

## June 1999

### **Greetings Florida Notaries!**

This month we will examine the most common issues associated with the use of the notary seal.

### **PURPOSE OF THE NOTARY SEAL**

Florida law requires that a notary seal meeting certain requirements must be affixed to all notarized documents. The notary seal is a universal sign of the office of Notary Public and serves as an authentication of the power vested in you by the State of Florida. The seal does not validate the document's contents or make the document legal. The seal is simply a symbol of the office and notarial act. Notary seals vary from state to state. You may be interested to know that, unlike Florida, there are 14 states that do not require the use of a notary seal.

### **EXAMINE YOUR NOTARY SEAL**

Problems related with the Florida notary seal center in two areas: the seal does not meet the requirements set forth in the notary law, or the information on the notary seal is incorrect. Either problem should be corrected immediately. Often, a document can be rejected or may be deemed invalid based upon the absence of the notary seal or the use of an improper seal.

The official notary seal is a rubber stamp containing four elements of information: (1) the words, "Notary Public-State of Florida," (2) your exact commissioned name, (3) your commission number, and (4) your commission expiration date. The name of your bonding company is not required, neither is any graphic or symbol, although either is acceptable. However, you may not use the Great Seal of the State of Florida on your notary seal. Your seal must be affixed to documents using black ink only; no other color is allowed. No particular size or shape is specified in the law, but you should choose a style that is easy to read. The law specifying the notary seal is found in Section 117.05(3), Florida Statutes (1998 Supp.).

### **BUYING OR REPLACING YOUR NOTARY SEAL**

When ordering a new seal, you should check it for accuracy before you begin using it. If you have not done so already, get out your notary seal and examine it now. Make a sample impression. Compare your name, commission number, and expiration date with the information on your notary commission certificate. If there is any variance, you should discontinue the use of that notary seal immediately and buy a new seal. Because Florida law requires the notary seal to contain certain information, it is not permissible to simply correct it after affixing the seal or hand write the information.

Your bonding agency, a notary association, or a local office supply store is the best source for purchasing a new notary seal. Additionally, if your notary seal runs out of ink or becomes defective, you should discontinue using it and contact the provider for a replacement.

### **LOST SEAL**

If a Notary's seal is lost, stolen, or believed to be in the possession of another person, the Notary must immediately notify the Governor's Office or the Department of State in writing. We will accept notification by e-mail. You will need to provide your name, commission number, and the date of loss/theft or the last date the seal was in your possession. The state will not issue a new commission number; instead, we simply post a note to the state records in the event that a complaint is filed against you for its misuse. Depending on the circumstances, you may also need to file a police report regarding the incident. You may purchase a new seal and continue your duties as a Notary Public.

### **EMPLOYER KEEPING YOUR NOTARY SEAL**

Often, employers will pay for an employee to become a Notary Public for the purpose of providing notarial services for the business. As a result, some employers feel that they have a

right to keep the notary seal of a notary-employee if the employee quits or is terminated. Florida law emphatically states that the notary seal and the commission certificate are the property of the Notary Public and must be kept under the direct and exclusive control of the Notary Public. The seal and commission certificate must not be surrendered to an employer upon termination of employment, regardless of whether the employer paid for the seal or the commission. Furthermore, your employer may not require your resignation from the office of Notary Public; only the Governor may ask you to resign. If you encounter a problem with your employer about your notary seal, you should inform your employer of the law and seek the return of the seal. Remember, you must also notify the state of the loss of your seal.

### **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 for 1:30 until 4:30 p.m.. Registration begins one-half hour early. Here is the schedule:

- June 29 a.m. - Maitland
- June 29 p.m. - Kissimmee
- June 30 a.m. - Melbourne
- July 8 a.m. - Fort Lauderdale
- July 8 p.m. - Miami
- July 9 a.m. - West Palm Beach
- July 9 p.m. - Jensen Beach
- July 12 p.m. - St. Petersburg
- July 13 p.m. - Fort Myers
- August 10 a.m. - Ocala
- August 10 p.m. - Daytona Beach
- August 11 a.m. - Jacksonville
- August 24 p.m. - Pensacola
- August 25 a.m. - Crestview
- August 24 p.m. - Panama City Beach
- August 31 a.m. - Marianna
- 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](#)