

By Senator Burt

16-1574-02

1                                   A bill to be entitled  
2           An act relating to notaries public; amending  
3           ss. 117.01, 117.05, F.S.; revising the fees  
4           that may be charged by a notary; increasing  
5           bond requirements; revising certain sealing  
6           requirements for electronic notarization;  
7           creating s. 117.055, F.S.; requiring a journal  
8           of services performed; amending s. 117.107,  
9           F.S.; conforming provisions; providing an  
10          effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. Subsections (4) and (7) of section 117.01,  
15 Florida Statutes, are amended to read:

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17           117.01 Appointment, application, suspension,  
18 revocation, application fee, bond, and oath.--

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20           (4) The Governor may suspend a notary public for any  
21 of the grounds provided in s. 7, Art. IV of the State  
22 Constitution. Grounds constituting malfeasance, misfeasance,  
23 or neglect of duty include, but are not limited to, the  
24 following:

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26           (a) A material false statement on the application.

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28           (b) A complaint found to have merit by the Governor.

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30           (c) Failure to cooperate or respond to an  
31 investigation by the Governor's office or the Department of  
State regarding a complaint.

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33           (d) Official misconduct as defined in s. 839.25.

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35           (e) False or misleading advertising relating to notary  
public services.

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37           (f) Unauthorized practice of law.

1 (g) Failure to report a change in business or home  
2 address or telephone number, or failure to submit  
3 documentation to request an amended commission after a lawful  
4 name change, within the specified period of time.

5 (h) Commission of fraud, misrepresentation, or any  
6 intentional violation of this chapter.

7 (i) Charging fees in excess of those that are  
8 reasonable under the circumstances ~~fees authorized by this~~  
9 ~~chapter.~~

10 (j) Failure to maintain the bond required by this  
11 section.

12 (7)(a) A notary public shall, prior to executing the  
13 duties of the office and throughout the term of office, give  
14 bond, payable to any individual harmed as a result of a breach  
15 of duty by the notary public acting in his or her official  
16 capacity, in the amount of ~~\$10,000~~\$7,500, conditioned for the  
17 due discharge of the office and shall take an oath that he or  
18 she will honestly, diligently, and faithfully discharge the  
19 duties of the notary public. The bond shall be approved and  
20 filed with the Department of State and executed by a surety  
21 company for hire duly authorized to transact business in this  
22 state.

23 (b) Any notary public whose term of appointment  
24 extends beyond January 1, 1999, is required to increase the  
25 amount of his or her bond to \$7,500 only upon reappointment on  
26 or after January 1, 1999. Any notary public whose term of  
27 appointment extends beyond January 1, 2002, is required to  
28 increase the amount of his or her bond to \$10,000 only upon  
29 reappointment on or after that date.

30 (c) Beginning July 1, 1996, surety companies for hire  
31 which process notary public applications, oaths, affidavits of

1 character, and bonds for submission to the Department of State  
2 must properly submit these documents in a software and hard  
3 copy format approved by the Department of State.

4 Section 2. Subsection (2) and paragraph (i) of  
5 subsection (4) of section 117.05, Florida Statutes, are  
6 amended to read:

7 117.05 Use of notary commission; unlawful use; notary  
8 fee; seal; duties; employer liability; name change;  
9 advertising; photocopies; penalties.--

10 (2)(a) The fee of a notary public may not exceed a  
11 reasonable fee under the circumstances, considering travel  
12 distance and time, mode of transportation, and other expenses  
13 ~~\$10 for any one notarial act, except as provided in s.~~  
14 ~~117.045.~~

15 (b) A notary public may not charge a fee for  
16 witnessing an absentee ballot in an election, and must witness  
17 such a ballot upon the request of an elector, provided the  
18 notarial act is in accordance with the provisions of this  
19 chapter.

20 (4) When notarizing a signature, a notary public shall  
21 complete a jurat or notarial certificate in substantially the  
22 same form as those found in subsection (13). The jurat or  
23 certificate of acknowledgment shall contain the following  
24 elements:

25 (i) The notary's official seal affixed below or to  
26 either side of the notary's signature. Notwithstanding  
27 paragraph (3)(a), a notary who performs an electronic  
28 notarization pursuant to s. 668.50(11)(a) must include only  
29 his or her name as commissioned, commission number, date of  
30 expiration of the commission, and the words, "Notary Public -  
31 State of Florida."

1 Section 3. Section 117.055, Florida Statutes, is  
2 created to read:

3 117.055 Use of journal for notarial acts.--Each  
4 notarial act for which a fee is charged shall be recorded by  
5 the notary in a written journal maintained for that purpose.  
6 Each journal shall be available for inspection by any person  
7 for whom a notarial act was performed, for at least 5 years  
8 after the date the act was performed.

9 Section 4. Subsection (13) is added to section 117.07,  
10 Florida Statutes, to read:

11 117.107 Prohibited acts.--

12 (13) A notary may not perform a notarial act for which  
13 a fee is charged, unless each act is immediately entered in  
14 the notary's journal pursuant to s. 117.055.

15 Section 5. This act shall take effect July 1, 2002.

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18 SENATE SUMMARY

19 Revises fees authorized to be charged by notaries public  
20 from statutory limits to fees that are reasonable under  
21 the circumstances. Revises sealing requirements for  
22 electronic notarization. Requires notaries to maintain a  
23 journal of services performed.  
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