

July 2001

EXECUTIVE OFFICE OF THE GOVERNOR NOTARY SECTION Notary E-Mail E-ducation July 2001

Greetings Florida Notaries!

Over the past the month I attended a Notary Conference where much of the discussion was directed toward Apostilles and Certificates of Notarial Authority. I thought as refresher for myself, and all of you we would look at this topic for the month of July.

On October 5, 1961, representatives from a group of nations met at The Hague in Holland to discuss various issues pertaining to international law. Out of that meeting came an international treaty known as the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents. More than 60 countries have joined the Convention, including the United States.

Documents that are notarized and sent to another country require verification or legalization of the notary's signature and official capacity prior to acceptance by the receiving country. The Hague Convention agreement simplifies the process by allowing the attachment of a single verifying certificate called an Apostille (a French word meaning "note"). The Apostille entitles the document to full recognition in the country of intended use, and no further authentication or legalization by the Embassy or Consulate of that country is required.

Each country, or subdivision of that country, has a designated official who is responsible for authenticating notarized documents. The treaty provides a list of officials in the United States with the authority to issue such certifications. In most states (47 out of 50), that authority is vested in the Secretary of State, or one or more of his or her deputies or assistants. Since the treaty came into force for the United States in October 1981, the Florida Secretary of State has been responsible for providing Apostilles for documents notarized in Florida and sent to another country. Revisions to the notary law, effective January 1, 1992, reaffirmed this authority. Section 117.103, Florida Statutes, provides:

Upon the receipt of a written request, the notarized document, and a fee of \$10 payable to the Secretary of State, the Secretary of State shall provide a certificate of notarial authority. Documents destined for countries participating in an International Treaty called the Hague Convention require an Apostille, and that requirement shall be determined by the Secretary of State.

Documents being sent to another state or a country not participating in the Hague Convention may also require certification. In that case, a Certificate of Notarial Authority is issued by the Secretary of State.

A notary public is not responsible for requesting an Apostille or a Certificate of Notarial Authority. Rather, according to the treaty, the person who signed the document or the document bearer may request authentication of documents. In order to provide that certification, the Department of State will need the following information:

- A written request for the Apostille or Certificate, stating the country or state to which the document will be sent. The Department of State will determine which authentication is appropriate for the receiving country.
- The original notarized document. The notarization must fully comply with the

- requirements of Florida law, or the document will be returned for correction.
- A check (drawn on an American bank) or a money order for \$10 per certificate, made payable to the Secretary of State.

Mail the request, notarized document, and payment to:

**Department of State
Notary Commissions and
Certifications Section
Room 1801, The Capitol
Tallahassee, Florida 32399-0250**

The Secretary of State will also provide an Apostille or Certificate for the following Florida documents: birth certificates and death certificates bearing the original signature of the State Registrar; vehicle titles certified by the Department of Highway Safety and Motor Vehicles; corporation documents bearing the signature of the Secretary of State; and documents certified by any Clerk of the Court for any county in Florida (the fee for an Apostille on any county-certified document is \$20).

Documents in proper order with correct notarizations sent to the Department of State are usually processed within 10 working days and are returned by regular mail to the sender or forwarded to an address given by the sender. For additional information, please contact the Department of State at (850) 413-9732 or (850) 921-5268.

Thank you for your time!

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