

By the Committee on Judiciary; and Senator Margolis

308-1294-04

1 A bill to be entitled
2 An act relating to notaries public; amending s.
3 117.01, F.S.; specifying the duty of the
4 Executive Office of the Governor to notify
5 notaries public of changes in notary fees and
6 duties under the law; amending s. 117.05, F.S.;
7 requiring notaries to provide services without
8 charge for certain persons; creating s.
9 117.055, F.S.; requiring notaries to maintain a
10 journal and record notarial acts; providing
11 journal requirements; providing that a
12 violation of s. 117.055, F.S., may result in
13 sanctions against the notary public, but shall
14 not invalidate the notarial act; providing an
15 effective date.

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

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19 Section 1. Subsection (2) of section 117.01, Florida
20 Statutes, is amended to read:

21 117.01 Appointment, application, suspension,
22 revocation, application fee, bond, and oath.--

23 (2) The application for appointment shall be signed
24 and sworn to by the applicant and shall be accompanied by a
25 fee of \$25, together with the \$10 commission fee required by
26 s. 113.01, and a surcharge of \$4. The, which \$4 surcharge is
27 appropriated to the Executive Office of the Governor to be
28 used to educate and assist notaries public and to provide
29 notice of changes in fees, services, and duties under the law.
30 The Executive Office of the Governor may contract with private
31 vendors to provide the services set forth in this section.

1 However, no commission fee shall be required for the issuance
2 of a commission as a notary public to a veteran who served
3 during a period of wartime service, as defined in s. 1.01(14),
4 and who has been rated by the United States Government or the
5 United States Department of Veterans Affairs or its
6 predecessor to have a disability rating of 50 percent or more;
7 such a disability is subject to verification by the Secretary
8 of State, who has authority to adopt reasonable procedures to
9 implement this act. The oath of office and notary bond
10 required by this section shall also accompany the application
11 and shall be in a form prescribed by the Department of State
12 which shall require, but not be limited to, the following
13 information: full name, residence address and telephone
14 number, business address and telephone number, date of birth,
15 race, sex, social security number, citizenship status,
16 driver's license number or the number of other official
17 state-issued identification, affidavit of good character from
18 someone unrelated to the applicant who has known the applicant
19 for 1 year or more, a list of all professional licenses and
20 commissions issued by the state during the previous 10 years
21 and a statement as to whether or not the applicant has had
22 such license or commission revoked or suspended, and a
23 statement as to whether or not the applicant has been
24 convicted of a felony, and, if there has been a conviction, a
25 statement of the nature of the felony and restoration of civil
26 rights. The applicant may not use a fictitious or assumed
27 name other than a nickname on an application for commission.
28 The application shall be maintained by the Department of State
29 for the full term of a notary commission. A notary public
30 shall notify, in writing, the Department of State of any
31 change in his or her business address, home telephone number,

1 business telephone number, home address, or criminal record
2 within 60 days after such change. The Governor may require
3 any other information he or she deems necessary for
4 determining whether an applicant is eligible for a notary
5 public commission. Each applicant must swear or affirm on the
6 application that the information on the application is true
7 and correct.

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

10 117.05 Use of notary commission; unlawful use; notary
11 fee; seal; duties; employer liability; name change;
12 advertising; photocopies; penalties.--

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

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

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

20 2. For any notarial act performed for a United States
21 military veteran, as defined in s. 1.01, or a firefighter,
22 police officer, or sheriff's deputy applying for a pension,
23 allotment, allowance, compensation, insurance policy, or other
24 benefit resulting from public service.

25 Section 3. Section 117.055, Florida Statutes, is
26 created to read:

27 117.055 Use of journal for notarial acts.--

28 (1) Each notarial act shall be recorded by the notary
29 by a sequential entry in a journal and shall be kept by the
30 notary for at least 5 years after the date of the last entry.
31 Any person lawfully entitled to the information recorded in

1 the journal pursuant to subsection (2) may, upon reasonable
2 notice, submit to the notary a signed, written request stating
3 the month, year, and type of document or proceeding and the
4 name of the signer or principal for a notarial act, and the
5 requester shall then be permitted to examine the corresponding
6 entry in the notary's journal.

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

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

10 (b) The date, type, title, or description of the
11 document or proceeding.

12 (c) The signature and thumbprint of the signer or
13 principal.

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

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

22 (f) The fee charged, if any.

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

27 Section 4. This act shall take effect January 1, 2005.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 432

Expands Executive Office of the Governor duties to include notifying notaries public of changes in the law regarding fees, services and duties.

Provides cross-reference to existing statutory definition of "veteran" which includes persons who served during the Spanish-American War, Mexican Border period, World Wars I and II, Korean Conflicts, Vietnam Era, and the Persian Gulf War.

Subjects notaries public to sanctions for failure to comply with requirements associated with the keeping of a notarial journal.