

A bill to be entitled

An act relating to notaries public; amending s. 117.05, F.S.; requiring notaries public to charge fees per notarized signature; requiring notaries public to provide services without charge to certain persons; creating s. 117.071, F.S.; requiring notaries public to maintain a journal and to record notarial acts; providing requirements for journal entries; requiring retention of the journal for a specified period after the last entry and requiring certain notice upon failure to do so; providing that failure to comply with such requirements may constitute grounds for suspension or nonrenewal of the notary public commission by the Executive Office of the Governor; 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 per signature notarized, 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,

29 provided the notarial act is in accordance with the provisions
 30 of this chapter.

31 2. For any notarial act performed for a United States
 32 military veteran or a firefighter or law enforcement officer
 33 applying for a pension, allotment, allowance, compensation,
 34 insurance policy, or other benefit resulting from public
 35 service.

36 Section 2. Section 117.071, Florida Statutes, is created
 37 to read:

38 117.071 Use of journal for notarial acts.--

39 (1) Each notarial act shall be recorded by the notary
 40 public sequentially in a journal in accordance with the
 41 provisions of this chapter.

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

- 44 1. The date and time of the notarial act.
- 45 2. The type of notarial act.
- 46 3. The title or name of the document or transaction.
- 47 4. The signer's printed name and signature.
- 48 5. The signer's complete address, telephone number, and
 49 specific type of identification presented by the signer.

50 (b) The notary public must retain the journal for
 51 safekeeping for at least 5 years after the date of the last
 52 entry.

53 (c) If the notary public journal is stolen, lost,
 54 misplaced, destroyed, or rendered unusable within the time
 55 period specified in paragraph (b), the notary public must
 56 immediately notify the Executive Office of the Governor or the

HB 567

2006

57 Department of State in writing of the circumstances of the
58 incident.

59 (2) Failure of a notary public to comply with the
60 requirements of this section may constitute grounds for
61 suspension or nonrenewal of the notary public commission by the
62 Executive Office of the Governor.

63 Section 3. This act shall take effect January 1, 2007.