

By Senator Lynn

7-168A-05

1 A bill to be entitled
2 An act relating to notaries public; amending s.
3 117.05, F.S.; authorizing notaries to charge
4 per-person fees; prohibiting notaries from
5 charging specified persons for acts relating to
6 application for a benefit resulting from public
7 service; creating s. 117.055, F.S.; requiring
8 notaries to maintain journals of notarial acts;
9 prescribing information to be recorded in such
10 journals; providing penalties for failure to
11 comply with such requirement; providing that
12 failure to comply with such requirement does
13 not invalidate a notarial act; providing an
14 effective date.

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

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

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

23 (2)(a) The fee of a notary public may not exceed \$10
24 per person for any one notarial act, except as provided in s.
25 117.045.

26 (b) A notary public may not charge a fee for
27 witnessing an absentee ballot in an election, and must witness
28 such a ballot upon the request of an elector, provided the
29 notarial act is in accordance with the provisions of this
30 chapter.

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1 (c) A notary public may not charge a fee for any
2 notarial act performed for a United States military veteran or
3 a firefighter or law enforcement officer applying for a
4 pension, allotment, allowance, compensation, insurance policy,
5 or other benefit resulting from public service.

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

8 117.055 Journal of notarial acts.--

9 (1) Each notarial act must be recorded by the notary
10 sequentially, either in a permanently bound book with numbered
11 pages or in electronic form. This journal of notarial acts
12 shall be kept by the notary or the notary's estate for at
13 least 5 years after the date of the last entry.

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

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

17 (b) The date and type, title, or description of the
18 document or proceeding;

19 (c) The name of the signer or principal;

20 (d) A description of the evidence of identity of the
21 signer or principal. However, a social security number or
22 identification or serial number from a state driver's license
23 or a state-issued identification document other than a
24 driver's license, from a military or other identification
25 document issued by a United States government agency, from a
26 passport or other identification document issued by an agency
27 of a foreign government, or from a commercial credit or debit
28 card may not be recorded; and

29 (e) The fee charged, if any.

30 (3) Failure of a notary public to comply with this
31 section constitutes neglect of duty for which the notary is

1 subject to appropriate sanctions, including suspension under
2 s. 7, Art. IV of the State Constitution, but does not affect
3 the validity of any acknowledgement, jurat, or other notarial
4 act.

5 Section 3. This act shall take effect January 1, 2006.

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8 SENATE SUMMARY

9 Authorizes notaries public to charge fees per-person
10 rather than a flat fee per document. Provides for
11 notaries to provide services without fee for military
12 veterans, firefighters, and law enforcement officers when
13 applying for benefits based on public service. Requires
14 notaries to keep journals of notarial acts; the failure
15 to do so subjects a notary to suspension for neglect of
16 duty but does not invalidate the document that is the
17 subject of the notarial act.
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