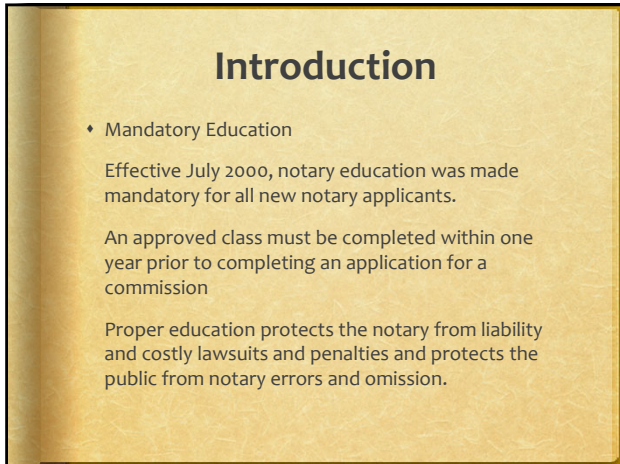
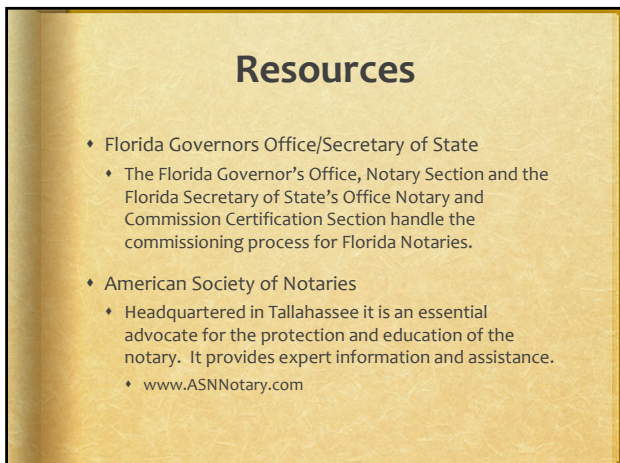


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3

Contact Information

- ♦ Office of the Governor
 Notary Section
 209, The Capitol
 Tallahassee, FL 32399-0001
 1-(850) 922-6400
 Web Site: www.flgov.com
 E-mail: fl_gov_notary@eog.myflorida.com

4

Contact Information

- ♦ Office of the Secretary of State
 For Notary Commissions

Department of State, Division of Corporations
 Notary Commissions
 P.O. Box 6327
 Tallahassee, FL 32314
 1-(850) 254-6975
 Web Site: <http://notaries.dos.state.fl.us>
 E-mail: corphelp@dos.state.fl.us

5

Contact Information

- ♦ Office of the Secretary of State

Apostille Certification
 Department of State
 Division of Corporations, Apostille Certification
 P.O. Box 6800
 Tallahassee, FL 32314
 1-(850) 245-6945

6

Contact Information

- ♦ American Society of Notaries (ASN)
P.O. Box 5797
Tallahassee, FL 32314-5707
1-(850) 671-5164
Web site: www.ASNNotary.org
E-mail: info@asnnotary.org

7

The Notary's Role Status as a Public Officer

- ♦ What is a Notary Public?
 - ♦ A notary public is a public officer, one whose authority to perform certain functions or notarial acts is derived from a commission from the Governor of the State of Florida.
 - ♦ A notary's chief responsibility is to act as an impartial witness in the execution of documents, and to certify the facts of such transactions in a notarial certificate.

8

Functions of a Notary Why do we need Notaries?

- ♦ To help prevent fraud
- ♦ To act as an impartial witness in the execution of documents
- ♦ Notarization involves the execution of signed documents, and the law requires the notary to prove the signer's identity, determine the signer's comprehension of the act about to take place and ascertain the signer's willingness to sign. If you are unable to prove the signers identity, you cannot proceed with the notarization
- ♦ If you suspect a signer is being forced or coerced into signing, or doesn't understand what is taking place, you must refuse to perform the requested notarial act.

9

Prohibition Against Conflict of Interest

- ♦ It is essential that you act with total impartiality. You must be an unbiased, disinterested party who stands between the signer and anyone who would defraud that signer.
- ♦ That means, when performing a notarial act, you cannot have any conflict of interest, including being a party to the transaction or gain financially from it.

(A financial benefit would not include the fee for the notarial service).

10

Functions of a Notary

- ♦ The primary duties of a notary are to take acknowledgments, or administer oaths/affirmations, for the execution of documents. Ensuring that:
 - ♦ The signer understands the document's contents and effect
 - ♦ The signer is truly willing to sign the document for its stated purposes, or to swear to its truthfulness
 - ♦ The person appearing for the notarial act is indeed the person named in the document as the signer
 - ♦ The document presented for notarization displays all the physical characteristics that make it eligible for notarization.

11

Ethical Conduct and Professional Responsibility

- ♦ As a public officer, you have the obligation to conduct yourself in a manner that is worthy of the office you hold.
- ♦ The professional conduct you should strive to exhibit as a notary are:
 - ♦ Observe Client Confidentiality
 - ♦ Avoid Discrimination Among Customers
 - ♦ Lawfully Advertise Your Notary Service
 - ♦ Must include: *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 advise.*

12

Ethical Conduct and Professional Responsibility

- ◆ Unauthorized Practice of Law
 - ◆ DO NOT assist a client in drafting a document
 - ◆ DO NOT give an opinion or advice about the contents or the effects of the transaction
 - ◆ DO NOT tell the client how to execute the document, advise the client about the need for a witness, or choose the notarial act for the notarization
 - ◆ DO NOT advertise, state, or imply that you have powers not lawfully given you as a notary
 - ◆ DO NOT charge a lawyer's fee for notary services
 - ◆ DO NOT advertise your notary services in a foreign language without stating in both English and the language of the advertisement that you are not an attorney and have no authority to give legal advise.

13

Ethical Conduct and Professional Responsibility

- ◆ Immigration
 - ◆ States are adding new laws and harsh penalties for notaries who defraud people wishing to become citizens. DO NOT give anyone the idea that you have special abilities and powers as a notary to help people gain legal status in the US.
- ◆ Code of Ethics
 - ◆ Practice proper adherence to notary procedures and laws, treat every notary client with respect and dignity.

14

Appointment and Commission

- ◆ The term of office is four (4) years - §117.01(1)
- ◆ You may only perform your official duties within the geographical boundaries of Florida
- ◆ You must obtain a surety bond in the amount of \$7,500.00 and maintain that bond throughout your appointment. The bond DOES NOT protect the notary, it protects the public
- ◆ For your protection, you should carry errors and omissions insurance.

15

Notary Seal

- ♦ Your official seal must contain the following 4 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
- ♦ Your seal must be in black ink. You may use an impression seal in addition to the rubber stamp, but not in place of it.

16

Notary Fees

- ♦ Florida authorizes notaries to charge up to \$10.00 for each notarial act.
- ♦ A notary may NOT charge a fee for witnessing a vote-by-mail ballot in an election, and must witness such a ballot upon the request of an elector, provided the notarial act is in accordance with the provisions of Chapter 117.05
- ♦ Notaries may charge the amount equal to those provided by law to the clerks of the circuit court for like services

17

Government Employees as Notaries Public

- ♦ A municipality is authorized to pay the cost of securing a notary commission for one or more of its employees.
- ♦ Although the municipality pays for the commission, it is the employee who is appointed notary public, not the municipality.
- ♦ The municipality may set regulations regarding the use of the employee-notary's commission during working regular business hours.

18

Government Employees as Notaries Public Cont'd

- The notary seal, commission, journal etc. are the property of the notary public even if the municipality paid for such items. Even upon termination these belong to the notary public.
- The employee-notary and the municipality are liable for all notarial acts performed by the employee-notary within the scope of his or her employment (FS § 117.05(6)).
- When the employee-notary terminates employment with the municipality the municipality does not have the authority to request, or require the resignation of the employee-notary from the office of notary public.

19

Avoid Liability

- ♦ KNOW THE LAW
- ♦ Insist on the Signers Presence and Identification
 - ♦ Never perform a notarization without the signer being in your presence, face-to-face.
 - ♦ Most notaries who find themselves in trouble with the Governor's Office or State Attorney have proceeded with a notarization without the document signer's presence.

20

Avoid Liability

- ♦ Use Reasonable Care
 - ♦ Be cautious and prudent and obey the law
- ♦ Make No Exceptions
 - ♦ Avoid the "could you just for me"
 - ♦ Your commission, reputation, and your freedom could be jeopardized.
 - ♦ Post a set of notarization rules that clearly state
 - ♦ Personal Appearance
 - ♦ Required Identification
 - ♦ Fees
- ♦ Carry Errors & Omissions Insurance

21

Avoid Liability

- ♦ Keep Good Records
 - ♦ Keep a notary journal
 - ♦ Be certain you have the signer sign your book
 - ♦ Request a thumb print
 - ♦ Write down the drivers license number
- ♦ By doing this it will help prove you followed the proper procedures in case you are requested to testify.

22

Duties of a Notary Public

- ♦ Notaries are authorized by law to perform six basic duties
 - ♦ Administer oaths or affirmations
 - ♦ Take acknowledgements
 - ♦ Attest to photocopies of certain documents
 - ♦ Solemnize marriage
 - ♦ Verify vehicle identification numbers (VINs)
 - ♦ Certify the contents of a safe-deposit box

23

Understanding Oaths and Acknowledgements

- ♦ When you notarize a signature, you must perform one of two official notarial acts: take an acknowledgement from or administer an oath (or affirmation) to the document signer.
- ♦ These two acts have different purposes. The lack of understanding of these basic duties causes confusion and often leads to errors in notarizations.

24

Acknowledgements

- ♦ To take an acknowledgement, the document signer must personally appear before you, the notary public, and declare that he or she has signed the document voluntarily.
- ♦ You should ensure that the signer understands the document and has not been coerced into signing.
- ♦ If there is ANY question about the signers willingness to execute the document or his or her understanding of the contents of the document, you should refuse to notarize and advise the person to seek legal advise.

25

Oaths or Affirmations

- ♦ An oath or affirmation is administered to a document signer when the signer is required to make a sworn statement about certain facts.
- ♦ The signer personally appears before you to swear (or affirm) to you, an office duly appointed to administer oaths, that the information contained in the document is true.
- ♦ A person who makes a false oath is subject to criminal charges for perjury.

26

Oaths or Affirmations (cont'd)

- ♦ Begin with the administration of an oath or affirmation. The court has held that there should be a verbal exchange between the notary and the document signer.
- ♦ Simply ask: "Do you swear (or affirm) that the information contained in this document is true?"
- ♦ After receiving an affirmative answer, you must complete a proper notarial certificate indicating that an oath or affirmation was taken.

27

Oaths or Affirmations (cont'd)

- If the document you are asked to notarize contains a prepared notarial certificate, look for the key words “acknowledged” or “sworn to” to tell you which notarial act is required.
- If there is no certificate the signer must direct you whether he or she wants to make an acknowledgment or take an oath.
- Unless you are an attorney, you are not authorized to advise a person which notarial act is appropriate and you may not advise regarding the contents of the document.

28

Attesting to Photocopies

- In Florida, notaries are authorized to attest to the trueness of photocopies of certain documents.
- A notary may make attested photocopies if the following criteria found in section 117.05(12) of the Florida Statutes is met
 - The document must be an original document. A notary cannot make an attested photocopy from a photocopy, or another certified copy.
 - The document cannot be a public record, certified copies of which are available from another public official. If a certified copy can be obtained from the official source, then the notary public should decline the request.
 - The making of the photocopy must be supervised by the notary. It is not sufficient for the notary to compare the photocopy to the original document.

29

Attesting to Photocopies (cont'd)

- The following are examples of documents that are considered public records, copies of which cannot be attested to by a notary
 - Birth Certificate
 - Marriage Certificate
 - Death Certificate
 - Certificate of citizenship or naturalization
 - Documents filed in a court proceeding
 - Documents recorded by the Clerk of Court
 - Public records maintained in a government office
 - Student records (i.e. transcripts) maintained in public education offices
 - Federal or state income tax forms, already filed
 - Professional licenses issued by the State of Florida
 - Any document for which photocopying is prohibited
- This is not a complete list of records. If there is a question contact the agency

30

Attesting to Photocopies (cont'd)

- ♦ The following is a list of documents that may be photocopied from the original and attested to:
 - ♦ Florida driver's license
 - ♦ Florida vehicle title
 - ♦ Social Security Card
 - ♦ Diploma
 - ♦ Medical record
 - ♦ U.S. Passport
 - ♦ Bill of sale
 - ♦ Contract
 - ♦ Lease
 - ♦ Resident alien card
 - ♦ Personal letter

31

Acceptable Identification

- ♦ A notary public may not notarize a signature on a document unless he or she personally knows, or has satisfactory evidence, 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 acknowledgement or jurat what type of identification, either based on personal knowledge or other form of identification, upon which the notary public is relying on.

32

Personally Known

- ♦ "Personally Known" means having an acquaintance, derived from association with the individual, which establishes the individual's identity with at least a reasonable certainty.

33

Satisfactory Evidence

- “Satisfactory Evidence” means the absence of any information, evidence, or other circumstance which would lead a reasonable person to believe that the person making the acknowledgment is not the person he or she claims to be, and any one of the following:
 - (1) Sworn Written Statement of a Credible Witness. The sworn written statement of a credible witness personally known to the notary public that the person whose signature is to be notarized is personally known to the witness.

34

Satisfactory Evidence (cont'd)

- (2) Sworn Written Statement of Two Credible Witnesses. The sworn written statement of two credible witnesses whose identities are proven to the notary public upon the presentation of satisfactory evidence that each of the following is true:
 - (a) the person whose signature is to be notarized is the person named in the document
 - (b) 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 form of identification
 - (d) the person whose signature is to be notarized does not possess any of the identification documents specified in subparagraph 3
 - (e) the witnesses do not have a financial interest in nor are parties to the underlying transaction.

35

Satisfactory Evidence (cont'd)

- (3) Forms of identification:
 - A Florida drivers license or identification card
 - A passport issued in the United States
 - A passport issued by a foreign country only if it has the US Naturalization Service Stamp
 - A drivers license issued by a public agency authorized in another state or territory of the US.
 - A US military identification card
 - An inmate identification card issued by the Dept. of Justice Bureau of Prisons
 - 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.
 - An identification card issued by the US Immigration and Naturalization Service.

36

Notarizing Step-by-Step

- ♦ Examine the document
- ♦ Check the Notarial Certificate
 - ♦ Look at the venue: State of Florida, County of _____
 - ♦ Check the date
 - ♦ Look for key words: “sworn” or “acknowledge” to determine if you are to administer an oath or take an acknowledgement. If there is not certificate the signer must tell you which act the document requires.
 - ♦ Identify the person
 - ♦ Assure the signer understands the document
 - ♦ Administer the oath or take the Acknowledgment
 - ♦ Complete the Jurat or Certificate

37

Notarial Certificate

- ♦ The certificate is the record of what occurred at the time of the notarization, and you are responsible for ensuring that the certificate is complete and accurate.
- ♦ You can find certificates in Florida Statutes, section 117.05(13)
- ♦ Notarial certificates or an oath (or affirmation) or an acknowledge contain nine basic elements:
 - ♦ Venue (the location of the notarization)
 - ♦ Type of notarial act (oath, affirmation, acknowledgement)
 - ♦ That the signer personally appeared before the notary (“before me” statement)
 - ♦ Actual date of notarization
 - ♦ Name of person whose signature is being notarized
 - ♦ Form of identification
 - ♦ Signature of notary
 - ♦ Name of notary printed/typed/stamped below the signature
 - ♦ Notary seal

38

Keeping records of your notarial acts: The Notary Journal

- ♦ Notaries are not authorized to keep copies of the documents they notarize. The best way to protect yourself is to document your notarial acts in a journal.
- ♦ Florida law does not require the use of a journal; however you may be interested to know that the Governor’s Task Force on Notaries Public has recommended the mandatory use of journals.

39

Keeping records of your notarial acts: The Notary Journal

- It is recommended that your journal be bound (not loose leaf or spiral) and have consecutively numbered pages, so that a page cannot be removed without being detected. Include the following information in your journal entry
 - Date of notarial act
 - Type of notarial act: oath, acknowledgement, attested photocopy, marriage
 - Name or brief description of the document
 - The party's printed name, exactly as he or she signed the document
 - The Party's address
 - The party's signature
 - The type of identification used including the serial number, expiration date, date of birth, etc.
 - Fee charged
 - Any additional comments or notes you consider important: blind, disabled, you read the document to the person etc.

40

May I refuse to provide notary services

- Yes, under certain conditions. Florida law actually requires notaries to refuse in some situations. In other situations, notaries either should or may refuse to notarize.
- The most common situations with statutory prohibitions occur when:
 - The signer is not present
 - The document is incomplete
 - The notary is the signer
 - The signer is the notary's spouse, parent or child
 - The signer has been adjudicated mentally incapacitated and has not been restored to capacity as a matter of record.

41

May I refuse to provide notary services

- The notary does not personally know the signer and the signer cannot produce acceptable identification
- The notary is party to the underlying transaction or has a financial interest in it
- The signer does not speak English and there is no one available to translate the document into a language they understand.

42

May I refuse to provide notary services

- ♦ There are other precautionary reasons for which a notary should refuse to notarize even though a specific prohibition may not appear in FS Chapter 117
 - ♦ The document does not have a prepared notary certificate, and the signer cannot tell the notary what notarial act is required.
 - ♦ The notary believes the signer is being coerced or does not understand the consequences of signing the document
 - ♦ The signer appears to be drunk, sedated, or disoriented
 - ♦ The notary knows or suspects that the transaction is illegal, false, or deceptive.

43

May I refuse to provide notary services

- ♦ In addition a notary may refuse to perform a notarization in a variety of circumstances, when:
 - ♦ The signer cannot pay the notary fee
 - ♦ It is after hours
 - ♦ It is a holiday
 - ♦ The notary is busy with other work
 - ♦ It would be inconvenient
 - ♦ The notary is not comfortable with the request*****
 - ♦ The signer is a minor
 - ♦ The document is in a foreign language
 - ♦ The notary has to go to another location

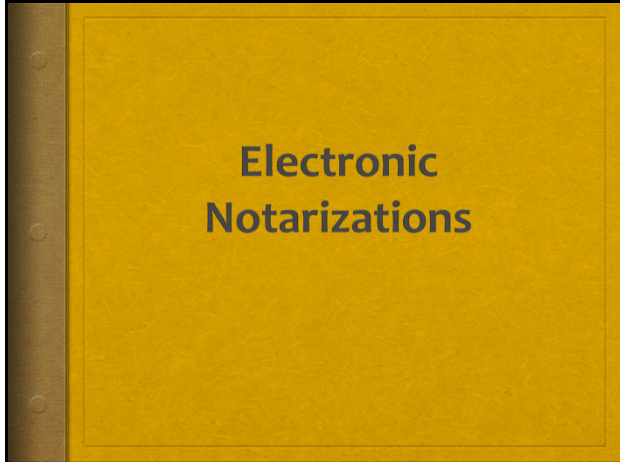
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Establish office policies

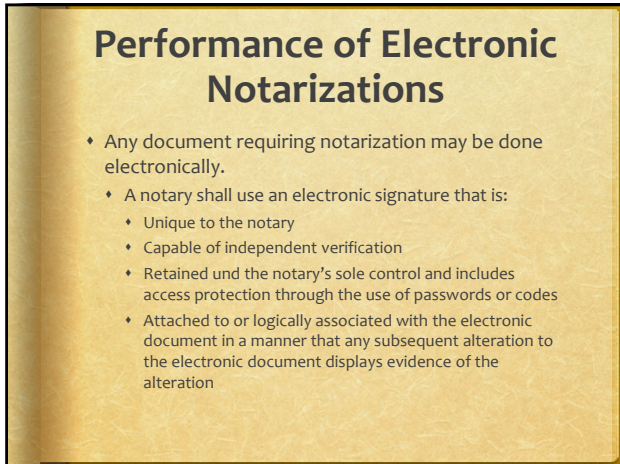
- ♦ Establish a written policy for notarizations.
 - ♦ Do you want to notarize for residents only?
 - ♦ Do you want to notarize for town/city business only?
 - ♦ Do you want to limit to specific types of documents?
 - ♦ Do you want to charge the statutory fees?
- ♦ Once you decide on your policy post it in the office so there are no questions. Be sure to include a disclaimer in your policy:

“The notary has the right to refuse to perform any notarization (Florida Statute Chapter 117)”

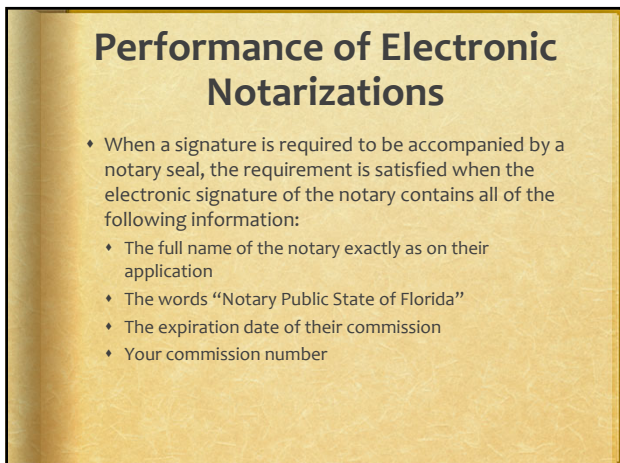
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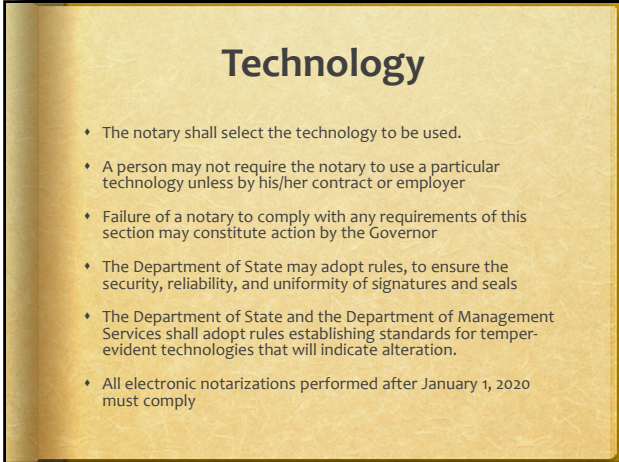
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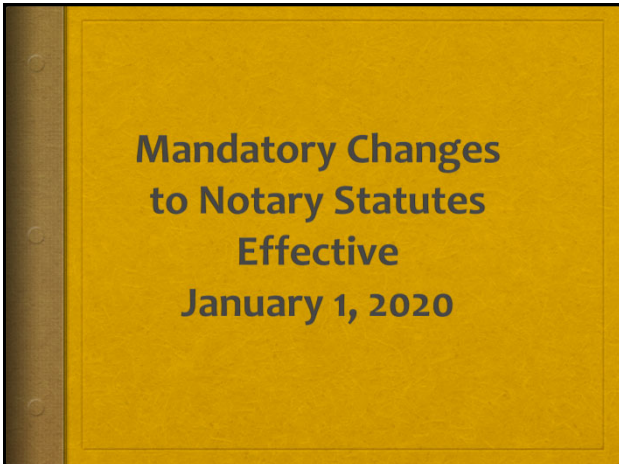
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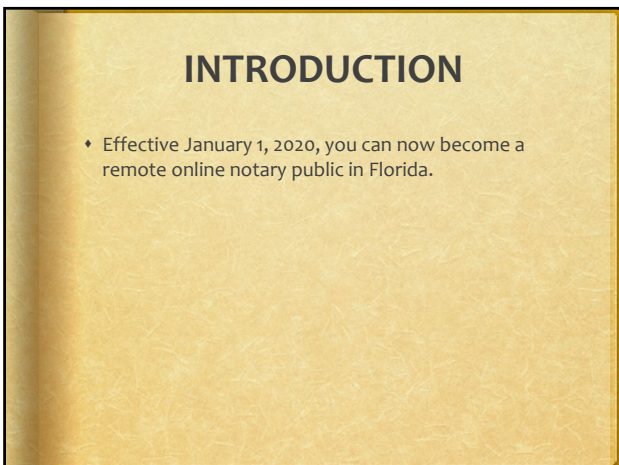
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49



50



51

REQUIREMENTS

- ♦ You must be a current notary
- ♦ Take a 2 hour class in order to qualify.
- ♦ Pay the \$20.00 for the class and \$10.00 for registration with the state.
- ♦ Post a \$25,000 bond, and obtain \$25,000 of errors and omissions insurance coverage.
- ♦ There are multiple technology requirements for notarizing an instrument via remote connection

52

REQUIREMENTS

- Requires an online Notary to keep one or more electronic journals of online notarizations maintained for at least 10 years after the date of the notarial act
- Must include:
 - The date and time of the notarization
 - The type of notarial act
 - The address of each principal involved
 - Evidence of identity of each principal in the form of a statement that the person is personally known or produced government identification
 - An indication that the principal satisfactorily passed the identity proofing
 - An indication that the government-issued credential satisfied the credential analysis
 - The fee, if any, charged for the notarization (NTE \$25.00)
- A full copy of the recording of the audio-video communication relating to an online notarization session that involved the signing of an electronic will must be maintained by a qualified custodian in accordance with FS Chapters 731 and 732.

53

Remote Online Notarization (RON) Service Providers

- Provides that RON service provider is deemed to have satisfied tamper-evident technology requirements by use of technology that renders any subsequent change or modification to the electronic record evident.
- Provides that in addition to any coverage it elects to provide for individual online Notaries, a RON service provider must maintain errors and omissions insurance coverage in the amount of \$25,000 in the annual aggregate with respect to potential errors or omissions in or relating to the technology processes provided by the RON service provider
- Clarifies that an online Notary is not responsible for the security of the systems used by the principal or others to access the online notarization session.

54

Security of Remote Online Notarizations

- Requires an online Notary to take reasonable steps to:
 - Ensure the integrity, security, and authenticity of online notarizations
 - Maintain a backup record of the electronic journal
 - Protect the electronic journal, the backup record and any other records received by the online Notary from unauthorized access or use
 - Take reasonable steps to ensure that any registered device used to create an electronic seal is current and has not been revoked or terminated by the issuing or registering authority of the device.
 - Keep the electronic journal and seal secure and under his or her sole control, which includes access protection using passwords or codes

55

Security of Remote Online Notarizations

- Prohibits an online Notary from allowing another person to use the online Notary's electronic journal, signature, or seal, other than the RON service provider or other authorized person providing services to an online Notary to facilitate performance of online notarizations.
- Requires an online Notary to attach or logically associate the electronic signature and seal to the electronic notarial certificate in a manner that is capable of independent verification using tamper-evident technology
- Requires online Notary to notify an appropriate law enforcement agency and the Department of State of any unauthorized use of or compromise to the security of the electronic journal, official electronic signature, or electronic seal within 7 days after discovery
- Requires the online Notary or RON service provider to take reasonable steps to ensure that the audio-visual communication technology used is secure from unauthorized interception.

56

REQUIREMENTS

- Requires the online Notary to retain an uninterrupted and unedited copy of the recording of the audio-video communication in which an online notarization is performed
- The recording must include the following:
 - Appearance by the principal and any witness before the online Notary
 - Confirmation of the identity of the principal and any witness
 - A general description or identification of the records to be signed
 - At the commencement of the recording, recitation by the online Notary of information sufficient to identify the notarial act
 - A declaration by the principal that his or her signature on the record is knowingly and voluntarily made
 - All of the actions and spoken words of the principal, Notary, and any required witness during the entire online notarization, including the signing of any records before the online Notary.

57

Mandatory New Notary Block

- Florida Statutes Section 117.05 requires revisions to the form of the notary block to be contained on instruments and affidavits, and this change in the form is MANDATORY (on all forms, not just forms that are electronically notarized).
- The relevant portion of the statutory acknowledgment of a principal in their individual capacity shall read as follows (area in bold is the new language)
- The foregoing instrument was acknowledged before me, by means of () **physical presence** or () **online notarization**, this _____ day of _____, 20____ by.....

Or

- Sworn to (or affirmed) and subscribed before me by means of () **physical presence** or () **online notarization**, this _____ day of _____, 20____ by.....

58

2020 Statutory Changes

- Florida Statutes 117.05 – House Bill 409
- Effective January 1, 2020, you can now become a remote online notary public in Florida. You must be a current notary and take a 2 hour class in order to qualify.
- You must post a \$25,000 bond, and obtain \$25,000 of errors and omissions insurance coverage.
- There are multiple technology requirements for notarizing an instrument via remote connection.
- There are important **required** changes to your regular notary block.

59

2020 Statutory Changes (cont'd)

- In addition to the creation of the remote notarization requirements, changes to Florida Statutes Sec. 117.05 require revisions to the form of the notary block to be contained on instruments and affidavits, and this change in form is mandatory.
- These changes are mandatory on ALL forms, not just forms that are electronically notarized.

60

2020 Statutory Changes (cont'd)

- ♦ The relevant portion of the statutory acknowledgement of a principal in their individual capacity should read as follows (the bolded section is the new required language)
 - ♦ The foregoing instrument was acknowledged before me, by means of **___** physical presence or **___** online notarization, this **___** day of **_____**, 20**___**.
- ♦ Failure to include this language may result in the document being rejected for the purposes of recording.

61

2020 Statutory Changes (cont'd)

- ♦ If the document is **signed** prior to January 1, 2020 the old form is acceptable even if recorded after January 1, 2020.
- ♦ Please get with your departments and be sure that they have changed their notary block to reflect the new requirements.

62

Chapter 1N-7 in the Florida Administrative Code

63

Definitions

- Defines "registrant," "attached to or logically associated with," "department," electronic document," "'electronic notarization' and 'electronic notarial act,'" 'electronic notary system,'" "electronic signature," "unique to the notary public," "retained under the online notary public's sole control," and "tamper-evident."

64

Online Notary Registration

- Provides an application form for applying to register as an online Notary (link to the application form is provided and the application form is incorporated into the rule by reference).
- Establishes a \$10 registration fee for registering to become an online Notary.
- Requires an applicant for registration as an online Notary to submit the application, fee and all required information for the application by U.S. mail, in-person delivery, or courier service, and provides the addresses for use in each of these options.

65

Online Notary Registration

- Clarifies that a registration as online Notary is effective upon filing with the Department of State and expires on the date of expiration, termination, or resignation of the registrant's Notary Public commission, appointment as a civil law Notary, or appointment as a commissioner of deeds.
- Clarifies that all qualifications and registration requirements applicable for an applicant's registration as an online Notary apply to a renewal registration.

66

Performing Remote Online Notarizations

- Requires an online Notary's electronic journal, electronic signature, and electronic seal to be retained under the online Notary's sole control.
- Prohibits an online Notary from allowing another person to use the online Notary's electronic journal, electronic signature, or electronic seal
- Requires an online Notary to attach the online Notary's electronic signature and seal to the electronic notarial certificate of an electronic document in a manner that is capable of independent verification and that renders any subsequent change or modification to the electronic document evident.

67

Performing Remote Online Notarizations

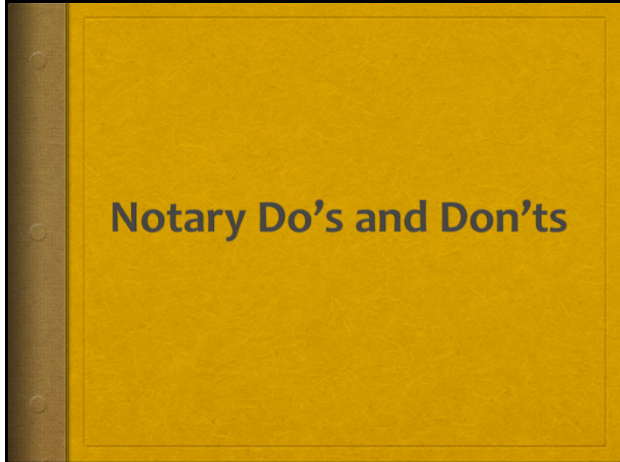
- Requires online Notaries to use remote online notary service providers to facilitate their performance of online notarization.
- Requires remote online service providers utilized by the online Notaries to comply with the standards and requirements pursuant to Section 117.295, F.S., and utilize tamper-evident technologies.

68

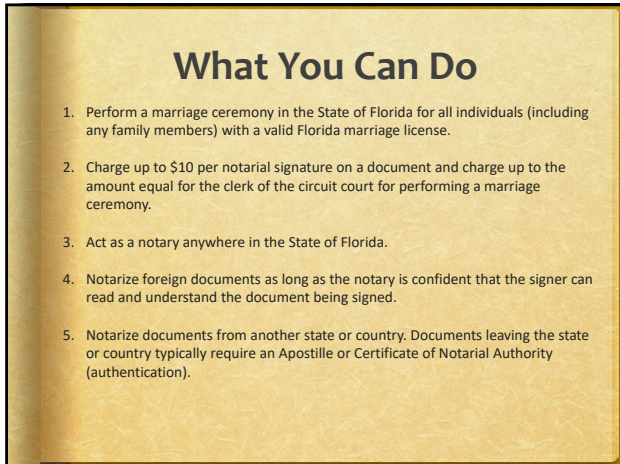
Analysis:

- The Florida Department of State has published administrative rules that cover registering for and performing remote online notarizations (RON).
- The rules specify the information required in a registration, how a registration is to be submitted to the Department, and the duration and renewal of registrations.
- The rules also require an online Notary to secure the Notary's electronic signature, electronic seal and electronic journal, to attach the online Notary's electronic signature and seal to an electronic notarial certificate in a manner that allows it to be independently verifiable and tamper-evident, and to only use online notary service providers in performing RONs.

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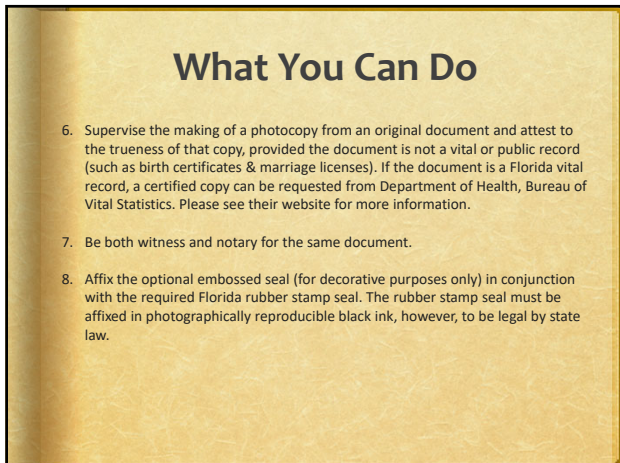


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1. Perform a marriage ceremony in the State of Florida for all individuals (including any family members) with a valid Florida marriage license.
2. Charge up to \$10 per notarial signature on a document and charge up to the amount equal for the clerk of the circuit court for performing a marriage ceremony.
3. Act as a notary anywhere in the State of Florida.
4. Notarize foreign documents as long as the notary is confident that the signer can read and understand the document being signed.
5. Notarize documents from another state or country. Documents leaving the state or country typically require an Apostille or Certificate of Notarial Authority (authentication).



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6. Supervise the making of a photocopy from an original document and attest to the trueness of that copy, provided the document is not a vital or public record (such as birth certificates & marriage licenses). If the document is a Florida vital record, a certified copy can be requested from Department of Health, Bureau of Vital Statistics. Please see their website for more information.
7. Be both witness and notary for the same document.
8. Affix the optional embossed seal (for decorative purposes only) in conjunction with the required Florida rubber stamp seal. The rubber stamp seal must be affixed in photographically reproducible black ink, however, to be legal by state law.

What You Can't Do

1. Notarize a document unless the signer personally appears before the notary public at the time of the notarization.
2. Notarize a document outside the State of Florida
3. Notarize a signature on a document requiring two signatures unless the notary stipulates which signature is being notarized by indicating such in the acknowledgement.
4. Notarize a document that has blank spaces therein.
5. Post date or antedate any acknowledgement on a document.

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What You Can't Do

6. Notarize a document if the signer is the mother, father, son, daughter, or spouse of the notary public.
7. Notarize a document if the notary public has a financial interest in or is a party to the underlying document.
8. Notarize his or her own signature
9. Transfer a Florida notary commission to another state (since notary laws differ from state to state, commissions are not transferable.)

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Glossary of Key Notary Terms

- **Acknowledgment:** a notarial act whereby the signer of a document admits to an officer of the state, such as a notary public, that he signed the document; that he understands the contents of the document; and that he is aware of the consequences of executing the document by signing it. The signer also indicates to the notary that he signed the document of his own free will and was not coerced into signing a document that he did not want to sign. Acknowledgments are taken from signers of documents such as deeds, contracts and powers of attorney. By signing the document the signer agrees to the terms and conditions of the document. The signer does not have to sign the document in the presence of the notary, but the document must display the signer's original wet ink signature.
- **Acknowledgment Certificate:** a written statement usually found on a document just below the signer's signature block that records and certifies the details of the acknowledgment notarial act that just took place. The certificate must contain a description of the site of the notarial act, the name(s) of the person(s) acknowledging their signing of the document, an indication that an acknowledgment notarial act was performed; and a statement that the signer personally appeared before the notary, understood the contents of the document and signed the document willingly. The notary also certifies the date that the acknowledgment was taken, signs the acknowledgment notarial certificate and places her notary seal on the certificate. By signing and sealing the acknowledgment certificate the notary certifies as an officer of the state that the acknowledgment notarial act described indeed took place.

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Glossary of Key Notary Terms

- **Administer:** to discharge the duties of an office; to give (as in the giving of an oath).
- **Affiant:** the person making an affidavit.
- **Affidavit:** a document in which the affiant makes a statement and swears or affirms under penalty of perjury that the information in the statement is the truth. The affidavit will contain a jurat notarial certificate. The affiant must sign the statement in the presence of the notary.
- **Affirmation:** a solemn statement of truth made under penalty of perjury, equivalent by law to an oath, but without religious significance or reference to a Supreme Being.
- **Affix:** to attach or impress the notary seal to a document.
- **Apostille:** a certificate issued by the appropriate office of a state government (for example, the Governor, Lt. Governor, Secretary of State, Treasurer, etc., depending on the state) for purposes of authenticating a notary's signature and official status as a notary on a particular date. An apostille may be required for a notarized document that is bound for a foreign country that participates in the 1961 Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents. Obtaining an apostille is the responsibility of the document custodian, not the notary.

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Glossary of Key Notary Terms

- **Attest:** to bear witness to, to sign a document as a witness, or to affirm as true.
- **Attestation Clause:** the statement a witness signs who is attesting the signature of a document as a witness.
- **Attested Copy:** A copy of an original document that was made by the notary, or that the notary witnessed someone else make. Notaries in some states are allowed to make an attested copy of an original document if it is not a vital record (see below) or recordable document (see below). These states differentiate between an attested copy which may be made by a notary, and a certified copy which may be made only by the public official who has custody of the original record.
- **Attorney-in-Fact:** the person authorized by a power of attorney to act on behalf of another.
- **Authentication:** a process by which the designated office that issues authentication's for a state government (for example, the Governor, Lt. Governor, Secretary of State, Treasurer, etc., depending on the state) certifies the signature and official status of a notary public on a particular date. An "Apostille" or "Certificate of Authority" is attached to the notarized document, depending on the document's destination. (See the definition of Apostille for additional information.) Most commonly, authentications are requested for notarized documents that are bound for a foreign country. Obtaining an apostille or certificate of authority is the responsibility of the document custodian, not the notary.
- **Bill of Sale:** a document that passes title of personal property.

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Glossary of Key Notary Terms

- **Certification Authority (CA):** a trusted party that issues computer-readable tokens, called digital certificates, that prove the identity of people using digital signatures to sign electronic documents. This is done by a certification company obtaining proof of identity similar to what notaries do when performing a notarial act. The CA then creates a digital certificate that is associated with that individual's digital signature.
- **Certified Copy:** a copy of a document or record, signed and certified as a true copy by the public official who has custody of the original record (for example, the local clerk of courts or state department of vital statistics). The term "certified copy" sometimes is used interchangeably with "attested copy" (see above), even though these are two different things.
- **Certify:** to authenticate or attest as being true or as represented.
- **Civil Action:** a lawsuit or legal action between two or more parties.
- **Codicil:** a document that modifies the terms of a will.
- **Coerce, Coercion:** to make someone feel they must do something (such as sign a document) when they do not want to do so.

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Glossary of Key Notary Terms

- **Commission:** the action of each state's appointing authority to appoint someone as a notary public. The certificate issued by the appointing authority in each state to announce that appointment.
- **Conveyance:** a document affecting or changing the title/ownership of real property.
- **Copy Certification:** the process in which the notary takes an affidavit from the document custodian stating that the document to which the affidavit is attached is a true and complete copy of a document that is neither a vital record (see below) or publicly recordable document (see Recordable Document below).
- **Credible Witness (allowed in many, but not all, states):** Where allowed, a credible witness provides a way to positively identify a signer who lacks satisfactory identification documents. The credible witness must be able to truthfully swear an oath/affirmation that: he/she personally knows the signer; the signer has no other form of acceptable identification such identification would be difficult or impossible for the signer to obtain; and the credible witness has no connection to the underlying transaction. If one credible witness is used, he/she must be personally known to both the notary and the signer. If two credible witnesses are used, they must personally know the signer and be able to present the notary with positive identification. (State statutes differ on allowing use of one or two credible witnesses – see State Information.)

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Glossary of Key Notary Terms

- **Custodian of the Document:** the person who has charge or custody of the document. In the case of making an attested photocopy, the "document's custodian" is the person presenting the document, who may or may not be the document signer or a party named in the document.
- **Deed:** a document by which a person conveys (transfers) real property.
 - **Quitclaim Deed:** a deed intended to pass any title, interest, or claim which the grantor may have in the real property, but not professing that such title is valid or containing any warranty for title.
 - **Warranty Deed:** a deed in which the grantor warrants or guarantees good clear title to the real property.
- **Deponent:** the person giving sworn testimony in a deposition.
- **Deposition:** the testimony of a witness, under oath or affirmation, taken outside of court in which lawyers ask oral questions of the deponent. The testimony is usually reduced to writing and duly authenticated and is intended to be used in a trial of a civil action or a criminal prosecution.
- **Digital Signature:** a specific type of electronic signature used to denote encryption technology. It is a process that provides for a secure signature on an electronic document, one that can prove the signature belongs to the person who signed it, and that can be associated with the document in such a way that any modifications to the document invalidate the signature.

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Glossary of Key Notary Terms

- **Document Custodian:** the person who has charge or custody of the document. In the case of making an attested copy, the document custodian is the person presenting the document, who may or may not be the document signer or a party named in the document.
- **Electronic Notarization:** the process of performing a notarial act according to the applicable states laws on an electronic document, rather than a paper document.
- **Electronic Signature:** any electronic character, symbol, letter, sound, or process that has been attached to or logically associated with an electronic record, and executed or adopted by a person with the intent that it shall be his signature.
- **Escrow:** putting documents, property, or funds in the hands of an independent third party.
- **Execute a Document:** to perform all formalities necessary to make a document fully effective. This is often a matter of just signing, but may also require a notarial act, delivery, or other element.
- **Executor:** a person in charge of carrying out the provisions of a will.
- **Free Act and Deed:** sometimes found in acknowledgment notarial certificates (see Acknowledgment Certificate above) to indicate that the signer was not coerced (see Coerce, Coercion above) into signing the document.

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Glossary of Key Notary Terms

- **Grantee:** a person (usually the buyer) who receives the deed of real property from the grantor.
- **Grantor:** a person (usually the seller) who transfers a deed of real property to the grantee.
- **Guardian:** a person in charge of a minor and/or their property.
- **Identification Document:** in the event a notary does not personally know (see Personally Known below) the signer, the notary may accept an identification document that is deemed acceptable by the state notary law.
- **Instrument:** this may be a written document, or an electronic document. As used in notarial law and practice, an instrument is a document that requires a signature and a notarial act to be fully executed.
- **Jurat:** the written notarial certificate found on an affidavit, application or other document, indicating that the signer swore or affirmed to the notary under penalty of perjury that the information in the document is the truth. It also certifies that the signer signed the document in the presence of the notary on the date indicated in the jurat.

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Glossary of Key Notary Terms

- **Lien:** a legal right or security attached to real estate or personal property until the payment of some debt, obligation, or duty.
- **Malfesance:** the doing of an act which a person should not do at all.
- **Misfeasance:** the improper doing of an act which a person might do lawfully.
- **Mortgage on Real Property:** a document creating a lien on a property.
- **Negligence:** the failure to use such care as a reasonably prudent and careful person would use under similar circumstances.
- **Notarial Act:** an official act that a notary public is authorized to perform by statute.
- **Notarial Certificate:** a written statement signed and sealed by the notary public certifying the facts of the notarial act performed immediately prior to filling out the notarial certificate.
- **Oath:** any form of attestation or pledge by which a person signifies that he/she is bound in conscience and out of a sense of responsibility to a Supreme Being to the truthfulness of some statement. Willingly swearing to untrue statements constitutes perjury.

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Glossary of Key Notary Terms

- **Original Document:** for purposes of performing a notarial act (over a paper document), an original document is one that contains the signer's wet-ink signature (see Original Signature) or that will be signed by the signer in the presence of the notary. An original electronic document is that to which the signer has affixed his/her electronic signature.
- **Original Signature:** a signature subscribed (signed) directly onto the (paper) document in ink (wet-ink) by the person who is named on the document. In contrast, a faxed document that already displays a signature does not display an original signature, since the signature on the faxed document is a facsimile. An original electronic signature is an electronic sound, symbol or process that is affixed to an electronic document by the signer, with the intent of executing the document.
- **Perjury:** making a false statement under oath or affirmation. Perjury is a crime punishable by a fine and/or prison term.
- **Personally Known:** refers to knowing a person for a period of time and under circumstances which leave you no doubt as to that person's true identity.
- **Power of Attorney (POA):** a document authorizing a person to act as another's agent or representative. (see Attorney-in-Fact above and Principal below)

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Glossary of Key Notary Terms

- **Principal:** the person who signs the power of attorney to allow the attorney-in-fact to have certain powers to act on behalf of the principal.
- **Proof:** a declaration made by a subscribing witness usually stating that he/she witnessed the signature of the signer of the document.
- **Protest:** a formal declaration made by a notary declaring a default in payment on a promissory note.
- **Reasonable Care:** the degree of care which a person of ordinary prudence and intelligence would exercise in the same circumstances. Failure to exercise such care is negligence.
- **Recordable Document:** a document that the recording authority (clerk of the county court, for example) is authorized to record, usually by state statute. Certified copies of a recordable document may not be made by a notary public. A certified copy of a recordable document must be obtained from the recording authority.

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Glossary of Key Notary Terms

- **Representative Capacity:** having the authority to act for and on behalf of a person, corporation, partnership, trust, or other entity as:
 - An authorized officer, agent, or partner;
 - A public officer, personal representative, or guardian;
 - An attorney-in-fact for a principal;
 - An authorized representative or in any other capacity recited in the instrument.
- **S.S. (scilicet):** "to wit, namely" in Latin. Archaic term generally used to indicate the exact location of the performance of a notarial act. "S.S." is usually found near the venue (see below) on a notarial certificate.
- **Statute:** a law established by legislation.
- **Statute of Limitations:** a law that sets a time limit on initiating criminal prosecution or a civil action.
- **Subpoena:** a writ that compels a person to testify in a proceeding.
- **Subscribe:** to place one's signature on a document, either as the signer of the document or as a witness to the signer's signature.

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Glossary of Key Notary Terms

- **Swear:** to take an oath.
- **Testator:** the person making a will.
- **Venue:** the location where the notarial act takes place, usually stated in the following format at the beginning of the notarial certificate:
State of _____
County of _____
- **Vital Record:** an original document held by a state agency (or sometimes also held by the county of record) having to do with the birth, marriage, divorce, or death of an individual. Some states will include adoption documents and codicils made to correct mistakes on an original record as vital records. A certified copy of a vital record must be obtained from the agency that holds the original vital record. A notary may not certify a copy of a vital record.
- **Will:** an instrument by which a person makes a disposition of his or her property to take effect after his or her death.
- **Witness:** to observe the execution of, as that of an instrument, or to sign one's name to an instrument, to authenticate it (attest it).

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Questions?

Thank you and I hope this session provided you with some information you may not have been aware of.
