

Use of state seal

Number: INFORMAL

Date: March 12, 1997

Mr. Don Bell
General Counsel
Department of State
PL 02, The Capitol
Tallahassee, Florida 32399-0250

Dear Mr. Bell:

Mr. John B. Reitzammer, an officer with the Florida Entertainment Industry Council, Inc., has contacted this office for advice on use of the state seal, a matter in which the state statutes appear to have granted the Department of State broad discretion.

Florida Entertainment Industry Council, Inc., apparently is interested in obtaining permission to use a facsimile or reproduction of the state seal. Section 15.03(3), Florida Statutes, provides that while only the Department of State may affix the seal to a document for the purpose of attesting, certifying, or otherwise formulating the document,

"Any facsimile or reproduction of the great seal shall be manufactured, used, displayed, or otherwise employed by *anyone* only upon the approval of the Department of State. *The Department of State may grant a certificate of approval upon application to it by any person showing good cause for the use of the seal for a proper purpose. . . .*" (e.s.)

The statute thus authorizes the department to grant anyone's application upon a showing of good cause for the seal's use for a proper purpose. The statute does not specify what constitutes "good cause" or "proper purpose"; rather the interpretation of those terms appears to be left to the discretion of the Department of State.

Rule 1-2.0021, Florida Administrative Code, reflects the statutory language by authorizing any person seeking to manufacture or make use of the seal to apply to the department. Governmental entities and authorized staff members who may use the seal in connection with official business without seeking the department's approval include members of the Legislature, members of the Judiciary and any governmental agency, including state, county, municipal, district or other separate unit of government created or established by law when written approval for the seal's use has been granted by the agency's head.[1]

The rule sets forth certain standards for approval for the seal's use and provides that in no event shall approval be given for:

"(b) stationery other than official government stationery;

* * *

(d) business cards other than official government business cards;

* * *

(g) publications other than official government publications or publications serving a governmental purpose; or

(h) advertising and news releases."[2]

Thus, while the rule limits certain uses of the seal, neither the statute nor the rule appear to prohibit use of the state seal by private individuals provided the department determines, in the exercise of its discretion, that such use is for a proper purpose.

Recognizing the implications of the use of the seal by a private commission, however, the commission or department may wish to seek legislative approval. For example, the Legislature has specifically authorized the Florida Birth-Related Neurological Injury Compensation Association, which is not a state agency, board, or commission, to use the state seal.[3]

Sincerely,

Joslyn Wilson
Director, Division of Opinions
Assistant Attorney General

JW/tgk

[1] Rule 1-2.0021(7), Fla. Admin. Code.

[2] *Id.* at subsections (4) and (5).

[3] See s. 766.315(1)(a), Fla. Stat.