

October 1999

Greetings Florida Notaries!

This month we'll look at several requirements you have in maintaining and using your notary commission.

1. Report any change of address
2. Maintain residency or resign
3. Stay within your jurisdiction

REPORT ANY CHANGE OF ADDRESS

Often, the Governor's Office will try to contact a Notary only to find that he/she has moved, the forwarding order with the post office has expired, and telephone numbers are no longer valid. As a result, some Notaries are not available to answer simple inquiries from the public about a notarization, or they may lose the opportunity to defend themselves against allegations of misconduct. Additionally, without a current address on file, Notaries cannot receive information from the State about the latest law changes, or mailings from their bonding agencies regarding renewal information. They may also miss announcements from companies or organizations offering educational seminars and printed materials.

The most compelling reason for Notaries to keep their addresses current is that the notary law requires Notaries to notify the State within 60 days of any change in their residence and business addresses, and both telephone numbers. See Section 117.01(2), Florida Statutes. The State also maintains a separate mailing address, and any changes to that address should also be relayed to the State. Failure to make written notification to the State is grounds for suspension from office. In other words, you may lose your notary commission simply because you failed to let us know that you moved or changed jobs. See Section 117.01(4)(g).

Changes in your home address and telephone number (including area code); your employer's name, address, and telephone number; and your mailing address should be directed in writing to the State. You may use e-mail, fax, or regular mail. Please give us your commission name and commission number or date of birth for identification, along with the changes. If you are uncertain that the information in the State records is correct, please send us the requested information, and we will check it out and make any necessary changes.

MAINTAIN RESIDENCY OR RESIGN

To be eligible for appointment as a Florida Notary Public, a person must be a legal resident of the State of Florida, and must maintain that residency throughout the entire term of appointment. What constitutes legal residency for the purpose of obtaining a notary appointment? The Governor's Office will accept proof of state residency by a number of methods. First, and probably most obvious, is that the person actually lives in Florida and intends to live here indefinitely, or at least during the 4-year notary commission. In addition to intent, the most common proofs of residency include a Florida driver's license or non-driver's identification card, a voter registration card, a vehicle registration document, a homestead exemption certificate, or a recorded Declaration of Domicile. The Declaration of Domicile is an affidavit of residency executed by a Florida resident and recorded in the county records by the Clerk of Court. This document is required for all notary applicants who are not citizens of the United States.

If you are moving out of the state, you must resign your notary commission by sending a letter to the Governor stating your intentions. You are required to return your notary commission certificate (the original, not a copy) and destroy your seal or return it to us. Give us an effective date and your forwarding address so that we can send you a letter from the Governor accepting your resignation. By the way, notary commissions are not transferable between states. When

moving to or from another state, you must resign your current notary commission and obtain an appointment in your new state of residency.

To report a change of address, or to resign your notary commission, please write to:

Notary Section
Office of the Governor
LL06 Capitol
Tallahassee, FL 32399-0001
Fax: (850) 410-1294
E-Mail: fl_gov_notary@eog.state.fl.us

Please note that resignation notices must be sent by mail only in order to return the notary commission certificate.

STAY WITHIN YOUR JURISDICTION

Notaries are authorized to perform their official duties anywhere within the geographical boundaries of the State of Florida. See Section 117.01(1), Florida Statutes (1998 Supp.). That means that a Florida Notary cannot notarize while on a business trip to Ohio; a Florida Notary-court reporter cannot swear a person in for a deposition in New York; and a Florida Notary-attorney cannot fly to the Bahamas to transact business, notarize his client's signature, and perform a marriage ceremony while he is there. In all probability, a court would declare these notarial acts void because the Notary had no authority to act outside his/her jurisdiction.

Remember, though, that you have statewide jurisdiction. That is, you may notarize in any county in Florida, not just the county where you live or work. To identify the location of the notarization, make sure that you include the venue language in the notarial certificate: State of Florida, County of (name).

Until next month,

If you would like to receive this electronic newsletter please e-mail me, [NOTARY EDUCATION COORDINATOR](#)