



### CERTIFICATES IN COMPLIANCE WITH FL STATUTES SB409 EFF: 1/1/2020.

We assist clients with the authentication process for documents notarized in Florida and/or certified by federal agencies. The majority (98%) of notarized documents we receive do not comply with FL statutes and, therefore, cannot be authenticated. For this reason, and to save the client time and money, our policy is such that all documents notarized outside this office must be faxed or scanned and emailed to us for statutory compliance evaluation before the originals are shipped to us.

The notary needs to know how to notarize signatures and make attested copies according to Florida statutes and it does not matter whether the notary works independently or for a company, agency or bank. It's the notary's knowledge of the Florida statutes (§117.05, §695.25) that determines compliance. **The Department of State will NOT issue Apostille or Authentication certificates against documents that are not notarized according to Florida statutes with new notary laws in effect 1 Jan 2020.**

### **Elements of a Statutory Notarization** [Florida Statutes §117.05(4) also Governor's Reference Manual for Notaries, p29 and SB409, 2020]

Statutory notarizations require certain information be recorded about the notarization in a notarial certificate to be valid. The notarial certificate contains nine (9) **mandatory** elements:

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| <ol style="list-style-type: none"> <li>1. Venue (the location of the notarization: State of FLORIDA, County of _____)</li> <li>2. Type of notarial act (oath/affirmation or acknowledgment)</li> <li>3. That the signer personally appeared before the notary by means of <input type="checkbox"/> physical presence OR <input type="checkbox"/> online notarization,</li> <li>4. Actual date of notarization</li> </ol> | <ol style="list-style-type: none"> <li>5. Name of person whose signature is being notarized (name, title and name of entity if signing as a representative)</li> <li>6. Form of identification used to ID the signer (Driver License, State ID Card, Passport, etc.) or personally known</li> <li>7. Signature of notary</li> <li>8. Name of notary printed/typed/stamped below signature</li> <li>9. Notary seal (with the 4 essential elements)</li> </ol> |
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### **Examples** [from Florida Statutes §117.05(13)(a), 117.05(13)(b), 117.05(13)(c) also Governor's Reference Manual for Notaries, p30; SB409 2020]

#### **Example 1. For an acknowledgment in an individual capacity:**

State of Florida  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_ day of \_\_\_, 20\_\_\_, by (NAME OF PERSON ACKNOWLEDGING) and who is  personally known to me or  produced a \_\_\_\_\_ as identification.

SEAL      Notary Signature  
PRINT, TYPE OR STAMP NAME OF NOTARY

#### **Example 2. For an oath or affirmation (jurat) in an individual capacity:**

State of FLORIDA  
County of \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this \_\_\_ day of \_\_\_, 20\_\_\_, by (NAME OF PERSON MAKING STATEMENT) and who is  personally known to me or  produced a \_\_\_\_\_ as identification.

SEAL      Notary Signature  
PRINT, TYPE OR STAMP NAME OF NOTARY

#### **Example 3. For an acknowledgment in a representative capacity:**

State of FLORIDA  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_ day of \_\_\_, 20\_\_\_, by (NAME OF PERSON) as (TYPE OF AUTHORITY e.g. OFFICER, TRUSTEE, ATTORNEY IN FACT) for (NAME OF PARTY ON BEHALF OF WHOM INSTRUMENT WAS EXECUTED) and who is  personally known to me or  produced a \_\_\_\_\_ as identification.

SEAL      Notary Signature  
PRINT, TYPE OR STAMP NAME OF NOTARY

**Acknowledgment:** Used if you need to have your signature “verified” to be from the person named in the document, OR, you are agreeing to some conditions or actions that you have done or will be required to do in the future.

**Jurat:** Used if you need to provide a sworn statement attesting to facts as presented in the document. The notary should take the sworn statement by asking the signer: “Do you swear (or affirm) that the information contained in this document is true and correct to the best of your knowledge (so help you God)?” If the answer is in the affirmative, the signer signs IN FRONT of the notary. Eff 1/1/2020