

By Representative Kendrick

1 A bill to be entitled
2 An act relating to notaries public; amending s.
3 117.01, F.S.; prohibiting notaries from
4 charging fees in excess of those which are
5 reasonable under the circumstances; providing
6 an increased bond requirement to be applied
7 under certain circumstances; amending s.
8 117.05, F.S.; providing for the inclusion of
9 certain factors in determining a reasonable fee
10 for services; providing requirements with
11 respect to electronic notarizations; creating
12 s. 117.055, F.S.; requiring the use of a
13 journal for documentation of notarial acts;
14 amending s. 117.107, F.S.; providing that a
15 notary public may not perform any notarial act
16 for which any fee is charged without recording
17 the act in a journal; providing an effective
18 date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Paragraph (i) of subsection (4) and
23 paragraphs (a) and (b) of subsection (7) of section 117.01,
24 Florida Statutes, are amended to read:

25 117.01 Appointment, application, suspension,
26 revocation, application fee, bond, and oath.--

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

1 (i) Charging fees in excess of those which are
2 reasonable under the circumstances ~~fees authorized by this~~
3 ~~chapter.~~

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

15 (b) Any notary public whose term of appointment
16 extends beyond January 1, 1999, is required to increase the
17 amount of his or her bond to \$7,500 only upon reappointment on
18 or after January 1, 1999. Any notary public whose term of
19 appointment extends beyond January 1, 2002, is required to
20 increase the amount of his or her bond to \$10,000 only upon
21 reappointment on or after January 1, 2002.

22 Section 2. Paragraph (a) of subsection (2), paragraph
23 (a) of subsection (3), and paragraph (i) of subsection (4) of
24 section 117.05, Florida Statutes, are amended to read:

25 117.05 Use of notary commission; unlawful use; notary
26 fee; seal; duties; employer liability; name change;
27 advertising; photocopies; penalties.--

28 (2)(a) The fee of a notary public shall ~~may~~ not exceed
29 a reasonable fee under the circumstances, including, but not
30 limited to, travel distance and time, mode of transportation,
31

1 ~~and other expenses\$10 for any one notarial act, except as~~
2 ~~provided in s. 117.045.~~

3 (3)(a) Except as provided in paragraph (4)(i),a
4 notary public seal shall be affixed to all notarized paper
5 documents and shall be of the rubber stamp type and shall
6 include the words "Notary Public-State of Florida." The seal
7 shall also include the name of the notary public, the date of
8 expiration of the commission of the notary public, and the
9 commission number. The rubber stamp seal must be affixed to
10 the notarized paper document in photographically reproducible
11 black ink. Every notary public shall print, type, or stamp
12 below his or her signature on a paper document his or her name
13 exactly as commissioned. An impression-type seal may be used
14 in addition to the rubber stamp seal, but the rubber stamp
15 seal shall be the official seal for use on a paper document,
16 and the impression-type seal may not be substituted therefor.

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

22 (i) The notary's official seal affixed below or to
23 either side of the notary's signature. In the case of
24 electronic notarizations pursuant to s. 668.50(11)(a), a
25 notary public shall include his or her name as commissioned,
26 commission number, date commission expires, and the words
27 "Notary Public - State of Florida."

28 Section 3. Section 117.055, Florida Statutes, is
29 created to read:

30 117.055 Use of journal for notarial acts.--Each and
31 every notarial act for which any fee is charged shall be

1 recorded by the notary performing the act in a written journal
2 maintained for that purpose. Each journal shall be available
3 for inspection by any party for whom a notarial act was
4 performed, or the party's authorized representative, for a
5 period of no less than 5 years after the date the act was
6 performed.

7 Section 4. Subsection (13) is added to section
8 117.107, Florida Statutes, to read:

9 117.107 Prohibited acts.--

10 (13) A notary public may not perform any notarial act
11 for which any fee is charged without immediately thereafter
12 entering such act in the notary's journal as required in s.
13 117.055.

14 Section 5. This act shall take effect upon becoming a
15 law.

16 *****

17
18 HOUSE SUMMARY

19 Revises provisions of law governing notaries public.
20 Prohibits notaries from charging fees in excess of those
21 which are reasonable under the circumstances. Provides
22 that a requirement for a bond of \$10,000 shall apply with
23 respect to any notary whose term of appointment or
24 reappointment occurs on or after January 1, 2002.
25 Provides for the inclusion of certain factors in
26 determining a reasonable fee for services. Provides
27 requirements with respect to electronic notarizations.
28 Requires the use of a journal with respect to notarial
29 acts for which a fee is charged. See bill for details.
30
31