income taxes.

Authentication of Notarized Documents by the Secretary of State

On October 5, 1961, representatives from a group of nations met at The Hague in Holland to discuss various issues pertaining to international law. Out of that meeting came an international treaty known as the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents. More than 60 countries have joined the Convention, including the United States.

Documents that are notarized and sent to another country require verification or legalization of the notary's signature and official capacity prior to acceptance by the receiving country. The Hague Convention agreement simplifies the process by allowing the attachment of a single verifying certificate called an Apostille (a French word meaning "note"). The Apostille entitles the document to full recognition in the country of intended use, and no further authentication or legalization by the Embassy or Consulate of that country is required.

Each country, or subdivision of that country, has a designated official who is responsible for authenticating notarized documents. The treaty provides a list of officials in the United States with the authority to issue such certifications. In most states (47 out of 50), that authority is vested in the Secretary of State, or one or more of his or her deputies or assistants. Since the treaty came into force for the United States in October 1981, the Florida Secretary of State has been responsible for providing Apostilles for documents notarized in Florida and sent to another country. Revisions to the notary law, effective January 1, 1992, reaffirmed this authority. Section 117.103, Florida Statutes, provides:

Upon the receipt of a written request, the notarized document, and a fee of \$10 payable to the Secretary of State, the Secretary of State shall issue a certificate of notarial authority. Documents destined for countries participating in an International Treaty called the Hague Convention require an Apostille, and that requirement shall be determined by the Secretary of State.

Documents being sent to another state or a country not participating in the Hague Convention may also require certification. In that case, a Certificate of Notarial Authority is issued by the Secretary of State.

A notary public is not responsible for requesting an Apostille or a Certificate of Notarial Authority. Rather, according to the treaty, the person who signed the document or the document bearer may request authentication of documents. In order to provide that certification, the Department of State will need the following information:

- A written request for the Apostille or Certificate, stating the country or state to which the document will be sent. The Department of State will determine which authentication is appropriate for the receiving country.
- The original notarized document. The notarization must fully comply with the requirements of Florida law, or the document will be returned for correction.
- A check (drawn on an American bank) or a money order for \$10 per certificate, made payable to the Secretary of State.

Mail the request, notarized document, and payment to:

**Department of State
Notary Commissions and Certifications Section
Room 1902, The Capitol
Tallahassee, Florida 32399-0250**

The Secretary of State will also provide an Apostille or Certificate for the following Florida documents: birth certificates and death certificates bearing the original signature of the State Registrar; vehicle titles certified by the Department of Highway Safety and Motor Vehicles; corporation documents bearing the signature of the Secretary of State; and documents certified by any Clerk of the Court for any county in Florida (the fee for an Apostille on any county-certified document is \$20).

Documents in proper order with correct notarizations sent to the Department of State are usually processed within 10 working days and are returned by regular mail to the sender or forwarded to an address given by the sender. For additional information, please contact the Department of State at (850) 413-9732 or (850) 921-5268.

