

February 1999

Greetings Florida Notaries!

This month we will discuss several issues that cause concern for Notaries and generate a call for help.

NOTARIZING FOR A PERSON WHO IS BLIND

A Notary Public is intended to act as an independent, third party to protect the public and the document signer from acts of forgery. With a disability such as blindness, a person could be deceived about a document and its contents. That's why Florida law requires Notaries to read the entire contents of the document to the signer prior to notarization. See section 117.05(14)(a), Florida Statutes (1998 Supp.). It is not sufficient for another individual, like an attorney, to explain the contents of the document to the person who is blind. The Governor's Notary Section recommends that, after reading the document to the signer, you add an additional statement to the notarial certificate certifying that you complied with the law: "I further certify that I read the entire contents of this document to (name of signer) prior to notarization." Additionally, if you keep a journal or record book of your notarial acts, you will also want to note the special circumstances of the notarization in that record.

NOTARIZING AN OUT-OF-STATE DOCUMENT

As a Florida Notary Public, are you authorized to notarize a person's signature on a deed pertaining to real property in another state, or on documents related to the adoption of a child from another country? Yes, you are. Many legal and commercial transactions require notarized documents to be sent out of the state or even out of the country. As with every notarization, you should take precautions to ensure that your notarization is done in accordance with Florida laws. Here are some things to remember.

- First and foremost, remember, the signer must be in your presence for the notarization no exceptions!
- Second, examine the document. Scan it to make sure that it is complete and ask the signer to fill in or line through any blanks.
- Next, check the notarial certificate to determine which notarial act is required (oath or acknowledgment) and to see if the certificate meets the requirements of Florida law. The venue language should reflect the actual location of the notarization in Florida. If the document is printed with "State of California, County of Orange," you must correct that information with "State of Florida, County of ____."
- You will also need to make a notation about the type of identification on the form if the form does not provide an ID section.
- Finally, complete the notarization and the notarial certificate as usual. See sections 117.107(9) & 10, and section 117.05(4), Florida Statutes (1998 Supp.).

For documents leaving the State of Florida, your customer may also request that the notarized document be authenticated with a Certificate of Notarial Authority or an Apostille. For these requests, refer your customer to the Florida Department of State.

AUTHENTICATIONS AND CERTIFICATES OF NOTARIAL AUTHORITY

The Secretary of State is the official custodian of the application records for Florida's Notaries Public. Documents requiring certification of the Notary's status on the date of the notarization must be presented to the Secretary of State's office for an authentication certificate. See section 117.103 Florida Statutes, (1998 Supp.). The Apostille certificate is attached to notarized documents being sent to countries that are party to the international treaty known as the Hague Convention Abolishing the Requirement of Legalization of Foreign Public Documents. This certificate allows the receiving country to accept the document without the lengthy and time-consuming authentication process. Notarized documents being sent to non-Hague Convention

countries, or in some cases to other states, may require a Certificate of Notarial Authority. In either case, your customer must request the authentication from the Department of State.

Until a few months ago, all notarized documents requiring an authentication had to be mailed or presented in person to the main office of the Secretary of State in Tallahassee. Now, documents may also be presented in person to any one of six branch offices. Those offices are located in Miami, West Palm Beach, Tampa, Orlando, Jacksonville, and Fort Walton Beach. For more information or the exact locations of the branch offices, please call the Department of State, Notary Commissions and Certifications Section, at (850) 488-7522 or (850) 413-9732.

WHO IS MY BONDING COMPANY?

This is a frequent question to our office and to the Department of State. Why not check out the information from the Notary Public Access System at the Department of State's website. At that site, you can look up any Notary Public and get basic information, including the name of the bonding agency. The website address is: <http://election.dos.state.fl.us/notaries>

The Governor's Notary Section offers online assistance to Notaries Public. Check out our website at <http://www.state.fl.us/eog/> then select the Notary Education button at the bottom of the page.

Until next month . . .

If you would like to receive this electronic newsletter please e-mail me, [Linda Adams](mailto:Linda.Adams@dos.state.fl.us)
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