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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.

31  
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 upon any mortgage,  
38 mortgage-related document, loan modification, power of attorney,  
39 last will and testament, codicil to a last will and testament,  
40 trust agreement, amendment to a trust agreement, certification  
41 of trust, or deed conveying real property, including, but not  
42 limited to, a quitclaim deed, a notary public shall record the  
43 following information in a bound, sequential paper journal or an  
44 electronic journal that creates sequential and nonmodifiable  
45 records:

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

47 (b) The type of notarial act.

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

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

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

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

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

60 (2) A notary public must retain a notarial journal for at  
61 least 5 years after the date of the last recorded notarial act  
62 in the notarial journal. If a notarial journal is lost, stolen,  
63 misplaced, destroyed, erased, compromised, rendered unusable, or  
64 becomes otherwise inaccessible during the retention period, the  
65 notary public must immediately notify the Notary Section of the  
66 Executive Office of the Governor in writing of the circumstances  
67 of the incident.

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

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

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

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88       (6) Failure of a notary public to comply with this section  
89 constitutes grounds for suspension or nonrenewal of the notary  
90 public's commission and grounds for the denial of a subsequent  
91 commission by the Governor.

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

96       Section 2. Section 117.10, Florida Statutes, is amended to  
97 read:

98       117.10 Law enforcement and correctional officers.—Law  
99 enforcement officers, correctional officers, and correctional  
100 probation officers, as defined in s. 943.10, and traffic  
101 accident investigation officers and traffic infraction  
102 enforcement officers, as described in s. 316.640, are authorized  
103 to administer oaths when engaged in the performance of official  
104 duties. Sections 117.01, 117.04, 117.045, 117.05, 117.055, and  
105 117.103 do not apply to the provisions of this section. An  
106 officer may not notarize his or her own signature.

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