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VULNERABLE ADULT EXCEPTION

If you are a vulnerable adult as defined in Fla.Stat. 415.102, you MAY NOT get a Will, Trust, Healthcare Advanced Directive, Waiver of spousal rights or a Power of Attorney document electronically notarized by a Remote Online Notary.

Florida Statutes defines "Vulnerable adult" as a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.

Florida Statutes 117.285 (5)(g) The presence of a witness with the principal at the time of signing by means of audio-video communication technology is not effective for witnessing the signature of a principal who is a vulnerable adult as defined in s. 415.102. The contestant of an electronic record has the burden of proving that the principal was a vulnerable adult at the time of executing the electronic record.
Answer these three questions to determine if you are a Vulnerable Adult

If the document to be electronically signed is a Last Will, Trust, Healthcare Advanced Directive, Waiver of spousal rights or a Power of Attorney, the Remote Online Notary Provider will ask the signer the following three questions:

1. Are you under the influence of any drug or alcohol today that impairs your ability to make decisions?

2. **Do you have any physical or mental condition or long-term disability that impairs your ability to perform the normal activities of daily living?"**

3. **Do you require assistance with daily care?**

If any questions are answered or observed to be "yes," then the signing of the document(s) CAN NOT be completed using remote online notarization and must be completed in-person.

When on Zoom camera the Remote Notary is required to ask the above three questions plus these five questions:

4. **Are you currently married? If so, name your spouse.**
5. **Please state the names of anyone who assisted you in accessing this video conference today.**
6. **Please state the names of anyone who assisted you in preparing the documents you are signing today.**
7. **Where are you currently located?**
8. **Who is in the room with you?**

PURCHASE OF A VIDEO OF THE OATH ($20) FOR THESE TYPE OF DOCUMENTS IS REQUIRED. This RON Company DOES NOT act as the CUSTODIAN of a Will, Trust, Healthcare Advanced Directive, or Power of Attorney documents.

Florida Statutes 117.245 (5) An omitted or incomplete entry in the electronic journal does not impair the validity of the notarial act or of the electronic record which was notarized, but may be introduced as evidence to establish violations of this chapter; as evidence of possible fraud, forgery, impersonation, duress, incapacity, undue influence, minority, illegality, or unconscionability; or for other evidentiary purposes. However, if the recording of the audio-video communication required under subsection **(2) relating to the online notarization of the execution of an electronic will cannot be produced by the RON service provider, the online notary public, or the qualified custodian, the electronic will shall be treated as a lost or destroyed will subject to s. 733.207.**

If signature of Will - Executor; Estate - Personal Representative; or Trust - Trustee is required, they can easily be added to the Zoom Video call.