

April 2000

**EXECUTIVE OFFICE OF THE GOVERNOR
NOTARY SECTION
Notary E-Mail E-ducation April 2000**

Greetings Florida Notaries!

Recently I have received many calls about what information is required to complete the notarial certificates. This month we will look at what the law requires for notarial certificates, how to handle loose certificates and documents prepared in other states, and how to make corrections to notarial certificates.

NOTARIAL CERTIFICATES

The certificate is a record of what occurred at the time of the notarization, and as the notary, you are responsible for ensuring that all required elements are complete and accurate. Section 117.05(4), Florida Statutes, provides that:

When notarizing a signature, a notary public shall complete a jurat or notarial certificate in substantially the same form as those found in Section 117.05(13), Florida Statutes. The jurat or certificate of acknowledgment shall contain the following elements:

- (a) The venue stating the location of the notarization in the format, "State of Florida, County of _____."
- (b) The type of notarial act performed, an oath or an acknowledgment, evidenced by the words "sworn" or "acknowledged."
- (c) That the signer personally appeared before the notary public at the time of the notarization.
- (d) The exact date of the notarial act.
- (e) The name of the person whose signature is being notarized. It is presumed, absent such specific notation by the notary public, that notarization is to all signatures.
- (f) The specific type of identification the notary public is relying upon in identifying the signer, either based on personal knowledge or satisfactory evidence specified in subsection (5).
- (g) The notary's official signature.
- (h) The notary's name, typed, printed, or stamped below the signature.
- (i) The notary's official seal affixed below or to either side of the notary's signature.

LOOSE CERTIFICATES

Preprinted notarial certificates, designed to be attached to a document, should be used only in rare circumstances. Most documents will have a notarial certificate already printed on the document. Use that certificate, but make it comply with Florida law, if necessary. If the document has no notarial certificate, you should ask the document signer which notarial act is required for the execution of the document (an oath/affirmation or an acknowledgment). At the signer's direction, you may type or print the appropriate certificate on the document below the designated signature line for the document signer. Only in rare circumstances should you

actually attach a "loose certificate." If you do, be sure to state in the notarial certificate the exact document and signature to which the notarization applies.

DOCUMENTS PREPARED IN OTHER STATES

When notarizing a signature on a document that was prepared in another state, make sure that you add the required information to make your notarial certificate comply with Florida law. This means that you may have to change the venue (State of Florida, County of _____), add the type of identification, etc.

CORRECTIONS

When necessary to correct information already printed in the notarial certificate, i.e., the date, the name of the person whose signature is being notarized, do not use correction fluid. Simply mark through the incorrect information and make the change before you complete the notarization. You should probably initial that change, also.

Once you "complete" the notarization and return it to the document signer, you may not amend your certificate. For instance, if you forgot to state the type of identification or affix your seal and the document is returned to you on a later date by the receiving party, you may not correct your error. The document will require re-notarization, including the presence of the document signer.

SAMPLE CERTIFICATES

Here are samples of notarial certificates found in the Section 117.05(13), Florida Statutes:

For an oath or affirmation (jurat):

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this ____ day of _____, 20__, by
(NAME OF PERSON MAKING STATEMENT).

Notary Signature

Print, type, or stamp name of notary

(SEAL)

Personally known _____

OR produced identification _____

Type of identification produced _____

For an acknowledgment in an individual capacity:

STATE OF FLORIDA

COUNTY OF _____

The forgoing instrument was acknowledged before me this ____ day of _____, 20__, by
(NAME OF PRESN ACKNOWLEDGING).

Notary Signature

Print, type, or stamp name of notary

(SEAL)

Personally known _____

OR Produced identification _____

Type of identification produced _____

For an acknowledgment in a representative capacity:

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by

Notary Signature

Print, type, or stamp name of notary

Personally known _____

OR Produced identification _____

Type of identification produced _____

LEGISLATIVE SESSION

The Florida Legislature is in session through May 5, 2000. If there are any changes to the Notary Law I will update you next month.

Thank you for your time!

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