

June 2001

EXECUTIVE OFFICE OF THE GOVERNOR NOTARY SECTION Notary E-Mail E-ducation June 2001

Greetings Florida Notaries!

Let's take a look this month at two procedures that you may not encounter on a regular basis, verifying a vehicle identification number and certifying the contents of a safe-deposit box.

Verifying a VIN

Florida law requires that, when applying for a Florida title for the first time on a used motor vehicle, the owner must sign a sworn statement that the vehicle identification number (VIN) and the odometer reading on the vehicle are correct.

Additionally, a physical inspection of the vehicle must be done by an authorized person to certify the VIN. Notaries public are included in the list of persons authorized to certify this information. § 319.23(3)(a)(2), Fla. Stat.

A form prepared by the Department of Highway Safety and Motor Vehicles, HSMV 82042 (Rev. 5/95)S, is used for this purpose.

Part A requires the owner's sworn statement regarding the correct VIN and odometer reading. A jurat, or notarial certificate, is provided in this section. The notary should make sure that the information in Part A is complete prior to the notarization.

Part B requires the notary public, or other authorized person, to certify that he or she has physically inspected the vehicle and found the VIN to be identical to the number recorded on the form. The notary public must include the date, sign the document, print his or her name, and affix his or her notary seal.

This VIN verification form is also found on the Application for Certificate of Title With/Without Registration, HSMV 82040 (Rev. 5/96)S. These forms and all other forms related to vehicle registration are available from the tag office of the Tax Collector's Office in each county.

Certifying the Contents of a Safe-Deposit Box

Florida law provides that a financial institution may open a safe-deposit box if the rental fee is past due, providing that proper notice has been made and that certain other conditions are met. A notary public is authorized and required to be present for the opening of the safe-deposit box, to inventory the contents of the vault, and to make an appropriate certificate of the opening. The notary is not required to estimate the value of the contents of the safe-deposit box.

As with other notarial acts, the maximum fee a notary may charge for performing the authorized duties at the opening of a safe-deposit box is \$10.

The law authorizing notaries to perform this function became effective on July 3, 1992, and is found in section 655.94(1), Florida Statutes.

Procedure for the Notary Public

The notary must be present at the time the safe-deposit box is opened and may not be a director, officer, employee, or stockholder of the financial institution. An officer of the institution must also be present with the notary at the opening of the safe-deposit box. When the safe-deposit box is opened, the notary should inventory the contents of the box and should complete a certificate reciting the name of the lessee, the date of the opening, and a list of the contents. Florida law does not provide a form certificate; however, the following form, prepared by the Notary Section, should be sufficient.

State of Florida
County of _____

On the ____ day of _____, 20____, safe-deposit box number _____ rented in the name of _____ was opened by (name of financial officer) in my presence and in the presence of (name of officer). The contents of the box consisted of the following:

(List of contents here)

Notary Signature
Print, type, stamp name of notary (SEAL)

Signature
Print or type name of person opening box

Signature
Print or type name of officer at the financial institution

Once the certificate is completed, copies should be made. The notary should place the original certificate in a package with the contents of the safe-deposit box and seal the package. The notary must then write on the outside of the package the name of the lessee and the date of the opening.

The notary should leave the sealed package and a copy of the certificate with the financial institution.

If the notary keeps a record book or journal of notarial acts, details of the act should be recorded. It may be a good idea to require the person opening the box, the officer of the institution, and any other witness to sign the journal as well.

Thank you for your time!
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