

Florida Notary Basics

Practical guidance for municipal clerks and staff

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City Clerk | City of Gulf Breeze

Florida Statutes, Chapter 117

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A Quick Note Before We Begin

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I am not an attorney, and this presentation does not provide legal advice.

The information is intended as a practical refresher to assist you in your work.

It does not replace the education course required for a first-time Florida notary applicant.

It does not cover every situation you may encounter.

Always verify current statutory requirements, consult official guidance, and follow your municipality's policies.

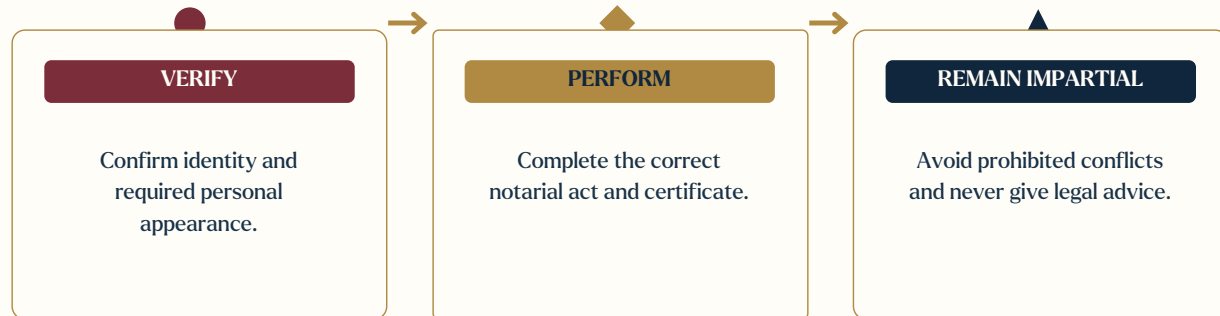
When in doubt, stop and verify before you stamp and sign.

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The Role of a Florida Notary

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A notary serves as an impartial public officer who performs only the acts authorized by Florida law.



A notary may not notarize their own signature.

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Six Basic Duties of a Florida Notary

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Florida law authorizes notaries to perform these six duties

1 Administer oaths or affirmations
Place a person under oath or affirmation and have the person swear or affirm that a statement is truthful.

2 Take acknowledgments
Confirm that the signer personally appeared and acknowledged signing the document voluntarily.

3 Solemnize marriages
Perform a marriage ceremony in Florida when the couple presents a valid Florida marriage license and meets the legal requirements.

4 Attest to photocopies
Make or supervise a photocopy of an eligible original document and certify that the copy is true and accurate.

5 Verify vehicle identification numbers
Physically inspect a motor vehicle and verify its VIN on the appropriate Florida motor vehicle form.

6 Certify safe-deposit box contents
Witness the lawful opening of a safe-deposit box and certify an inventory of its contents.

Before proceeding, identify which notarial act the signer needs. An acknowledgment and an oath are different acts.

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Your Notary Commission Belongs to You

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Florida Statutes § 117.05(3)(b) is very clear: "The notary public official seal and the certificate of notary public commission are the exclusive property of the notary public..."

The seal and commission certificate must remain under the notary's direct and exclusive control and cannot be surrendered to the employer when employment ends, even if the employer pays for them.

Your authority as a notary comes from your commission from the State of Florida, not from your job title.

A Florida Notary Public commission is issued to the individual, not the employer or the employee's position. Even when your city pays for your commission, bond, or seal, the official seal and commission certificate are your exclusive property and must remain under your direct and exclusive control.

Remember: Your employer may ask you to perform notarizations as part of your job, but you are the commissioned Notary Public and are personally responsible for performing each notarial act in accordance with Florida law.

The seal and commission certificate do not become City property when employment ends.

See § 117.05(3)(b), Florida Statutes.

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Before the notarization

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Personal appearance

The signer appears physically or through an authorized online notarization.

Identity

Use personal knowledge or satisfactory evidence allowed by law.

Willingness and awareness

Pause if the signer appears unwilling, confused, or unable to communicate.

Document and act

Review for completeness and identify the notarial act requested.

Certificate

Complete every required element and use the correct date.

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Acceptable Forms of Identification

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Florida law permits three identification methods

1

PERSONAL KNOWLEDGE

An acquaintance developed through association that establishes the signer's identity with reasonable certainty. No identification document is required.

3

CREDIBLE WITNESSES

One witness personally known to the notary, or two witnesses who provide satisfactory identification. Statutory conditions must be met.

2

ACCEPTABLE IDENTIFICATION

The document must be current or issued within the past five years and contain a serial or other identifying number.

Examples

- Florida or other qualifying state ID/driver license
- U.S. passport or qualifying foreign passport
- Military ID or VA Veteran Health ID
- Certain inmate IDs and USCIS identification

Florida law defines "personally knows" as having an acquaintance with the person that establishes the person's identity with at least reasonable certainty. Simply recognizing the person or having met them briefly may not be enough. § 117.05(5), Florida Statutes

The certificate must state: Personally Known OR Produced Identification, including the specific type of ID.

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Acknowledgment and Jurat

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ACKNOWLEDGMENT

The signer acknowledges signing the document voluntarily.

The document may have been signed earlier, but the signer must appear and acknowledge the signature.

"Is this your signature?"

JURAT / OATH

The signer swears or affirms that the statement is true.

The notary administers the oath or affirmation.

The signer subscribes the document as part of the act.

"Do you swear or affirm?"

An acknowledgment cannot substitute for an oath when an oath is required.

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Completing the Notarial Certificate

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The certificate documents what you actually did

- 01 ☒ Venue: State and county where the notarization occurs.
- 02 ☒ Type of notarial act: acknowledgment, oath/affirmation, or other authorized act.
- 03 ☒ Date of notarization and name of the signer.
- 04 ☒ Indicate whether the signer was personally known or produced identification.
- 05 ☒ Notary signature, printed/typed/stamped commissioned name, and official notary seal.



Do not complete a notarization with a blank or incomplete notarial certificate.

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Sample: What to Look for in the Certificate

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STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of
☐ physical presence or ☐ online notarization, this ____ day of _____, 20____,
by _____.

☐ Personally Known ☐ Produced Identification

Type of Identification: _____

Signature of Notary Public

Printed/Stamped Name: _____

[NOTARY SEAL]

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Can I Notarize This?

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The acknowledgment document was signed earlier.

IT DEPENDS

The signer is not present.

NO

A coworker asks you to choose the certificate.

PAUSE

The document has important blank spaces.

PAUSE

Someone asks you to backdate the act.

NO

A relative asks for a notarization.

IT DEPENDS

You are asked to notarize your own signature.

NO

The signer chooses the notarial act. A nonattorney notary should not provide legal advice.

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Can I Refuse to Notarize a Document?

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Can I refuse to notarize certain type of documents such as Wills or Power of Attorney?

You may adopt a personal practice of not notarizing wills or powers of attorney, particularly because you are not comfortable with those documents.

The Florida Department of State states that a notary may refuse when:

- The notary is uncomfortable with the request.
- The notary is unfamiliar with the type of document.
- The notary has concerns about the signer's capacity, willingness, or understanding.
- The circumstances create concerns about coercion, fraud, or illegality.

The Department also recognizes that government agencies and other employers may limit the types of notarizations employees perform during work hours. Florida Department of State guidance

A few recommendations:

- Apply your policy consistently and without discrimination.
- Explain the refusal tactfully.
- Do not say Florida law prohibits notaries from notarizing wills or powers of attorney, because it does not.
- Instead, say that you do not perform notarizations involving estate-planning documents.
- Direct the person to an attorney, bank, shipping store, or another notary without recommending how the document should be completed.
- Consider documenting the City's limitations in a written employee-notary policy.

A good response would be:

"I'm sorry, but I do not perform notarizations involving wills, powers of attorney, or other estate-planning documents. You may wish to contact the attorney who prepared the document or another Florida notary."

This is a sensible policy because these documents have special execution requirements. For example, a Florida power of attorney generally requires the principal's signature, two subscribing witnesses, and the principal's acknowledgment before a notary. §709.2105, Florida Statutes

A self-proved will involves the testator's acknowledgment and sworn affidavits from the witnesses. §732.503, Florida Statutes

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Foreign-Language Documents

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Possibly. The foreign language alone does not automatically prohibit the notarization.

YOU MAY PROCEED IF

- The signer personally appears and is properly identified.
- The signer is willing, capable, and understands the document.
- You can communicate with the signer.
- You know the requested notarial act.
- The document appears complete.
- You can understand and complete the certificate.

DECLINE OR PAUSE IF

- You cannot determine whether the document is complete.
- You cannot understand the notarial certificate.
- You cannot identify the requested act.
- You cannot communicate with the signer.
- The signer may not understand the document.
- You suspect fraud, coercion, or an unlawful purpose.

If the signer does not understand English, the nature and effect of the document must be translated into a language the signer understands before an acknowledgment may be taken.

Not comfortable? You may refuse. Explain the refusal tactfully, apply decisions consistently, and avoid discrimination.

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8. Wearing Two Hats: Notary Public vs. City Clerk

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	NOTARY PUBLIC	CITY CLERK
Authority	Florida notary law	Law, charter, ordinance, or official duties
Function	Performs a specific notarial act	Attests, certifies, authenticates, or maintains City records
Signature / Seal	Notary signature and notary seal	City Clerk title and, when appropriate, City seal
Requirements	Signer must satisfy requirements for the notarial act	Requirements depend on the official document or action
Capacity	Acts as an impartial notary	Acts officially on behalf of the municipality

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Which hat am I wearing?

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NOTARY PUBLIC

- Authority comes from Florida notary law.
- Performs an acknowledgment, oath, affirmation, or another authorized act.
- Uses the notary signature and official notary seal.
- Acts as an impartial public officer.



CITY CLERK

- Authority comes from law, charter, ordinance, or official duties.
- Attests, certifies, or authenticates an official City document.
- Uses the City Clerk title and City seal when appropriate.
- Acts officially on behalf of the municipality.



If both functions are required, treat them as separate acts and make the authority for each clear.

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Attesting Is Not Automatically Notarizing

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The document should make your capacity clear

"Attest" as City Clerk vs. "Acknowledged Before Me".

"Attest: City Clerk" is not automatically the same as "Acknowledged before me by..."



"Attest: City Clerk"

"Attest: City Clerk" means the person acts under their authority as the City Clerk.

A City Clerk may sign, attest, certify, or authenticate official City records without necessarily performing a notarial act.



"Acknowledged before me by..."

When they sign a certificate stating, "acknowledged before me," they act under their separate authority as a Florida Notary Public.

Affixing the City seal to an official municipal document is different from affixing a Notary Public seal to a notarial certificate.

If both functions are required, treat them as separate acts and clearly identify the authority used for each.

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Example 1: Attesting an Ordinance

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CITY CLERK CAPACITY

ATTEST:

Leslie A. Guyer, MMC
City Clerk

CITY
SEAL

What Leslie is doing

Confirming that the ordinance is an official municipal document and attesting the execution or legislative action in her capacity as City Clerk.

This signature is not automatically a notarization.

Authority: applicable law, City Charter, Code, policies, and official duties

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Example 2: Notarizing the Mayor's Acknowledgment

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NOTARY PUBLIC CAPACITY

STATE OF FLORIDA
COUNTY OF SANTA ROSA

The foregoing instrument was acknowledged before me by means of physical presence this ____ day of _____, 2026, by Mayor J.B. Schluter.

Leslie A. Guyer
Notary Public, State of Florida

NOTARY
SEAL

Personally Known ____ OR Produced Identification ____
Type of Identification: _____

What changes?

The Mayor personally appears. Leslie performs a specific notarial act and completes the required certificate.

Use the notary signature and Notary Public seal.

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Example 3: Certifying an Official City Record

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CITY CLERK AND RECORDS CUSTODIAN

CERTIFICATION

I hereby certify that the attached document is a true and correct copy of Ordinance No. ____, as maintained in the official records of the City of Gulf Breeze.

Leslie A. Guyer, MMC
City Clerk

CITY
SEAL

Why the distinction matters

The Clerk certifies the record under her authority as its official custodian. She is not necessarily performing a notarial act.

A notary generally may not certify a copy of a public record when an official certified copy is available from the custodian.

Use the City Clerk title and City seal when authorized.

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Example 4: One Agreement, Two Separate Functions

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Some municipal agreements require both an attestation and a notarial acknowledgment.

1 CITY CLERK

ATTEST:

Leslie A. Guyer, MMC
City Clerk

[City Seal]

2 NOTARY PUBLIC

The foregoing instrument was acknowledged before me by Mayor J.B. Schluter...

Leslie A. Guyer
Notary Public, State of Florida

[Notary Seal]

Complete each act separately. Use the correct title, certificate, authority, and seal for each function.

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Interactive: Which Hat Am I Wearing?

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Am I administering an oath, taking an acknowledgment, or performing another notarial act?

→ **NOTARY HAT**

Am I attesting, certifying, or authenticating an official City document because of my office?

→ **CITY CLERK HAT**

Are both functions required?

→ Keep the acts distinct and make each capacity clear.

Discussion prompt: What signature block, seal, and certificate belong on this document?

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The Notary's Golden Rules

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Personal appearance

Willing and aware signer

Complete document and certificate

Never backdate

No legal advice

Stop and verify when unsure

Official references

Proper identification

Correct notarial act

Accurate date

Impartial service

Never notarize your own signature

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Questions?

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