

By the Committees on Regulated Industries; and Commerce and Tourism; and Senator Soto

580-03265-14

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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 Notary Section of the Executive Office of the
9 Governor if a notarial journal is lost, stolen,
10 misplaced, destroyed, erased, compromised, rendered
11 unusable, or becomes otherwise inaccessible during the
12 retention period; requiring notary employees of a law
13 firm to maintain a separate notarial journal for
14 certain notarial acts pertaining to the law firm and
15 its clients; providing that such a notarial journal is
16 the exclusive property of the law firm; requiring the
17 law firm to comply with notarial journal maintenance
18 and security requirements; providing that all other
19 notarial journals are the exclusive property of a
20 notary public; requiring a notary public to secure a
21 notarial journal; providing that failure to comply
22 with notarial journal requirements does not invalidate
23 a lawful notarization; providing that failure to
24 comply with the notarial journal requirements
25 constitutes grounds for suspension, nonrenewal, or
26 denial of a notary public commission; providing
27 applicability; amending s. 117.10, F.S.; exempting
28 certain acts of specified law enforcement and
29 correctional officers from the notarial journal

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30 requirements; providing an effective date.

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

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34 Section 1. Section 117.055, Florida Statutes, is created to
35 read:

36 117.055 Notarial journal.-

37 (1) When performing a notarial act that requires notarizing
38 a signature, a notary public shall record the following
39 information in a bound, sequential paper journal or an
40 electronic journal that creates sequential and nonmodifiable
41 records:

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

43 (b) The type of notarial act.

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

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

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

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

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

56 (2) A notary public must retain a notarial journal for at
57 least 5 years after the date of the last recorded notarial act
58 in the notarial journal. If a notarial journal is lost, stolen,

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59 misplaced, destroyed, erased, compromised, rendered unusable, or
60 becomes otherwise inaccessible during the retention period, the
61 notary public must immediately notify the Notary Section of the
62 Executive Office of the Governor in writing of the circumstances
63 of the incident.

64 (3) A notary employee of a law firm shall maintain a
65 separate notarial journal to record notarial acts of the
66 employee subject to the requirements of this section which
67 pertain to the law firm and its clients. Such notarial journal
68 is the exclusive property of the law firm and shall be
69 maintained and kept by the law firm in a secure area. Any such
70 notarial journal must remain in the law firm's custody upon the
71 termination of the employment of the notary employee. A law firm
72 shall comply with all applicable provisions of subsection (2) as
73 it relates to notarial journals maintained by its notary
74 employees to record notarial acts pertaining to the law firm and
75 its clients.

76 (4) Except as specifically provided in subsection (3), a
77 notarial journal is the exclusive property of the notary public.
78 A paper journal must be kept in a locked and secure area, under
79 the direct and exclusive control of the notary public. Access to
80 an electronic notarial journal must be protected by a password
81 or other secure means of authentication.

82 (5) Failure of a notary public to comply with this section
83 does not invalidate an otherwise lawful notarization.

84 (6) Failure of a notary public to comply with this section
85 constitutes grounds for suspension or nonrenewal of the notary
86 public's commission and grounds for the denial of a subsequent
87 commission by the Governor.

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88 (7) This section does not apply to employees of a law
89 enforcement agency, an office of state attorney, or the Office
90 of the Attorney General when acting within the scope of their
91 employment.

92 Section 2. Section 117.10, Florida Statutes, is amended to
93 read:

94 117.10 Law enforcement and correctional officers.—Law
95 enforcement officers, correctional officers, and correctional
96 probation officers, as defined in s. 943.10, and traffic
97 accident investigation officers and traffic infraction
98 enforcement officers, as described in s. 316.640, are authorized
99 to administer oaths when engaged in the performance of official
100 duties. Sections 117.01, 117.04, 117.045, 117.05, 117.055, and
101 117.103 do not apply to the provisions of this section. An
102 officer may not notarize his or her own signature.

103 Section 3. This act shall take effect January 1, 2015.