

ENROLLED

HB 567, Engrossed 3

2006 Legislature

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 exceptions; 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.

16
 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.

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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. This subparagraph does not apply unless the notary
 38 public who performs the notarial act is an employee of a state
 39 agency and is performing notarial acts as part of the assigned
 40 duties of that employee.

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 in a sequential paper journal or a journal maintained in
 46 a computer or other electronic storage device in accordance with
 47 this chapter. A notary who is an attorney licensed to practice
 48 in this state or who is employed by an attorney licensed to
 49 practice in this state is exempt from this requirement. A
 50 notary who is employed by a licensed title insurance agency in
 51 this state or by a title insurance underwriter authorized to
 52 conduct business in this state is exempt from this section.

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

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- 55 | 1. The date and time of the notarial act.
- 56 | 2. The type of notarial act.
- 57 | 3. The title or name of the document or transaction.
- 58 | 4. The signer's printed name and signature; and, in the
- 59 | case of a journal maintained in a computer or other electronic
- 60 | storage device, the notary may retain an original signature or
- 61 | copy of the signature.

- 62 | 5. The signer's complete address, telephone number, and
- 63 | specific type of identification presented by the signer.

64 | (b) The notary public must retain the journal for
 65 | safekeeping for at least 5 years after the date of the last
 66 | entry.

67 | (c) If the notary public journal is stolen, lost,
 68 | misplaced, destroyed, or rendered unusable within the time
 69 | period specified in paragraph (b), the notary public must
 70 | immediately notify the Executive Office of the Governor in
 71 | writing of the circumstances of the incident.

72 | (2) Failure of a notary public to comply with the
 73 | requirements of this section may constitute grounds for
 74 | suspension or nonrenewal of the notary public commission by the
 75 | Executive Office of the Governor.

76 | Section 3. Section 117.10, Florida Statutes, is amended to
 77 | read:

78 | 117.10 Law enforcement and correctional officers.--Law
 79 | enforcement officers, correctional officers, and correctional
 80 | probation officers, as defined in s. 943.10, and traffic
 81 | accident investigation officers and traffic infraction

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82 | enforcement officers, as described in s. 316.640, are authorized
83 | to administer oaths when engaged in the performance of official
84 | duties. Sections 117.01, 117.04, 117.045, 117.05, 117.071, and
85 | 117.103 do not apply to the provisions of this section. An
86 | officer may not notarize his or her own signature.

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