

# Changes to Florida Notarization Statutes Effective January 1, 2020

December 23, 2019

Effective January 1, Florida's notary laws are changing. In general terms, remote notarization will now be permitted, meaning that if certain criteria are met and the statutory protections are in place, the notary will no longer have to physically (in person) witness the person sign the instrument requiring notarization, but rather notarization can be accomplished through a video feed and recording.

To qualify as a remote notary, a notary must complete a two-hour training course, post a \$25,000 bond, and obtain \$25,000 of errors and omissions insurance coverage. Additionally, there are multiple technology requirements for notarizing an instrument via remote connection.

In addition to the creation of the remote notarization requirements, changes to Florida Statutes Section 117.05 require revisions to the form of the notary block to be contained on instruments and affidavits, and this change in the form is mandatory (on **all** forms, not just forms that are electronically notarized). The relevant portion of the statutory acknowledgment of a principal in their individual capacity should read as follows (the yellow-highlighted section is the new required language):

The foregoing instrument was acknowledged before me, **by means of ☐ physical presence or ☐ online notarization**, this \_\_\_\_ day of \_\_\_\_\_, \_\_ (year), by \_\_\_\_\_ .....

Similarly, for an instrument requiring an oath or affirmation, the relevant portion of the statutory certificate should read as follows (the yellow-highlighted section is the new required language):

Sworn to (or affirmed) and subscribed before me, **by means of ☐ physical presence or ☐ online notarization**, this \_\_\_\_ day of \_\_\_\_\_, \_\_ (year), by \_\_\_\_\_ .....

All other portions of the notarization block remain in effect. The failure to include this language commencing on January 1 may result in the document being rejected for purposes of recording. The important date is the date the document is signed. If a document is signed before January 1, then the "old form" is fine, even if the document is recorded after January 1. That being said, if the document is signed on January 1, then it should be on the new form to avoid any potential recording issues.

Finally, although the statute is not effective until January 1, we recommend that you begin using updated notary blocks immediately so as to avoid any problems.

Should you have any questions regarding this alert, or matters related to real estate and finance, please contact attorneys Rob Freedman, Jourdan Haynes, or Vinnie Vaughn.

## Authored By



Robert S. Freedman

## Related Practices

[Real Estate](#)

[Title Insurance](#)

[Banking, Commercial, and Consumer Finance](#)

[Business Transactions](#)

## Related Industries

[Real Estate](#)

[Banking, Commercial, and Consumer Finance](#)

©2024 Carlton Fields, P.A. Carlton Fields practices law in California through Carlton Fields, LLP. Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information and educational purposes only, and should not be relied on as if it were advice about a particular fact situation. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship with Carlton Fields. This publication may not be quoted or referred to in any other publication or proceeding without the prior written consent of the firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our Contact Us form via the link below. The views set forth herein are the personal views of the author and do not necessarily reflect those of the firm. This site may contain hypertext links to information created and maintained by other entities. Carlton Fields does not control or guarantee the accuracy or completeness of this outside information, nor is the inclusion of a link to be intended as an endorsement of those outside sites.

