

CHAMBER ACTION

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

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

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

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23 | 117.05 Use of notary commission; unlawful use; notary fee;
24 | seal; duties; employer liability; name change; advertising;
25 | photocopies; penalties.--

26 | (2) (a) The fee of a notary public may not exceed \$10 for
27 | any one notarial act, as indicated by the affixing of the
28 | notary's seal to a document accompanied by a written certificate
29 | or jurat, except as provided in s. 117.045.

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

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

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

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

42 | 117.071 Use of journal for notarial acts.--

43 | (1) Each notarial act shall be recorded by the notary
44 | public in a sequential paper journal or a journal maintained in
45 | a computer or other electronic storage device in accordance with
46 | this chapter. A notary who is an attorney licensed to practice
47 | in this state or who is employed by an attorney licensed to
48 | practice in this state is exempt from this requirement.

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

- 51 | 1. The date and time of the notarial act.
- 52 | 2. The type of notarial act.
- 53 | 3. The title or name of the document or transaction.
- 54 | 4. The signer's printed name and signature.
- 55 | 5. The signer's complete address, telephone number, and
- 56 | specific type of identification presented by the signer.

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

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

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

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