

GENERAL INFORMATION

Registration under the Fictitious Name Act is for public notice only and gives rise to no presumption of the registrant's rights to own or use the name registered nor does it affect trademark, service mark, or corporate name rights previously acquired by others in the same or similar name.

The Division of Corporations will not deny a registration for a duplicate name. Every fictitious name application will be registered if statutory filing requirements are met. Applicants that are licensed under other sections of statute should insure that a proposed name is acceptable under the provisions of their respective regulating law prior to submission of an application under this part.

If a business fails to comply with this act, the business, its members, and those interested in participating in such business may not maintain any action, suit, proceeding in any court of this state until this section is complied with. Any person who fails to comply with this act commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Since the Department indexes fictitious names on a central database available on the internet, it is no longer required to advertise the intention to register a fictitious name.

The registration may be filed on-line at www.sunbiz.org, or by mailing the application. Unfortunately, at this time, we are unable to file all types of registrations on-line.

The Division is an administrative filing agency and as such does not render any legal, accounting, or tax advice. The professional advice of legal counsel to ascertain exact compliance with all statutory requirements is strongly recommended.

The intent of the Fictitious Name Act is for public notice as to ownership. The Division would not require a fictitious name to be registered if the name(s) (first and last) of the owner(s) is/are included in the business name, the intent of the Act is satisfied and no registration would be required. Both the first and last name(s) must appear in the title of the business in order to satisfy the intent.

There may be instances where the Division will not deem the filing necessary but another agency or institution will. The applicant would need to comply with all parties and register the name.

The registration is valid for 5 years and expires on December 31 of the fifth year. A renewal notice will be mailed to the last reported mailing address in January of the fifth year.

The fee to file a Registration, Cancellation, or Cancellation Re-registration is \$50.00. This fee is a non-refundable processing fee.

A certificate of status and/or a certified copy may be obtained at the time of registration. The fee for a certificate of status is \$10.00, and the fee for a certified copy is \$30.00. Only one certificate and/or certified copy can be issued at the time of registration. Additional certification requests should be directed to the Division of Corporations, P.O. Box 6327, Tallahassee, FL 32314.

Mailing address for Registration:

Fictitious Name Registration
P.O. Box 1300
Tallahassee, FL 32302-1300

For filing specific questions call (850) 245-6058.

General information is available from our website, www.sunbiz.org, or by calling 1-800-755-5111. There is a minimal fee for the phone call.

STATUTORY CITATIONS

865.09, F.S. — Fictitious name registration.

(1) SHORT TITLE. — This section may be cited as the “Fictitious Name Act.”

(2) DEFINITIONS. — As used in this section:

(a) “Fictitious name” means any name under which a person transacts business in this state, other than the person’s legal name.

(b) “Business” means any enterprise or venture in which a person sells, buys, exchanges, barter, deals, or represents the dealing in any thing or article of value, or renders services for compensation.

(c) “Division” means the Division of Corporations of the Department of State.

(3) REGISTRATION. — A person may not engage in business under a fictitious name unless the person first registers the name with the division by filing a sworn statement listing:

(a) The name to be registered.

(b) The mailing address of the business.

(c) The name and address of each owner and, if a corporation, its federal employer’s identification number and Florida incorporation or registration number.

(d) Certification by the applicant that the intention to register such fictitious name has been advertised at least once in a newspaper as defined in chapter 50 in the county where the principal place of business of the applicant will be located.

(e) Any other information the division may deem necessary to adequately inform other governmental agencies and the public as to the persons so conducting business.

Such statement shall be accompanied by the applicable processing fee and any other taxes or penalties owed to the state.

(4) CHANGE OF OWNERSHIP. — If the ownership of a business registered under this section changes, the owner of record with the division shall file a cancellation and reregistration that meets the requirements set forth in subsection (3) within 30 days after the occurrence of such change.

(5) TERM. — A fictitious name registered under this section shall be valid for a period of 5 years and expires on December 31 of the 5th year.

(6) RENEWAL. —

(a) Renewal of a fictitious name registration shall occur on or after January 1 and on or before December 31 of the expiration year. Upon timely filing of a renewal statement, the effectiveness of the name registration is continued for 5 years as provided in subsection (5).

(b) In the last year of the registration, the division shall mail to the last reported mailing address or to the address of any registered owner of a name, a statement of renewal.

(c) If the owner of the name registration fails to file a renewal and pay the appropriate processing fees prior to December 31 of the year of expiration, the name registration expires. The division shall remove any expired or canceled name registration from its records and may purge such registrations. Failure to receive the statement of renewal required by paragraph (b) shall not constitute grounds for appeal of a registration’s expiration or removal from the division’s records.

(7) EXEMPTIONS. — A business formed by an attorney actively licensed to practice law in this state, by a person actively licensed by the Department of Business and Professional Regulation or the Department of Health for the purpose of practicing his or her licensed profession, or by any corporation, partnership, or other commercial entity that is actively organized or registered with the Department of State is not required to register its name pursuant to this section, unless the name under the business is to be conducted differs from the name as licensed or registered.

(8) EFFECT OF REGISTRATION. — Notwithstanding the provisions of any other law, registration under this section is for public notice only, and gives rise to no presumption of the registrant’s rights to own or use the name registered, nor does it affect trademark, service mark, trade name, or corporate name rights previously acquired by others in

the same or a similar name. Registration under this section does not reserve a fictitious name against future use.

(9) PENALTIES. —

(a) If a business fails to comply with this section, the business, its members, and those interested in doing such business may not maintain any action, suit, or proceeding in any court of this state until this section is complied with. An action, suit, or proceeding may not be maintained in any court of this state by any successor or assignee of such business on any right, claim, or demand arising out of the transaction of business by such business in this state until section has been complied with.

(b) The failure of a business to comply with this section does not impair the validity of any contract, deed, mortgage, security interest, lien, or act of such business and does not prevent such business from defending any action, suit, or proceeding in any court of this state. However, a party aggrieved by a noncomplying business may be awarded reasonable attorney’s fees and court costs necessitated by the noncomplying business.

(c) Any person who fails to comply with this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(10) POWERS OF DEPARTMENT. — The Department of State is granted the power reasonably necessary to enable it to administer this section efficiently, to perform the duties herein imposed upon it, and to adopt reasonable rules necessary to carry out its duties and functions under this section.

(11) FORMS. — Registration, cancellation, and renewal shall be made on forms prescribed by the Department of State, which may include the uniform business report, pursuant to s. 606.06, as a means of satisfying the requirement of this part.

(12) PROCESSING FEES. — The Department of State shall charge and collect nonrefundable processing fees as follows:

(a) For registration of a fictitious name, \$50.

(b) For cancellation and reregistration of a fictitious name, \$50.

(c) For renewal of a fictitious name, \$50.

(d) For furnishing a certified copy of a fictitious name document, \$30.

(e) For furnishing a certificate of status, \$10.

(13) DEPOSITS OF FUNDS. — All funds required to be paid to the Department of State pursuant to this section shall be collected and deposited into the General Revenue Trust Fund.

(14) PROHIBITION. — A fictitious name registered as provided in this section may not contain the words “Corporation” or “Incorporated,” or the abbreviations “Corp.” or “Inc.,” unless the person or business for which the name is registered is incorporated or has obtained a certificate of authority to transact business in this state pursuant to chapter 607 or chapter 617. However, a business incorporated or authorized under chapter 607 or chapter 617 is not required to register the corporate name pursuant to this section unless the name that the corporation intends to conduct business under differs from the corporation’s name as stated in its articles of incorporation.

(15) LEGAL DESIGNATION OF ENTITY. — Notwithstanding any other provision of law to the contrary, a fictitious name registered as provided in this section for a corporation, limited liability company, limited liability partnership, or limited partnership is not required to contain the designation of the type of legal entity in which the person or business is organized, including the terms “corporation,” “limited liability company,” “limited liability partnership,” “limited partnership,” or any abbreviation or derivative thereof.

(15.16) Reproduction of records; admissibility in evidence; electronic receipt and transmission of records; certification; acknowledgement

(6) Notwithstanding s. 865.09(3)(d), the Department of State may waive the requirement that a person advertise the intention to register a fictitious name if the department indexes the fictitious name registration in a central database available to the public on the Internet.

APPLICATION FOR REGISTRATION OF FICTITIOUS NAME

Note: Acknowledgements/certificates will be sent to the address in Section 1 only.

Section 1

1. _____
Fictitious Name to be Registered (see instructions if name includes "Corp" or "Inc")

Mailing Address of Business

City State Zip Code

3. Florida County of principal place of business: _____

(see instructions if more than one county)

This space for office use only

Section 2

A. Owner(s) of Fictitious Name If Individual(s): (Use an attachment if necessary):

1. _____ 2. _____
Last First M.I. Last First M.I.

Address Address

City State Zip Code City State Zip Code

B. Owner(s) of Fictitious Name If other than an individual: (Use attachment if necessary):

1. _____ 2. _____
Entity Name Entity Name

Address Address

City State Zip Code City State Zip Code

Florida Registration Number _____ Florida Registration Number _____

FEI Number: _____ FEI Number: _____

Applied for Not Applicable Applied for Not Applicable

Section 3

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. In accordance with Section 865.09, F.S., I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required)

Signature of Owner Date Signature of Owner Date

Phone Number: _____ Phone Number: _____

Section 4

**FOR CANCELLATION COMPLETE SECTION 4 ONLY:
FOR FICTITIOUS NAME OR OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:**

I (we) the undersigned, hereby cancel the fictitious name _____

_____, which was registered on _____ and was assigned

registration number _____

Signature of Owner Date Signature of Owner Date

Mark the applicable boxes Certificate of Status — \$10 Certified Copy — \$30

NON-REFUNDABLE PROCESSING FEE: \$50

Instructions for Completing Application for Registration of Fictitious Name

Section 1: **Line 1:** Enter the name as you wish it to be registered. A fictitious name may not contain the words "Corporation" or "Incorporated," or the abbreviations "Corp." or "Inc.," unless the person or business for which the name is registered is incorporated or has obtained a certificate of authority to transact business in this state pursuant to chapter 607 or chapter 617 Florida Statutes. Corporations are not required to file under their exact corporate name.

Line 2: Enter the mailing address of the business. This address does not have to be the principal place of business and can be directed to anyone's attention. **DO NOT USE AN ADDRESS THAT IS NOT YET OCCUPIED. ALL FUTURE MAILINGS AND ANY CERTIFICATION REQUESTED ON THIS REGISTRATION FORM WILL BE SENT TO THE ADDRESS IN SECTION 1.** An address may be changed at any future date with no charge by simply writing the Division.

Line 3: Enter the name of the county in Florida where the principal place of business of the fictitious name is located. If there is more than one county, list all applicable counties or state "multiple".

Section 2: **Part A:** Complete if the owner(s) of the fictitious name are individuals. The individual's name and address must be provided.

Part B: Complete if the owner(s) are not individuals. Examples are a corporation, limited partnership, joint venture, general partnership, trusts, fictitious name, etc. Provide the name of the owner, their address, their registration number as registered with the Division of Corporations, and the Federal Employer Identification (FEI) number. An FEI number must be provided or the appropriate box must be checked.

Owners listed in Part B must be registered with the Division of Corporations or provide documentation as to why they are not required to register. Examples would be Federally Chartered Corporations, or Legislatively created entities.

Additional owners may be listed on an attached page as long as all of the information requested in Part A or Part B is provided.

Section 3: Only one signature is required. It is preferred that a daytime phone number be provided in order to contact the applicant if there are any questions about the application. Since the Department indexes fictitious names on a central database available on the internet, it is no longer required to advertise the intention to register a fictitious name.

Section 4: **TO CANCEL A REGISTRATION ON FILE:** Provide fictitious name, date filed, and registration number of the fictitious name to be cancelled.

TO CHANGE OWNERSHIP OF A REGISTRATION: Complete section 4 to cancel the original registration. Complete sections 1 through 3 to re-register the fictitious name listing the new owner(s). An owner's signature is required in both sections 3 and 4.

TO CHANGE THE NAME OF A REGISTRATION: Complete section 4 to cancel the original registration. Complete sections 1 through 3 to re-register the new fictitious name. An owner's signature is required in both sections 3 and 4.

An acknowledgement letter will be mailed once the fictitious name registration has been filed.

If you wish to receive a certificate of status and/or certified copy at the time of filing of this registration, check the appropriate box at the bottom of the form. **PLEASE NOTE:** Acknowledgments/certificates will be sent to the address in Section 1. If a certificate of status is requested, an additional \$10 is due. If a certified copy is requested, an additional \$30 is due.

The registration and reregistration will be in effect until December 31 of the fifth year.

Send completed application with appropriate fees in the enclosed envelope to:

Fictitious Name Registration
PO Box 1300
Tallahassee, FL 32302-1300

Internet Address:
<http://www.sunbiz.org>

The fee for registering a fictitious name is \$50. Please make a separate check for each filing payable to the Department of State. Application must be typed or printed in ink and legible.