

Committee Substitute for House Bill No. 1125

An act relating to notaries public; amending s. 117.01, F.S.; clarifying provisions relating to appointment of a notary public; authorizing the Executive Office of the Governor to contract for certain services; increasing the amount of the bond required of a notary public; providing requirements for a resigning notary public; amending s. 117.03, F.S.; deleting obsolete language; amending s. 117.04, F.S.; providing for acknowledgements by a notary; creating s. 117.045, F.S.; providing for solemnizing rites of marriage by a notary; limiting fees; amending s. 117.05, F.S.; providing that the official seal and certificate of commission are the exclusive property of the notary public; providing a criminal penalty for unlawful possession of a notary public official seal or papers; specifying the elements of a notarial certificate; revising provisions relating to identification; deleting specified circumstances under which a signature may not be notarized; revising provisions relating to copying certain documents; requiring a notary public to make reasonable accommodations to provide notarial services to disabled persons; amending s. 117.10, F.S.; conforming a cross-reference; amending s. 117.103, F.S.; providing that a notary public's commission is not required to be filed with the clerk of the circuit court; providing for certification of the commission from the Secretary of State; amending s. 117.107, F.S.; revising certain provisions relating to prohibited acts; providing a civil penalty; amending s. 117.20, F.S.; providing for electronic notarizations; amending s. 118.10, F.S.; redefining the terms "authentication instrument" and "Florida international notary"; revising requirements to become a Florida international notary; amending ss. 11.03, 475.180, 713.08, 713.13, 713.135, 713.245, 727.104, 732.503, and 747.051, F.S.; revising certain forms; amending s. 118.10, F.S.; providing for civil-law notaries in lieu of Florida international notaries; providing requirements for becoming a civil-law notary; providing definitions; providing for "authentic acts," in lieu of "authentication instruments"; providing powers of civil-law notaries; providing educational requirements; providing for discipline; amending s. 695.03, F.S., relating to acknowledgement and proof of certain instruments concerning real property; including civil-law notaries as officials before whom acknowledgements of proof may be made; providing an effective date.

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

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

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

(1) The Governor may appoint ~~for a term of 4 years~~ 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 ~~to the best of his or her knowledge.~~

(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:

(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.

(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.

(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 ~~\$5,000~~, 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~~ 1992, is required to increase the amount of his or her bond to \$7,500 ~~\$5,000~~ only upon reappointment on or after January 1, ~~1999~~ 1992.

(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.

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

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 ~~attested, protested, or~~ 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.

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

117.04 ~~Marriages; Acknowledgments.~~—A notary public is authorized to solemnize the rites of matrimony and to take the acknowledgments of deeds and other instruments of writing for record, as fully as other officers of this state. ~~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.~~

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

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.

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

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

(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 s.

117.05(13). The jurat or certificate of acknowledgement 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 acknowledgement, 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 s. 117.05(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. ~~sign and date a notarial certificate or jurat and shall specify which signature is being notarized and that the signer personally appeared before the notary public at the time of notarization. It is presumed, absent such specific notation by the notary public, that notarization is to all signatures.~~

(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.

(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 making the acknowledgment is not the person he or she claims to be and any one of the following:

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

2. 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 ~~are~~ 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 2.3.; and
- e. That the witnesses do not have a financial interest in nor are parties to the underlying transaction; or

2.3. 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 An identification card or driver's license issued by the public agency authorized to issue driver's licenses Department of Highway Safety and Motor Vehicles;

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

c. A passport issued by a foreign government if Reasonable reliance on the presentation 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, and, if the document is a passport, the document is stamped by the United States Immigration and Naturalization Service;:

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

~~d.(II) 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 territory of the United States or a state other than Florida or by a Canadian or Mexican public agency authorized to issue drivers' licenses;~~

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

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

f.(V) 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; or

g. An inmate identification card issued by the United States Department of Justice, Bureau of Federal 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.(VI) An identification card issued by the United States Department of Justice, Immigration, and Naturalization Service.

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

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

~~(b)~~ The document is incomplete. 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.

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

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

~~(e)~~ The notary public has a financial interest in or is a party to the underlying transaction; provided, however, a notary public who is an employee may notarize a signature for his or her employer and this employment is not a financial interest in the transaction nor is he or she a party to the transaction under this subsection unless he or she receives a benefit other than salary and any fee for services authorized by law. For purposes of this paragraph, 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 the attorney has no interest in the document other than a fee paid to him or her for legal services and any fee authorized by law for services as a notary public.

~~(6)(7)~~ 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)(8)~~ 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.

~~(9)~~ ~~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.~~

~~(8)(10)~~ 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)(11)~~ Any notary public who lawfully changes his or her name shall, within 60 days after such change, forthwith 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 requesting an amended commission, 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.

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

~~(10)(13)~~ 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)(14)~~ Literal translation of the phrase "Notary Public" into a language other than English is prohibited in an advertisement for notarial services.

~~(12)(15)(a)~~ A notary public may supervise the making of a photocopy of an original document and attest to the trueness 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. ~~A notary public may not supervise the making of a photocopy and may not attest to the trueness of a photocopy of a public record if a copy can be made by another public official.~~

(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)...~~19...., 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 public record nor a public record publicly recordable document, 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)~~(14) The following notarial form 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

...(Signature of Applicant)...

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

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

Personally Known OR Produced Identification

Type of Identification Produced

(b) For an acknowledgment in an individual capacity:

STATE OF FLORIDA
COUNTY OF

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

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

Personally Known OR Produced Identification

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)... 19....., by ...(name of person)... as ...(type of authority, . . . e.g.
officer, trustee, attorney in fact)... for ...(name of party 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

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

117.10 Law enforcement officers and correctional officers.—Law enforcement officers, correctional officers, and correctional probation officers, as defined in s. 943.10, and traffic accident investigation officers, ~~as described in s. 316.640,~~ and traffic infraction enforcement officers, as described in s. ~~316.640~~ 318.141, are authorized to administer oaths ~~notaries public~~ 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.

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

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, the notarized document, and a fee of \$10 payable to the Secretary of State, the Secretary of State shall provide 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.

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

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. A notary public may not acknowledge an instrument in which the notary public’s name appears as a party to the transaction.

(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~~ adjudged 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. A notary public may not take the acknowledgment of a person who is blind until the notary public has read the instrument to such person.~~

(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.

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

117.20 Electronic notarization.—

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

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

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

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

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

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

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

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

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

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

118.10 Florida international notary.—

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

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

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

(c) “Protocol” means a registry maintained by a Florida international notary in which the acts of the Florida international notary are archived.

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

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

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

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

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

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

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

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

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

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

(f) Other matters necessary for administering this section.

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

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

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

11.03 Proof of publication of notice.—

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

STATE OF FLORIDA
COUNTY OF

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

...(here identify bill)...

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

.....

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

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

~~(SEAL)
...(Signature)....
Notary Public, State of Florida.
My commission expires~~

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

475.180 Nonresident licenses.—

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

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

713.08 Claim of lien.—

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

CLAIM OF LIEN

State of
County of

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

(Legal description of real property)

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

...(Signature)...

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

~~Sworn to and subscribed before me this ... day of ..., 19....~~
~~...(Notary Public)...~~ ~~My commission expires:~~

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

713.13 Notice of commencement.—

(1)

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

Permit No..... Tax Folio No.....
NOTICE OF COMMENCEMENT
State of...
County of...

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

- 1. Description of property: ...(legal description of the property, and street address if available)....
- 2. General description of improvement:.....
- 3. Owner information:.....
 - a. Name and address:.....
 - b. Interest in property:.....
 - c. Name and address of fee simple titleholder (if other than Owner):.....
- 4. Contractor: ...(name and address)....

- a. Phone number:.....
- b. Fax number:....(optional, if service by fax is acceptable).

5. Surety

- a. Name and address:.....
- b. Phone number:.....
- c. Fax number:....(optional, if service by fax is acceptable).
- d. Amount of bond: \$.....

6. Lender: ...(name and address)....

- a. Phone number:.....
- b. Fax number:....(optional, if service by fax is acceptable).

7. Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by Section 713.13(1)(a)7., Florida Statutes: ...(name and address)....

- a. Phone number:.....
- b. Fax number:....(optional, if service by fax is acceptable).

8. In addition to himself or herself, Owner designates of to receive a copy of the Lienor's Notice as provided in Section 713.13(1)(b), Florida Statutes.

- a. Phone number:.....
- b. Fax number:....(optional, if service by fax is acceptable).

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

...(Signature of Owner)...

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

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

~~...(Notary Public)...~~

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

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

713.135 Notice of commencement and applicability of lien.—

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

Tax Folio No.....

BUILDING PERMIT APPLICATION

Owner's Name

Owner's Address

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

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

City

State..... Zip.....

Contractor's Name

Contractor's Address

City

State..... Zip.....

Job Name

Job Address

City..... County.....

Legal Description

Bonding Company

Bonding Company Address

City..... State.....

Architect/Engineer's Name

Architect/Engineer's Address

Mortgage Lender's Name

Mortgage Lender's Address

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

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

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

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

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

STATE OF FLORIDA
COUNTY OF

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

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

Personally Known OR Produced Identification

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

STATE OF FLORIDA
COUNTY OF

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

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

Personally Known OR Produced Identification

Type of Identification Produced

Signature....
Owner or Agent
(including contractor)

Signature....
Contractor

Date....

Date....

NOTARY as
to Owner or Agent....
My Commission Expires:....

NOTARY as
to Contractor....
My Commission Expires:....

(Certificate of Competency Holder)

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

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

APPLICATION APPROVED BY.....Permit Officer

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

713.245 Conditional payment bond.—

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

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)....

...(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

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

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

~~NOTARY PUBLIC~~

~~My Commission Expires:~~

...(Contractor)...
...(Address)...
.....
.....

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

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

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

~~NOTARY PUBLIC~~

~~My Commission Expires:~~

Any notice of bond recorded more than 90 days after the recording of the

claim of lien shall have no force or effect as to that lien unless the owner, the contractor and the surety all sign the notice of bond.

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

JOINDER IN CERTIFICATE OF PAYMENT

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

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

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

...(Name)...
...(Address)...
.....
.....

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

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

...(Name)...
NOTARY PUBLIC

My Commission Expires:

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

NOTICE OF CONTEST OF PAYMENT

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

Under penalties of perjury, the undersigned certifies that the contractor has not been paid or has only been paid \$... for the labor, services, and materials described in the Certificate of Payment to the Contractor recorded

in Official Records Book at Page of the Public Records of County, Florida.

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

...(Name)...
...(Address)...
.....
.....

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

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

~~...(Name)...~~
~~NOTARY PUBLIC~~

~~My Commission Expires:~~

Section 17. Paragraph (b) of subsection (1) of section 727.104, Florida Statutes, is amended to read:

727.104 Commencement of proceedings.—

(1)

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

ASSIGNMENT

ASSIGNMENT, made this day of, ...(year)... 19....., between, with a principal place of business at, hereinafter “assignor,” and, whose address is, hereinafter “assignee.”

WHEREAS, the assignor has been engaged in the business of

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

NOW, THEREFORE, the assignor, in consideration of the assignee’s acceptance of this assignment, and for other good and valuable consideration, hereby grants, assigns, conveys, transfers, and sets over, unto the assignee, her or his successors and assigns, all of its assets, except such assets as are exempt by law from levy and sale under an execution, including, but not limited to, all real property, fixtures, goods, stock, inventory, equipment, furniture, furnishings, accounts receivable, bank deposits, cash,

promissory notes, cash value and proceeds of insurance policies, claims and demands belonging to the assignor, wherever such assets may be located, hereinafter the "estate," as which assets are, to the best knowledge and belief of the assignor, set forth on Schedule B annexed hereto.

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

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

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

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

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

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

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

STATE OF
COUNTY OF

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

...(Testator)...
...(Witness)...
...(Witness)...

Subscribed and sworn to before me by, the testator ~~a witness~~ who is personally known to me or who has produced ...(type of identification)... as identification, and by, a witness who is personally known to me or who has produced ...(type of identification)... as identification, and ~~by~~, a witness who is personally known to me or who has produced ...(type of identification)... as identification, on, ...(year)... ~~19....~~.

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

~~My Commission Expires:~~

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

747.051 Summary procedure.—

(1) If the wife of any person defined as an absentee in s. 747.01(1), or his next of kin if said absentee has no wife, shall wish to sell or transfer any property of the absentee which has a gross value of less than \$5,000, or shall require the consent of the absentee in any matter regarding the absentee's children or in any other matter in which the gross value of the subject matter is less than \$5,000, she may apply to the circuit court for an order authorizing said sale, transfer, or consent without opening a full conservatorship

proceeding as provided by this chapter. She may make the application without the assistance of an attorney. Said application shall be made by petition on the following form, which form shall be made readily available to the applicant by the clerk of the circuit court:

In the Circuit Court

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

PETITION FOR SUMMARY RELIEF

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

...(Petitioner)...

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

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

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

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

118.10 Civil-law ~~Florida international~~ notary.—

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

(a) “Authentic act” ~~“Authentication instrument”~~ means an instrument executed by a civil-law ~~Florida international~~ notary referencing this section, which includes the particulars and capacities to act of transacting parties, a confirmation of the full text of the instrument, the signatures of the parties or legal equivalent thereof, and the signature and seal of a civil-law ~~Florida international~~ notary as prescribed by the Florida Secretary of State ~~for use in a jurisdiction outside the borders of the United States.~~

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

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

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

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

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

~~(4)(5) The authentic acts, oaths and acknowledgements, and solemnizations authentication instruments of a civil-law Florida international notary shall be recorded in the civil-law Florida international notary's protocol in a manner prescribed by the Secretary of State.~~

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

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

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

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

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

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

(f) Other matters necessary for administering this section.

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

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

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

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

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

(1) WITHIN THIS STATE.—An acknowledgment or proof made within this state may be made before a judge, clerk, or deputy clerk of any court; a United States commissioner or magistrate; or a notary public or civil-law notary of this state, and the certificate of acknowledgment or proof must be under the seal of the court or officer, as the case may be. All affidavits and acknowledgments heretofore made or taken in this manner are hereby validated.

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

(3) WITHIN FOREIGN COUNTRIES.—If the acknowledgment, legalization, authentication, or proof is made in a foreign country, it may be made

before a commissioner of deeds appointed by the Governor of this state to act in such country; before a ~~civil-law notary~~ or notary public of such foreign country or a civil-law notary of this state or of such foreign country who has an official seal; before an ambassador, envoy extraordinary, minister plenipotentiary, minister, commissioner, charge d'affaires, consul general, consul, vice consul, consular agent, or other diplomatic or consular officer of the United States appointed to reside in such country; or before a military or naval officer authorized by the Laws or Articles of War of the United States to perform the duties of notary public, and the certificate of acknowledgment, legalization, authentication, or proof must be under the seal of the officer. A certificate legalizing or authenticating the signature of a person executing an instrument concerning real property and to which a civil-law notary or notary public of that country has affixed her or his official seal is sufficient as an acknowledgment. For the purposes of this section, the term "civil-law notary" means a civil-law notary as defined in chapter 118 or an official of a foreign country who has an official seal and who is authorized to make legal or lawful the execution of any document in that jurisdiction, in which jurisdiction the affixing of her or his official seal is deemed proof of the execution of the document or deed in full compliance with the laws of that jurisdiction.

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

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

Approved by the Governor May 27, 1998.

Filed in Office Secretary of State May 27, 1998.