

By Senator Margolis

35-303-04

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

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

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

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

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

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

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

24 (f) The fee charged, if any.

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

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28 SENATE SUMMARY

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