

December 1998

Greetings Florida Notaries!

This month we will discuss three issues that generate frequent telephone calls to our office:

1. Changing a notarial certificate after the notarization
2. Jurisdiction
3. Financial interest

NOTARY SEMINARS

The Governor's Office, in partnership with the American Society of Notaries, is sponsoring a series of seminars in Florida to instruct notaries about the changes to the new notary laws taking effect on 1/1/99. The seminar will be a fast-paced, full-color, multimedia presentation designed to give comprehensive information about notarial requirements and procedures. The cost of the 3-hour class is \$49 per student, which includes all materials. Discounts are available for groups. Here are the locations:

- Miami - February 9, 1999. Tampa - February 10, 1999.
- Orlando - February 11, 1999. Tallahassee - February 12, 1999.

The class times are 8:30 ñ 11:30 a.m. To register or to obtain more information, please contact the American Society of Notaries at (800) 522-3392.

PREVIOUS E-MAIL E-DUCATION ARTICLES -- If you missed previous issues of our e-mail articles, you can catch up by checking out the Governor's Notary Section website:

<http://www.state.fl.us/eog/govdocs/notary/notary.htm>

CORRECTING A NOTARIAL CERTIFICATE

What would you do if you forgot to sign a notarial certificate or note the type of identification, and later you were asked to add that information to the document? The correct response would be, "Sorry, but the law does not allow me to amend a notarial certificate."

The Florida Supreme Court stated in a 1927 court opinion that when the notary performs the notarization and delivers the document to the party as complete, the notary "has no power to alter, add to, or make a new certificate, without a reacknowledgment" (or a new oath, if an oath was required). In other words, the document will have to be re-notarized. That means that the document signer must appear before you, or another notary, to execute the document again. This requires a new notarial certificate with the actual date of the new notarization. Until recently, this case law was unknown to most notaries. Effective 1/1/99, new language prohibiting a notary from amending a notarial certificate after notarization will become part of the notary law in Chapter 117, Florida Statutes. See section 117.107(8), Florida Statutes (1998 Supp.).

JURISDICTION

To all of you who have ever wondered if you can notarize a document while visiting your family in Ohio, solemnize a marriage in the Bahamas, or notarize a business transaction in Mexico, the answer is NO! Florida notaries may only perform their duties within the State of Florida.

FINANCIAL INTEREST

As a notary, you should always be neutral when performing your notarial duties. That means that you cannot be a party to the transaction nor have a financial interest in the transaction. Florida law actually states this prohibition in section 117.107(12), Florida Statutes (1998 Supp.). The prohibition applies to any transaction where you are deriving a financial benefit, other than a

regular salary; for example, if you are earning a commission on a sale. Additionally, if you are the owner of the business (or spouse of the owner), you are also eliminated from being the notary for your business transactions because of the obvious financial interest in the business. The law also prohibits you from notarizing if you are a party to the transaction; for example, if you are the buyer or seller, you may not also be the notary. A good rule of thumb to observe: If you have to ask if you have a financial interest in the transaction, you probably do!

NEW LAWS AVAILABLE

Remember, the notary laws will change on January 1, 1999. If you need a copy of the new notary laws, please e-mail your request and include your mailing address.

Happy Holidays!

Until next month . . .

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