

CHAMBER ACTION

1 The Committee on Commerce recommends the following:

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3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to notaries public; amending s. 117.05,
7 F.S.; requiring notaries to provide services without
8 charge for certain persons; creating s. 117.055, F.S.;
9 requiring notaries to maintain a journal and record
10 notarial acts; providing journal requirements; providing
11 that a failure to comply with such requirements may result
12 in sanctions against the notary public but shall not
13 invalidate the notarial act; providing an effective date.

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

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

19 117.05 Use of notary commission; unlawful use; notary fee;
20 seal; duties; employer liability; name change; advertising;
21 photocopies; penalties.--

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

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

25 1. For witnessing an absentee ballot in an election, and

26 must witness such a ballot upon the request of an elector if

27 provided the notarial act is in accordance with the provisions

28 of this chapter.

29 2. For any notarial act performed for a United States

30 military veteran or a firefighter, police officer, or sheriff's

31 deputy applying for a pension, allotment, allowance,

32 compensation, insurance policy, or other benefit resulting from

33 public service.

34 Section 2. Section 117.055, Florida Statutes, is created

35 to read:

36 117.055 Use of journal for notarial acts.--

37 (1) Each notarial act shall be recorded by the notary by a

38 sequential entry in a journal and shall be kept by the notary

39 for at least 5 years after the date of the last entry.

40 (2) For each notarial act, the notary shall record in the

41 journal at the time of notarization:

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

43 (b) The date, type, title, or description of the document

44 or proceeding.

45 (c) The signature and thumbprint of the signer or

46 principal.

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

48 (e) A description of the evidence of identity of the

49 signer or principal and, pursuant to s. 117.05(5)(b)2.i., in the

50 case of reliance on an identification card issued by the United

51 States Immigration and Naturalization Service other than an

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52 | alien registration receipt card, a description of a student
53 | identity card or other documentation of current lawful
54 | occupation in the United States.

55 | (f) The fee charged, if any.

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

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