

HB 0337

2004

1 A bill to be entitled
 2 An act relating to notaries public; amending s. 117.05,
 3 F.S.; requiring notaries to provide services without
 4 charge for certain persons; creating s. 117.055, F.S.;
 5 requiring notaries to maintain a journal and record
 6 notarial acts; providing journal requirements; providing
 7 that a violation of s. 117.055, F.S., may result in
 8 sanctions against the notary public, but shall not
 9 invalidate the notarial act; providing an effective date.

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

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

15 117.05 Use of notary commission; unlawful use; notary fee;
 16 seal; duties; employer liability; name change; advertising;
 17 photocopies; penalties.--

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

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

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

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

CODING: Words **stricken** are deletions; words **underlined** are additions.

HB 0337

2004

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

32 117.055 Use of journal for notarial acts.--

33 (1) Each notarial act shall be recorded by the notary by a
 34 sequential entry in a journal and shall be kept by the notary
 35 for at least 5 years after the date of the last entry. Any
 36 person lawfully entitled to the information recorded in the
 37 journal pursuant to subsection (2) may, upon reasonable notice,
 38 submit to the notary a signed, written request stating the
 39 month, year, and type of document or proceeding and the name of
 40 the signer or principal for a notarial act, and the requester
 41 shall then be permitted to examine the corresponding entry in
 42 the notary's journal.

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

45 (a) The date, time, and type of notarial act.

46 (b) The date, type, title, or description of the document
 47 or proceeding.

48 (c) The signature and thumbprint of the signer or
 49 principal.

50 (d) The name and address of the signer or principal.

51 (e) A description of the evidence of identity of the
 52 signer or principal and, pursuant to s. 117.05(5)(b)2.i., in the
 53 case of reliance on an identification card issued by the United
 54 States Immigration and Naturalization Service other than an
 55 alien registration receipt card, a description of a student
 56 identity card or other documentation of current lawful
 57 occupation in the United States.

58 (f) The fee charged, if any.

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59 (3) Failure of a notary public to comply with the
60 requirements of this section shall subject the notary to
61 appropriate sanctions but shall not affect the validity of any
62 acknowledgment, jurat, or other notarial act.

63 Section 3. This act shall take effect January 1, 2005.