

By the Committee on Commerce and Tourism; and Senator Soto

577-02388-14

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1                   A bill to be entitled  
2       An act relating to notaries public; creating s.  
3       117.055, F.S.; requiring a notary public to record  
4       specified information in a notarial journal when  
5       performing certain notarial acts; requiring that a  
6       notary public retain a notarial journal for a  
7       specified period; requiring a notary public to notify  
8       the Department of State if the notarial journal is  
9       lost, stolen, misplaced, destroyed, erased,  
10      compromised, rendered unusable, or becomes otherwise  
11      inaccessible during the retention period; providing  
12      that a notarial journal is the exclusive property of a  
13      notary public; requiring a notary public to secure the  
14      journal; providing that failure to comply with the  
15      notarial journal requirements constitutes grounds for  
16      suspension, nonrenewal, or denial of a notary public  
17      commission; amending s. 117.10, F.S.; exempting  
18      certain acts of specified law enforcement and  
19      correctional officers from the notarial journal  
20      requirements; providing an effective date.

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

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24       Section 1. Section 117.055, Florida Statutes, is created to  
25 read:

26       117.055 Notarial journal.-

27       (1) When performing a notarial act that requires notarizing  
28 a signature, a notary public shall record the following  
29 information in a bound sequential paper journal or an electronic

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30 journal that creates sequential and nonmodifiable records:

31 (a) The date and time of the notarial act.

32 (b) The type of notarial act.

33 (c) The type, title, name, or description of the document,  
34 proceeding, or transaction requiring the notarial act.

35 (d) The signer's printed name and signature or, in the case  
36 of an electronic journal, the signer's name and electronic  
37 signature pursuant to s. 668.50(2)(h).

38 (e) The signer's complete residence address.

39 (f) Whether the signer is personally known to the notary  
40 public or presented satisfactory evidence of his or her identity  
41 pursuant to s. 117.05(5)(b). The notary shall record the type,  
42 last 4 digits of the unique identification number, and  
43 expiration date of the identification presented.

44 (g) The names of witnesses to the notarial act, if any.

45 (2) A notary public must retain a notarial journal for at  
46 least 5 years after the date of the last recorded notarial act  
47 in the notarial journal. If a notarial journal is lost, stolen,  
48 misplaced, destroyed, erased, compromised, rendered unusable, or  
49 becomes otherwise inaccessible during the retention period, the  
50 notary public must immediately notify the Department of State in  
51 writing of the circumstances of the incident.

52 (3) The notarial journal is the exclusive property of the  
53 notary public and must be kept in a locked and secure area,  
54 under the direct and exclusive control of the notary public.  
55 Access to an electronic notarial journal must be protected by a  
56 password or other secure means of authentication.

57 (4) Failure of a notary public to comply with this section  
58 constitutes grounds for suspension or nonrenewal of the notary

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59 public's commission and grounds for the denial of a subsequent  
60 commission by the Governor.

61 Section 2. Section 117.10, Florida Statutes, is amended to  
62 read:

63 117.10 Law enforcement and correctional officers.—Law  
64 enforcement officers, correctional officers, and correctional  
65 probation officers, as defined in s. 943.10, and traffic  
66 accident investigation officers and traffic infraction  
67 enforcement officers, as described in s. 316.640, are authorized  
68 to administer oaths when engaged in the performance of official  
69 duties. Sections 117.01, 117.04, 117.045, 117.05, 117.055, and  
70 117.103 do not apply to the provisions of this section. An  
71 officer may not notarize his or her own signature.

72 Section 3. This act shall take effect July 1, 2014.

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