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IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO THE FLORIDA FAMILY LAW RULES OF PROCEDURE – FORM 12.901(a) No. SC17-1226

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COMMENT BY FLORIDA NOTARY ACADEMY

This Comment is offered by Robert T. Koehler, d/b/a Florida Notary Academy, one of the notary public education providers approved by the Executive Office of the Governor opposing the proposed amendments.

Florida Notary Academy (hereafter "FNA") opposes the elimination of the notarization requirements in this or any other family law form. While notarization does serve the purpose of ensuring that documents are sworn to, which would also be accomplished by verification pursuant to section 92.525(1)(c) and (2), Florida Statutes, another purpose of notarization is to ensure that the signature of a party was affixed by the actual party named in the document. Without a notary public verifying identification, based on personal knowledge or satisfactory evidence as provided by statute, it would be very easy for parties to forge their spouse's signature on a family law form.

In addition, when a notary swears in a party, it brings the party's attention to the fact that their statement places on them the obligations of an oath. Many parties fill out these forms in haste and their attention might not be drawn to the verification.

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The FNA encourages the committee to keep in mind that parties who wish to e-file their documents can also have their documents notarized electronically as provided by section 117.021, Florida Statutes. Electronic notarization still requires the party to personally appear before the notary and present valid identification, which keeps current safeguards against forgery in place, while allowing an entirely electronically-executed document to be e-filed very easily. Alternatively, they could scan the document and e-file the scanned copy.

In conclusion, the Florida Notary Academy respectfully recommends rejection of the proposed amendments.

Respectfully submitted, October 11, 2017.

/s/ Robert T. Koehler
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