

HB 0353

2005

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

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

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

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

19           (2)(a) The fee of a notary public may not exceed \$10 per  
 20 person for any one notarial act, except as provided in s.  
 21 117.045.

22           (b) A notary public may not charge a fee:  
 23           1. For witnessing an absentee ballot in an election, and  
 24 must witness such a ballot upon the request of an elector,  
 25 provided the notarial act is in accordance with the provisions  
 26 of this chapter.

27           2. For any notarial act performed for a United States  
 28 military veteran or a firefighter, police officer, or sheriff's  
 29 deputy applying for a pension, allotment, allowance,

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

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30 compensation, insurance policy, or other benefit resulting from  
 31 public service.

32 Section 2. Section 117.055, Florida Statutes, is created  
 33 to read:

34 117.055 Use of journal for notarial acts.--

35 (1) Each notarial act shall be recorded by the notary  
 36 public sequentially in either a permanently bound book with  
 37 numbered pages or in electronic form. This journal of notarial  
 38 acts shall be kept by the notary public or the notary's estate  
 39 for at least 5 years after the date of the last entry.

40 (2) For each notarial act, the notary public shall record  
 41 in the journal at the time of notarization:

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

43 (b) The date and type, title, or description of the  
 44 document or proceeding.

45 (c) The signature of the signer or principal.

46 (d) A description of the evidence of identity of the  
 47 signer or principal, provided that no social security number;  
 48 serial number from a state driver's license; Florida  
 49 identification card issued pursuant to s. 322.051; military or  
 50 other identification document issued by a United States  
 51 Government agency; passport; identification document issued by a  
 52 foreign government agency; commercial credit or debit card; or  
 53 other valid identification is recorded.

54 (e) The fee charged, if any.

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

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