CHAPTER 118
INTERNATIONAL NOTARIES

118.10 Civil-law notary.
118.12 Certification of civil-law notary’s authority; apostilles.

118.10 Civil-law notary.—
(1) As used in this section, the term:
(a) “Authentic act” means an instrument executed by a civil-law notary referencing this
section, which instrument includes the particulars and capacities to act of any transacting
parties, a confirmation of the full text of any necessary instrument, the signatures or their
legal equivalent of any transacting parties, the signature and seal of a civil-law notary, and
such other information prescribed by the Secretary of State.
(b) “Civil-law notary” means a person who is a member in good standing of The Florida
Bar, who has practiced law for at least 5 years, and who is appointed by the Secretary of
State as a civil-law notary.
(c) “Protocol” means a registry maintained by a civil-law notary in which the acts of the
civil-law notary are archived.
(2) The Secretary of State shall have the power to appoint civil-law notaries and
administer this section.
(3) A civil-law notary is authorized to issue authentic acts and thereby may authenticate or
certify any document, transaction, event, condition, or occurrence. The contents of an
authentic act and matters incorporated therein shall be presumed correct. A civil-law notary
may also 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. A civil-law notary may also take acknowledgments 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 notary is not authorized to issue authentic acts for use in a
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 authentic acts, oaths and acknowledgments, and solemnizations of a civil-law
notary shall be recorded in the civil-law notary’s protocol in a manner prescribed by the
Secretary of State.
(5) The Secretary of State may adopt rules prescribing:
(a) The form and content of authentic acts, oaths, acknowledgments, solemnizations, and
signatures and seals or their legal equivalents;
(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;
(c) The charging of reasonable fees to be retained by the Secretary of State for the
purpose of administering this chapter;
(d) Educational requirements and procedures for testing applicants’ knowledge of all
matters relevant to the appointment, authority, duties or legal or ethical responsibilities of a
civil-law notary;
(e) Procedures for the disciplining of civil-law notaries, including, but not limited to, the
suspension and revocation of appointments for failure to comply with the requirements of
this chapter or the rules of the Department of State, or for misrepresentation or fraud
regarding the civil-law notary’s authority, the effect of the civil-law notary’s authentic acts,
or the identities or acts of the parties to a transaction;
(f) Bonding or errors and omissions insurance requirements, or both, for civil-law notaries;
and
(g) Other matters necessary for administering this section.
(6) The Secretary of State shall not regulate, discipline, or attempt to discipline any civil-
law 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 notary any test containing any
question that inquires of the applicant’s knowledge regarding the practice of law in the
United States, unless such test is offered in conjunction with an educational program
approved by The Florida Bar for continuing legal education credit.
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.

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.

History.—s. 7, ch. 97-241; s. 1, ch. 97-278; ss. 10, 20, ch. 98-246; s. 74, ch. 99-251.

118.12 Certification of civil-law notary’s authority; apostilles.—If certification of a civil-law notary’s authority is necessary for a particular document or transaction, it must be obtained from the Secretary of State. Upon the receipt of a written request from a civil-law notary and the fee prescribed by the Secretary of State, the Secretary of State shall issue a certification of the civil-law notary’s authority, in a form prescribed by the Secretary of State, which shall include a statement explaining the legal qualifications and authority of a civil-law notary in this state. The fee prescribed for the issuance of the certification under this section or an apostille under s. 15.16 may not exceed $10 per document.

History.—s. 75, ch. 99-251; s. 35, ch. 2012-116.