

Fictitious Names

Glossary

A *FICTITIOUS NAME* is anything other than an individual's legal name. Registration of that name is required if it is used in business so as to inform the public of who is actually conducting business.

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.

LEGAL NAME means a person's given name, or an entity that is properly registered.

General Information

A Fictitious Name Registration is required of individuals who do business under any name other than their legal personal name or under a properly registered corporate name, partnership, trademark or service mark. The purpose of Chapter 865.09, Florida Statutes, known as the Fictitious Name Act, is to insure a public record of the identity of a fictitious name owner. Registration under this act does not reserve or protect a fictitious name against use by another party, nor does it provide rights to the use of a trade name, trademark, service mark or corporate name. The Division does not screen names submitted for registration against any other recorded information. Applicants may contact the Division or check the Division's website to see if the name is already in use. You may also check your local telephone directory. The applicant is responsible for avoiding and defending against name infringement. If name protection is your goal, you may want to pursue registering a trademark or service mark if your name meets the requirements of the Florida Statutes. There are also other types of entity registrations you may want to consider. The advice of trusted legal counsel is recommended.

Fictitious name registration packets are available from the Division of Corporations in Tallahassee and statewide at city and county occupational license offices. In addition, the application is available for download from [our website](#). For added convenience, most registrations can be filed online through our website. Registrations are filed with the Division of Corporations in Tallahassee, not with city or county offices.

The Division of Corporations currently maintains an index of fictitious names on a database available on the Internet. In accordance with 15.16(6), F.S., effective June 9, 2001, it is no longer a requirement to

advertise the intention to register a fictitious name prior to registration. If a change of business ownership occurs, the owners must file a cancellation and re-registration within 30 days of the change.

Registration Renewal

Fictitious name registrations are valid for five years, expiring on December 31 of the fifth year. Renewals may be filed between January 1 and December 31 of the fifth year. The Division mails a renewal notice in January of the renewal year, to the owner at the most recent mailing address on file. Failure to receive the statement of renewal does not provide the applicant with an exemption or extension to the registration renewal requirements. If the fictitious name renewal is not filed by December 31, the fictitious name registration expires.

Penalty for Failure to Register or Maintain a Fictitious Name Registration

If you do business under a fictitious name and do not file with the Division, you may be subject to certain criminal misdemeanor penalties. You may also be prevented from maintaining a lawsuit, and you may be held liable for attorneys' fees and costs if someone cannot find you as owner of a fictitious name. All three may apply under some circumstances.

Exemptions

1. The applicant is a licensed attorney forming a business for the practice of law in the state of Florida.
2. The applicant is registered or licensed with the Department of Business and Professional Regulation or the Department of Health, and their licensing boards have not imposed requirements for the registration as a fictitious name.
3. The applicant is a corporation, limited liability company or partnership filed and in good standing with the Division of Corporations and is not transacting business under any other name.
4. The applicant is a federally chartered corporation and is not transacting business under any other name.
5. The applicant is using their full name in the title and they are the only owner.

More Information/Fees

Call 850/245-6058; write to the Florida Department of State, Division of Corporations, Corporate Filings, P.O. Box 6327, Tallahassee, FL 32314 or check the [Division's website](#).

Websites:

Documents:

http://www.dos.state.fl.us/doc/fic_form.html

Florida Small Business Resources:

<http://www.floridasmallbusiness.com/resources/dba.asp>

Florida Business:

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