

By Senator Sebesta

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A bill to be entitled  
An act relating to notaries public; amending s.  
117.05, F.S.; requiring notaries to provide  
services without charge for certain persons;  
creating s. 117.055, F.S.; requiring notaries  
to maintain a journal and record notarial acts;  
providing journal requirements; providing an  
effective date.

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

Section 1. Subsection (2) of section 117.05, Florida  
Statutes, is amended to read:

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

(2)(a) The fee of a notary public may not exceed \$10  
for any one notarial act, except as provided in s. 117.045.

(b) A notary public may not charge a fee:

1. For witnessing an absentee ballot in an election,  
and must witness such a ballot upon the request of an elector,  
~~if provided~~ the notarial act is in accordance with the  
provisions of this chapter; ~~or~~—

2. For any notarial act performed for a United States  
military veteran or a firefighter, police officer, or  
sheriff's deputy applying for a pension, allotment, allowance,  
compensation, insurance policy, or other benefit resulting  
from public service.

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

117.055 Use of journal for notarial acts.--

1           (1) Each notarial act for which a fee is charged shall  
2 be recorded by the notary by a sequential entry in a  
3 permanently bound journal with numbered pages, and shall be  
4 kept by the notary for at least 5 years after the date of the  
5 last entry. Any person who submits to the notary a signed,  
6 written request stating the month, year, type of document or  
7 proceeding, and the name of the signer or principal for a  
8 notarial act may examine the corresponding entry in the  
9 notary's journal.

10           (2) For each notarial act, the notary shall record in  
11 the journal at the time of notarization:

12           (a) The date, time, and type of notarial act;

13           (b) The date, type, title, or description of the  
14 document or proceeding;

15           (c) The signature or thumbprint of the signer or  
16 principal;

17           (d) The name and address of the signer or principal;

18           (e) A description of the evidence of identity of the  
19 signer or principal and, pursuant to s. 117.05(5)(b)2.i., in  
20 the case of reliance on an identification card issued by the  
21 United States Immigration and Naturalization Service other  
22 than an Alien Registration Receipt Card, a description of a  
23 student identity card or other documentation of current lawful  
24 occupation in the United States; and

25           (f) The fee charged, if any.

26           Section 3. This act shall take effect January 1, 2004.

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29           SENATE SUMMARY

30           Requires notaries to provide services at no charge to  
31           military veterans, law enforcement officers or  
          firefighters for certain services. Requires notaries to  
          maintain a journal of services provided.