

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 to certain persons; creating s. 117.071,  
5 F.S.; requiring notaries public to maintain a journal and  
6 to record notarial acts; providing an exception; providing  
7 requirements for journal entries; requiring retention of  
8 the journal for a specified period after the last entry  
9 and requiring certain notice upon failure to do so;  
10 providing that failure to comply with such requirements  
11 may constitute grounds for suspension or nonrenewal of the  
12 notary public commission by the Executive Office of the  
13 Governor; amending s. 117.10, F.S.; providing an exemption  
14 for certain law enforcement officers; providing an  
15 effective date.

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

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

21 117.05 Use of notary commission; unlawful use; notary fee;  
22 seal; duties; employer liability; name change; advertising;  
23 photocopies; penalties.--

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

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

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

38 Section 2. Section 117.071, Florida Statutes, is created  
 39 to read:

40 117.071 Use of journal for notarial acts.--

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

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

- 49 1. The date and time of the notarial act.
- 50 2. The type of notarial act.
- 51 3. The title or name of the document or transaction.
- 52 4. The signer's printed name and signature; and, in the  
 53 case of a journal maintained in a computer or other electronic

54 storage device, the notary may retain an original signature or  
55 copy of the 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. Section 117.10, Florida Statutes, is amended to  
71 read:

72 117.10 Law enforcement and correctional officers.--Law  
73 enforcement officers, correctional officers, and correctional  
74 probation officers, as defined in s. 943.10, and traffic  
75 accident investigation officers and traffic infraction  
76 enforcement officers, as described in s. 316.640, are authorized  
77 to administer oaths when engaged in the performance of official  
78 duties. Sections 117.01, 117.04, 117.045, 117.05, 117.071, and  
79 117.103 do not apply to the provisions of this section. An  
80 officer may not notarize his or her own signature.

81 | Section 4. This act shall take effect January 1, 2007. |