

January 1999

Greetings Florida Notaries!

This month we will discuss two subjects that cause difficulty for many Notaries -- notarizing foreign language documents and handling requests for certified translations. We'll also look at the new requirements for obtaining a marriage license in Florida.

CHANGE OF COMMAND

The entire state still mourns the death of Governor Lawton Chiles. During his 8 years in office, Governor Chiles made almost 750,000 appointments to the office of Notary Public. We all salute Governor MacKay for his leadership during this difficult period. In his short tenure of just 24 days in office, he appointed almost 7,000 Notaries. We now eagerly welcome our new chief, Governor Jeb Bush, and look forward to his impact and influence on our state's Notaries Public.

NEW NOTARY LAWS NOW IN EFFECT

Florida has a new set of notary laws. Although Chapter 117 of the Florida Statutes contains the main body of the notary laws, the duties of Notaries are also specified in numerous other areas of the Florida Statutes and the State Constitution. Last year, the Legislature revised the notary laws, effective January 1, 1999. To obtain a booklet containing all the Florida notary laws, please e-mail your request and include your mailing address. The new 1999 notary laws are also available on the Governor's Notary Section website. Check it out at:

http://www.state.fl.us/eog/notary_educate/law/notary_law.html

NOTARY SEMINARS

To assist you in understanding how the new notary laws will affect you, the Governor's Office, in partnership with the American Society of Notaries, is sponsoring a series of seminars in February for Florida Notaries. This 3-hour class is a bargain at just \$49 per student and will be available in Miami, Tampa, Orlando, and Tallahassee. To register or to obtain more information, please contact the American Society of Notaries at (800) 522-3392.

NOTARIZING A FOREIGN LANGUAGE DOCUMENT

What would you do if you were asked to notarize a document written in French or German or Chinese assuming, that is, that you do not understand those languages? Florida law does not prohibit you from notarizing these documents, but there are some precautions that you should take to ensure that you perform the notarization properly.

1. Make sure that you can communicate with the document signer. Ask the signer if he/she understands the contents of the document. If not, the law prohibits you from performing the notarization until the nature and effect of the document are translated into a language that the person understands. A written translation is not required; an oral translation by a qualified, trustworthy translator would be sufficient.
2. Scan the document for completeness. You may have to rely on the signer to assist you.
3. Check the document for a notarial certificate. If the certificate is in the language of the document, ignore it. Your notarial certificate must be in English. If there is no notarial certificate, the signer must give you directions about the notarial act, whether he/she wants to take an oath or make an acknowledgment. At the signer's instruction, simply type or write the notarial certificate on the document and complete the notarization as usual.

If you are uncomfortable performing a notarization on a document written in a language that you do not understand, you may refuse to notarize. If possible, though, assist your customer in finding a Notary who can perform the notarization.

CERTIFIED TRANSLATIONS

Notaries, particularly bilingual Notaries, are often asked to certify the accuracy of a translation of a document from one language to another. You should know, though, that Florida law does not authorize Notaries to make such certifications.

However, you may assist your customer in other ways.

- First, you may notarize the signature of the translator on an affidavit (a sworn statement) where the translator swears to or affirms the accuracy of the translation. The translator would make a simple statement about his/her knowledge of the two languages and that his/her translation of the document is accurate. Use the notarial certificate for an oath (known as a jurat).
- Second, if you are fluent in the language of the document, you may translate the document. Remember, though, that you are not acting in your capacity as a Notary Public. In this case, you will have to make the affidavit and have your signature notarized by another Notary.

Bottom line: Don't certify translations you can be the Notary or the translator, but not both!

CHANGE IN THE LAWS FOR MARRIAGE LICENSES

If you ever solemnize marriage, you will want to be aware of a change affecting the way that marriage licenses are issued. Effective January 1, 1999, Florida residents applying for a marriage license must choose to either:

1. complete a 4-hour premarital course given by a provider registered with the Clerk of Circuit Court and pay a reduced license fee of \$56, or
2. wait 3 days after the issuance of the license before getting married and pay the regular fee of \$88.50.

This new law does not apply to out-of-state residents who apply for a marriage license to get married in Florida. Also, remember that you, as the Notary Public solemnizing the marriage, have no responsibility in obtaining the marriage license. That is the obligation of the bride and groom. If you have any questions about the new requirements, you may call the Clerk of Circuit Court, Marriage Division, in your county.

Happy New Year!

Until next month . . .

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