

By the Committee on Governmental Oversight and Productivity;  
and Senator Fasano

585-2354-06

1                                   A bill to be entitled  
2           An act relating to notaries public; amending s.  
3           117.05, F.S.; requiring that specified notaries  
4           public provide services without charge to a  
5           military veteran or a firefighter or law  
6           enforcement officer who is applying for certain  
7           benefits; creating s. 117.071, F.S.; requiring  
8           that a notary public record each notarial act  
9           in a journal; providing an exception;  
10          specifying the information to be recorded;  
11          requiring that a journal be retained for a  
12          specified period; requiring that a notary  
13          public notify the Executive Office of the  
14          Governor if the journal is stolen, lost, or  
15          destroyed; providing that failure to comply  
16          with the requirements for keeping a journal  
17          constitutes grounds for suspension or  
18          nonrenewal of a notary public's commission;  
19          amending s. 117.10, F.S.; exempting certain law  
20          enforcement officers from s. 117.071, F.S.;  
21          providing an effective date.

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

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

27           117.05 Use of notary commission; unlawful use; notary  
28 fee; seal; duties; employer liability; name change;  
29 advertising; photocopies; penalties.--

30           (2)(a) The fee of a notary public may not exceed \$10  
31 for any one notarial act, as indicated by the affixing of the

1 notary's seal to a document accompanied by a written  
2 certificate or jurat, except as provided in s. 117.045.

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

4 1. Witnessing an absentee ballot in an election, and  
5 must witness such a ballot upon the request of an elector,  
6 provided the notarial act is in accordance with the provisions  
7 of this chapter.

8 2. Any notarial act performed for a veteran of the  
9 United States military or for a firefighter or law enforcement  
10 officer who is applying for a pension, an allotment, an  
11 allowance, compensation, an insurance policy, or other benefit  
12 resulting from public service. This subparagraph does not  
13 apply unless the notary public who performs the notarial act  
14 is an employee of a state agency and is performing notarial  
15 acts as part of the assigned duties of that employee.

16 Section 2. Section 117.071, Florida Statutes, is  
17 created to read:

18 117.071 Use of journal for notarial acts.--

19 (1) Each notarial act shall be recorded by the notary  
20 public in a sequential paper journal or a journal maintained  
21 in a computer or other electronic storage device in accordance  
22 with this chapter. A notary who is an attorney licensed in  
23 this state or is employed by an attorney licensed to practice  
24 in this state is exempt from this requirement.

25 (a) For each notarial act, the notary public shall  
26 record in the journal at the time of the notarization:

27 1. The date and time of the notarial act.

28 2. The type of notarial act.

29 3. The title or name of the document or transaction.

30 4. The signer's printed name and signature.

31 5. The signer's complete address and telephone number.

1           6. The specific type of identification presented by  
2 the signer.

3           (b) The notary public must retain the journal for at  
4 least 5 years following the date of the last entry.

5           (c) If the journal of a notary public is stolen, lost,  
6 misplaced, destroyed, or rendered unusable within the period  
7 specified in paragraph (b), the notary public must immediately  
8 notify the Executive Office of the Governor in writing of the  
9 circumstances of the incident.

10           (2) Failure of a notary public to comply with this  
11 section constitutes grounds for suspension or nonrenewal of  
12 the commission of the notary public by the Executive Office of  
13 the Governor.

14           Section 3. Section 117.10, Florida Statutes, is  
15 amended to read:

16           117.10 Law enforcement and correctional officers.--Law  
17 enforcement officers, correctional officers, and correctional  
18 probation officers, as defined in s. 943.10, and traffic  
19 accident investigation officers and traffic infraction  
20 enforcement officers, as described in s. 316.640, are  
21 authorized to administer oaths when engaged in the performance  
22 of official duties. Sections 117.01, 117.04, 117.045, 117.05,  
23 117.071, and 117.103 do not apply to the provisions of this  
24 section. An officer may not notarize his or her own  
25 signature.

26           Section 4. This act shall take effect January 1, 2007.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1312

Provides that the free notarization available to veterans, firefighters, and law enforcement officers is only available from a notary employed by a state agency performing the notarial act as part of their assigned duties.

Provides that the notarial act is indicated by the affixing of the notary's seal accompanied by a written certificate or jurat.

Provides that the journal may be kept in electronic form.

Provides that notaries licensed in Florida and their notary employees are exempt from the journal requirement.

Provides that certain law enforcement officers are exempt from the journal requirements.