

## July 1999

### Greetings Florida Notaries!

This month our topic is handling unusual notarizations:

1. Notarizing a document with carbon copies
2. Notarizing a photograph
3. Notarizing a faxed document

### NOTARIZING A DOCUMENT WITH CARBON COPIES

With the ever essential copy machine, forms utilizing carbon copies are fast becoming relics. There are still some multi-part forms in use, however, and Notaries need to know how to correctly handle a notarization on these forms. The most frequent question Notaries ask is whether to affix the notary seal to the carbon copies, since the imprint of the rubber stamp seal does not go through to the copies. When notarizing form documents with carbon copies attached, we recommend that you follow these guidelines:

1. Ask the customer how many originals are needed, or look for specific instructions about the notarization on the document. Generally, there is only one original intended and, therefore, you need only one notarization.
2. If only one original is requested, then proceed with the notarization, writing through all the copies at once. You will sign and affix your notary seal to the original document only.
3. If the customer wants more than one original, treat this request as multiple notarizations of the same document. Separate the carbon copies from the original. The customer will sign each copy of the document. You will also complete the notarial certificate, sign, and affix your notary seal to each of the copies. With the original signatures and your original notarization, each of the notarized documents is considered an original.

### NOTARIZING A PHOTOGRAPH

Don't do it! As a Notary Public, you are not authorized to certify the authenticity of a photograph - even if a government agency is the entity requesting a "notarized photograph." And, you cannot simply sign the back of the photograph and affix your notary seal. That would be a meaningless act and a violation of your duties as a Notary Public. However, you can assist your customer with this request. You may notarize a person's signature on an affidavit stating certain facts about the photograph. You would administer an oath to the signer and complete the corresponding notarial certificate with your signature and seal.

### NOTARIZING A FAXED DOCUMENT

Fax machines are a wonder of modern technology and essential equipment in every office today. Faxed documents, though, may cause two problems for Notaries. First, Notaries may be tempted to notarize a signature on a faxed document when the person who signed the document is not present. For example, we recently investigated a complaint where the Notary's employer lost a document crucial to a business transaction and faxed a duplicate document to the signer who was out of the country. The person signed the document, faxed it back, and the Notary notarized the signature even though the person was not present. She reasoned that she had notarized the original document when he was present and that she was just duplicating the previous notarization. Notaries may never notarize a "faxed signature." The person must be present for the notarization. No exceptions!

The second problem Notaries encounter with faxed documents is their concern over the validity of executing and notarizing a document that is not an original. A person may sign and execute a faxed document before the Notary, and the Notary may complete the notarization and sign and seal that faxed document containing the original signature of the signer. Once the original signatures are placed on the faxed document, the document becomes an original.

One further note about faxed documents. If your customer needs to execute a document that is printed on thermal fax paper, you should recommend that your customer photocopy the document to plain paper first. The ink on thermal paper will gradually fade, leaving the document text and signatures illegible over time.

### NEW LAW CHANGES EFFECTIVE JULY 1, 1999

Senate Bill 1566 [Chapter 99-251, Laws of Florida] passed during the 1999 Legislative Session and was approved by Governor Bush on June 8. The bill contained several changes to the Florida notary laws.

1. The language in Section 117.103, Florida Statutes, will change the way that Certificates of Notarial Authority and Apostilles are issued by the Department of State. However, it will not affect the way that the public requests these certifications.
2. Section 117.20, Florida Statutes, was repealed, eliminating the authority of Florida Notaries Public to perform electronic notarizations.
3. Chapter 118, Florida Statutes, dealing with Civil-law Notaries, was substantially revised.

You can view the complete text of the bill from the websites of the Florida Legislature or the Department of State.

<http://www.leg.state.fl.us> [Follow the links to Senate Bill 1566.]

<http://election.dos.state.fl.us/laws/index.htm> [Follow the links to download the 1999 General Laws, then link to 99-251.]

### **NOTARY SEMINARS**

The Governor's Office, in association with the American Society of Notaries, will be presenting notary training classes this summer. These 3-hour seminars will cover basic notarial duties and procedures, and will update Notaries on any recent law changes. The course will also teach Notaries to handle complex notarizations. The fee is \$49 per student, which includes registration and materials; group discounts are available. Morning classes will be held from 8:30 until 11:30 a.m.; afternoon classes are scheduled from 1:30 until 4:30 p.m.. Registration begins one-half hour early. Here is the remaining summer schedule:

1. July 8 a.m. - Fort Lauderdale
2. July 8 p.m. - Miami
3. July 9 a.m. - West Palm Beach
4. July 9 p.m. - Jensen Beach
5. July 12 p.m. - St. Petersburg
6. July 13 p.m. - Fort Myers
7. August 10 a.m. - Ocala
8. August 10 p.m. - Daytona Beach
9. August 11 a.m. - Jacksonville
10. August 24 p.m. - Pensacola
11. August 25 a.m. - Crestview
12. August 25 p.m. - Panama City Beach
13. August 31 a.m. - Marianna
14. September 10 a.m. - Tallahassee

To reserve your seat in one of these classes, you should register as soon as possible. To register or to obtain more information about class locations, please call the American Society of Notaries at (800) 522-3392, or e-mail ASN at [mail@notaries.org](mailto:mail@notaries.org).

Until next month,

If you would like to receive this electronic newsletter please e-mail me, [NOTARY EDUCATION COORDINATOR](#)