City of Marco Island	ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL	SUBJECT: NOTARY POLICY AND PROCEDURES		
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PURPOSE
To provide consistent policy and procedure for the use of notary services with the City of Marco Island.

DEFINITIONS
FLORIDA STATUTES, CHAPTER 117, SECTION 05: The statutory obligations for the use of a notary commission.

HOUSE BILL 409: The bill which became effective on January 1, 2020 , updating Chapter 117 Florida Statutes (F.S.) to permit online remote notarization and incorporate procedures with the Florida Department of State Florida Administrative Code 1N-7001.

ACKNOWLEDGEMENT: Notary act that verifies the identity of a signer and verifies that he or she has willingly signed a document (illustrated by words "sworn" or "acknowledged").

OATH OR AFFIRMATION: Notary act that verifies the signer swears to or affirms the truthfulness of the contents of a document to a Notary or notarial officer (also known as a "Jurat").

PERSONALLY KNOWN: Having an acquaintance, derived from association with the individual, which establishes the individual's identity with at least a reasonable certainty.

POLICY AND PROCEEDURES
City of Marco Island offers Notary Public Services in accordance with the following guidelines:

- Notary services are provided for items related to City business, only.
- No fee will be charged for notarizing items for City business.
- Documents to be notarized must be signed in person before the Notary.
- Online notarization service is not provided.
- Notary services can be refused if the document is in a language other than English.
- Notary services are not available to certify or notarize that a record is an original or a true copy of another record unless it relates to the City (and is not a vital record).
- Documents which are not properly notarized or have used the incorrect Notary block may be deemed invalid or may be used as evidence of possible fraud, forgery, impersonation, duress, or incapacity .
- Notaries are not authorized to advise a person which notarial act is appropriate.

NOTARY BLOCKS

All notary blocks in documents will reflect Chapter 117.05 F.S. requirements. If staff is notarizing a signature that is ready for execution and the notary block is not included on the document as defined by Chapter 117.05 F.S., staff shall not accept the document for notarization.

A notarial certificate for an oath, affirmation, or an acknowledgment, includes the following information (Chapter 117.05 F.S.):

- The venue stating the location of the notary public at the time of the notarization in the format, "State of Florida, County of _____".
- The type of notarial act performed, an oath or an acknowledgement, evidence by the words "sworn" or "acknowledged".
- Whether the signer personally appeared before the notary public at the time of the notarization by physical presence or by means of audio-video communication technology as authorized under Part II, Chapter 117, F.S.
- The exact date of the notarial act.
- The name of the person whose signature is being notarized.
- The specific type of identification the notary public is relying upon in identifying the signer, either based on personal knowledge or satisfactory evidence specified in Chapter 117.05(5)(b) F.S.
- The notary public's signature
- The notary public's name, typed, printed, or stamped below the signature.
- The notary public's official seal is affixed below or to either side of the notary public's signature.

Notary Block Example (includes requirements listed above):

Pursuant to Chapter 117.05(13)(a), Florida Statutes, the following notarial certificate is sufficient for an oath or affirmation:

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of [_] physical presence or [_] online notarization, this (numeric date) this (numeric date) day of (month), (year), by (name of person making statement)..

                         (Signature of Notary Public-State of Florida)
(NOTARY SEAL)   (Name of Notary Typed, Printed, or Stamped)

Personally Known _____ OR Produced Identification _____
Type of Identification Produced_____

NOTARY SERVICES

ACKNOWLEDGEMENT - When conducting an acknowledgment, in addition to positively identifying the signer according to methods identified in Chapter 117.05 (5) (b)F.S., the notary shall have the signer declare they are voluntarily signing the document for its intended purpose.

OATH OR AFFIRMATION - In addition to positively identifying the signer according to methods identified in Chapter 117.05(5) (b) F.S., the following steps will be administered when performing Oath or Affirmation:

1. The signer must sign the document in the notary's presence. The notary may not perform an Oath or Affirmation for a signature that was made prior to the signer appearing before the official.

2. An Oath or Affirmation cannot be executed by someone offering to take the Oath in someone else's name; the original singer must swear or affirm the oath in person before the notary.

3. The notary shall administer a spoken Oath stating: "Do you swear that the information in this document is true?" after which the signer must verbally respond. Silent answers such as a nod of the head are not acceptable.

REFUSAL OF NOTARY SERVICES
The notary has the right to refuse to perform any notarization, Chapter 117.05 F.S.

Situations in which a notary must refuse to perform services are provided in Chapter 117.05 and 117.107, F.S. .

RECORD OF NOTARY ACTS
According to Chapter 117.245, F.S., only online notarizations services are legally required to keep a notary journal.

It is the City's policy that staff shall be responsible for keeping a written record of each notary act they performed in their journal, regardless of the method of notarization.   The notary journal serves as a protective measure and permanent record for the Notary official . Journal entries shall include (at minimum) the following information:
- Date, Time, and Fee
- Type of Service performed
- Name, address of requestor
- Identification method used
- Signature of requestor
- Thumbprint of requestor (recommended, but optional)