



Florida Workers Compensation Joint Underwriting Association, Inc.

P.O. Box 48957, Sarasota, FL 34230-5957

• Tel (941) 378-7400 • Fax (941) 378-7405 • www.fwcjua.com

FWCJUA AUTHORIZED AGENCIES & DESIGNATED PRODUCERS BULLETIN 18 - 3

TO: FWCJUA Authorized Agencies and Designated Producers

FROM: Michael Cleary, Operations Manager

DATE: October 2, 2018

RE: **APPLICATIONS FOR COVERAGE – PRODUCER & NOTARY SIGNATURES**

This bulletin serves to advise authorized Agencies and their Designated Producers of acceptable practices related to the proper execution and notarization of FWCJUA Applications for Coverage.

The workers compensation and employers liability insurance application approved for use in Florida by OIR, ACORD 130 FL, requires the producer's signature be notarized. This notarization of the producer's signature is required by section 440.381(2), Florida Statutes, which provides that "the application must contain a sworn statement by the agent attesting that the agent explained to the employer or officer the classification codes that are used for premium calculations." Given such, the FWCJUA does not permit a signature from a Designated Producer's attorney-in-fact, or from another Designated Producer from the Agency, on an Application for Coverage.

Pursuant to section 117.107(12), Florida Statutes, Designated Producers are not permitted to notarize any FWCJUA Application for Coverage or forms. This same Statute provides that "a notary public may not notarize a signature on a document if the notary public has a financial interest in or is a party to the underlying transaction; however, a notary public who is an employee may notarize a signature for his or her employer, and this employment does not constitute a financial interest in the transaction nor make the notary a party to the transaction under this subsection as long as he or she does not receive a benefit other than his or her salary and the fee for services as a notary public authorized by law." With this in mind, the FWCJUA does permit salaried employees of the authorized Agencies that do not act as a Designated Producer on an Application for Coverage to notarize FWCJUA Applications for Coverage and forms provided those salaried employees do not receive a benefit other than his or her salary and the fee for services as a notary public authorized by law.

Additionally, Section 117.107(11), Florida Statutes, states "a notary public may not notarize a signature on a document if the person whose signature is to be notarized is the spouse, son, daughter, mother or father of the notary public". Should your Agency's notary be related to the Designated Producer(s) as stated in Statute, they are not permitted to notarize the Designated Producer(s)' signatures on the FWCJUA Applications for Coverage and forms.

It is important for authorized Agencies and their Designated Producers to familiarize themselves with the licensing obligations and responsibilities of their Agency notaries. Notary misconduct within the Agency can impact the authorization of the Agency and its Designated Producer(s). First time violations of the Agency Producer Agreement related to notary misconduct within the Agency may result in the initial suspension of the Agency and its Designated Producer(s) for a 90-day period, as well as a performance audit to ascertain whether the Agency and its designated Producer(s) are in compliance with other FWCJUA guidelines and/or procedures. A second such violation may result in the immediate revocation of all privileges of the authorized Agency and its Designated Producer(s) to submit applications to or service policies written by the FWCJUA for a period of two

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years. Further, the FWCJUA will also report all infractions of the notary, agency and producer to the appropriate licensing authorities.

Should you have any questions concerning the above, please do not hesitate to contact our office at (941) 378-7400 or send an email to the FWCJUA at underwriting@fwcjua.com.

c: Travelers