

## November 2000

**EXECUTIVE OFFICE OF THE GOVERNOR  
NOTARY SECTION  
Notary E-Mail E-ducation November 2000**

Greetings Florida Notaries!

This month I thought it might be handy to have a list of all prohibited acts for notaries. This is a great quick reference tool if you are ever in doubt about something a customer asks you to.

Prohibited Acts for Notaries

From Chapter 117, Florida Statutes

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 at the time the signature is notarized. §117.107(9).
- The document is incomplete. §117.107(10).
- The notary public actually knows that the person signing the document has been adjudicated mentally incapacitated. §117.107(4).
- The person whose signature is to be notarized is the spouse, son, daughter, mother, or father of the notary public. §17.107(11).
- The notary public has a financial interest in or is a party to the underlying transaction. §17.107(12).

Also, a notary public may not:

- Give legal advice, unless the notary public is a licensed attorney. §117.01(4)(f).
- Take an acknowledgment of execution in lieu of an oath if an oath is required. §117.03.
- Obtain or use a notary commission in a name other than his or her legal name. §117.05(1).
- Notarize his or her own signature. §117.05(1).
- Charge more than \$10 for any one notarial act or more than \$20 for solemnizing the rites of matrimony. §§117.05(2), 117.045, 28.24(29), & 839.11.
- Notarize a signature on a document unless the notary personally knows the signer or has satisfactory evidence of identification. §117.05(5).
- Act as a notary public after his or her commission has expired. §117.05(8).
- Translate the phrase "Notary Public" into a language other than English in an

advertisement for notarial services. §117.05(11).

- Attest to the trueness of a photocopy of a public record if a copy can be made by another public official. §117.05(12)(a).
- Use a name or initial in signing certificates other than that by which the notary public is commissioned. §117.107(1).
- Sign a blank form of affidavit or certificate of acknowledgment. §117.107(3).
- Take the acknowledgment of a person who is blind until the notary public has read the instrument to such person. §117.107(5).
- 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. §117.107(6).
- Change anything in a written instrument after it has been signed by anyone. §117.107(7).

Other prohibited acts:

- Do not notarize a photograph.
- Do not notarize a copy of a birth certificate, or any other vital record or public record.
- Do not certify a translation of a document from one language into another.
- Do not provide signature guarantees. This duty is usually performed by officials in the banking and securities industry.
- Do not certify the authenticity of objects, such as art or sports memorabilia.
- Do not judge contests or certify contest results.
- Do not certify a person's residency or citizenship status.
- Do not prepare legal documents, or immigration papers, unless you are an attorney licensed to practice in Florida.

I hope everyone had a wonderful Thanksgiving!

Happy Holidays!

Thank you for your time!  
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