

May 1998

Greetings Florida Notaries!

The Governor's Notary Section has been overwhelmed with the fantastic response to our new E-Mail E-ducation program. We commend you for taking advantage of this convenient (and free!) method of notary education.

NOTARIAL CERTIFICATES

For our first article, we are going to talk about notarial certificates. We see hundreds of notarized documents in this office every month--unfortunately, many of them come to us in the form of complaints. A common mistake which requires education and often results in a reprimand from the Governor's Office is that the notarial certificate is incomplete or even non-existent. Let's talk about what is required.

First, what is a "notarial certificate?" It is the written statement made by the notary public certifying specific facts of the notarial act performed. Literally, it is a written record of the notarization.

A notarized document must have three basic parts: the text of the document, the signature of the person(s) executing the document, and the notarial certificate, which includes among other elements the notary's signature and seal.

The notarial certificate follows the document text and the signer's signature line. It is usually already typed or printed on the document. In fact, it is the presence of a notarial certificate on a document that generally signals the requirement for notarization.

When you are asked to notarize, you should always examine the document and check the notarial certificate immediately. That notarial wording will tell you which notarial act you are to perform--an oath or an acknowledgment. You will also want to make sure that the following elements are contained in the notarial certificate:

1. the venue--the location of the notarization, generally stated as "State of Florida, County of ____"
2. the type of notarial act performed--an oath or an acknowledgment, evidenced by the words, "sworn" or "acknowledged"
3. the personal presence of the signer before the notary at the time of notarization, usually stated with the words, "before me" or "personally appeared"
4. the actual date of the notarization
5. the name of the person whose signature is being notarized
6. the type of identification the notary relied upon in identifying the document signer
7. the official signature of the notary
8. the commissioned name of the notary, printed, typed, or stamped below the notary's signature
9. the notary's official seal, containing the words, "Notary Public--State of Florida," and the notary's exact commissioned name, commission number, and expiration date, and affixed with black ink.

Some notarial certificates vary in format, but any certificate must contain all these elements. If some of the information is missing, you must write it in. If some of the information is wrong, you must correct it. We suggest that corrections in the notarial certificate be made by the notary by striking out the incorrect language, writing in the correct information, and initialing the change. Never use correction fluid.

Here is the basic format for a correct notarial certificate for an oath:

State of Florida County of _____
Sworn to and subscribed before me this ____ day of _____, (year), by _____.

Signature of Notary

Typed or printed name of notary
(SEAL)
Personally known _____
Produced Identification _____
Type of Identification Produced _____

For an acknowledgment, the notarial certificate is the same except that the opening statement reads, "The foregoing instrument was acknowledged before me . . ."

What should you do if the document does not have a notarial certificate on it already? You must ask the signer what type of notarization he/she wants. Sometimes the signer won't know. In that case, you could suggest that he/she ask the party who requested the notarization, or he/she could ask an attorney to prepare the document for notarization. Unless you are an attorney, you may not choose the notarial act for a document--that is up to the signer. Making that decision amounts to practicing law and could lead to serious consequences if you are not a licensed attorney.

Okay, you've got the scoop on notarial certificates. Now, make sure that all your notarial certificates are accurate and complete according to the law.

**** NEWS FLASH ** NEWS FLASH ** NEWS FLASH ** NEWS FLASH ****

The Legislature just passed a bill this week revising the notary laws. Don't worry, though. The new laws will not take effect until January 1, 1999. Watch for details in future e-mails and in the next issue of *The Notary View* newsletter.

Until next month . . .

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