

CHAMBER ACTION

1 The Civil Justice Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to notaries public; amending s. 117.05,
7 F.S.; authorizing notaries public to charge a fee per
8 notarized signature; requiring notaries public to provide
9 services without charge to certain persons; creating s.
10 117.071, F.S.; requiring notaries public to maintain a
11 journal and to record notarial acts; providing an
12 exception; providing requirements for journal entries;
13 requiring retention of the journal for a specified period
14 after the last entry and requiring certain notice upon
15 failure to do so; providing that failure to comply with
16 such requirements may constitute grounds for suspension or
17 nonrenewal of the notary public commission by the
18 Executive Office of the Governor; providing an effective
19 date.

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

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

25 117.05 Use of notary commission; unlawful use; notary fee;
26 seal; duties; employer liability; name change; advertising;
27 photocopies; penalties.--

28 (2) (a) The fee of a notary public may not exceed \$10 per
29 signature notarized for any one notarial act, except as provided
30 in s. 117.045.

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

32 1. For witnessing an absentee ballot in an election, and
33 must witness such a ballot upon the request of an elector,
34 provided the notarial act is in accordance with the provisions
35 of this chapter.

36 2. For any notarial act performed for a United States
37 military veteran or a firefighter or law enforcement officer
38 applying for a pension, allotment, allowance, compensation,
39 insurance policy, or other benefit resulting from public
40 service.

41 Section 2. Section 117.071, Florida Statutes, is created
42 to read:

43 117.071 Use of journal for notarial acts.--

44 (1) Each notarial act shall be recorded by the notary
45 public sequentially in a journal in accordance with the
46 provisions of this chapter. A notary who is either an attorney
47 at law licensed to practice in this state or who is employed by
48 an attorney at law licensed to practice in this state is exempt
49 from the requirement to keep a journal of notarial acts.

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

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

53 2. The type of notarial act.

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

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

56 5. The signer's complete address, telephone number, and
57 specific type of identification presented by the signer.

58 (b) The notary public must retain the journal for
59 safekeeping for at least 5 years after the date of the last
60 entry.

61 (c) If the notary public journal is stolen, lost,
62 misplaced, destroyed, or rendered unusable within the time
63 period specified in paragraph (b), the notary public must
64 immediately notify the Executive Office of the Governor in
65 writing of the circumstances of the incident.

66 (2) Failure of a notary public to comply with the
67 requirements of this section may constitute grounds for
68 suspension or nonrenewal of the notary public commission by the
69 Executive Office of the Governor.

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