

A bill to be entitled

An act relating to notaries public; amending s. 117.01, F.S.; requiring the Department of Law Enforcement to charge a specified fee per applicant for a criminal history records check; creating s. 117.055, F.S.; requiring a notary public to record certain information about each notarial act in a specified journal; requiring that a notary public retain a notarial journal for a specified period; requiring a notary public to notify the Department of State if a notarial journal is lost, stolen, misplaced, destroyed, or rendered unusable during the retention period; requiring a notary public to keep a notarial journal in a specified area; providing that failure to comply with the notarial journal requirements constitutes grounds for suspension, nonrenewal, or denial of a notary public commission; providing an effective date.

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

Section 1. Subsection (2) of section 117.01, Florida Statutes, is amended to read:

117.01 Appointment, application, suspension, revocation, application fee, bond, and oath.—

(2) The application for appointment shall be signed and

27 | sworn to by the applicant and shall be accompanied by a fee of  
28 | \$25, together with the \$10 commission fee required by s. 113.01,  
29 | and a surcharge of \$4, which \$4 is appropriated to the Executive  
30 | Office of the Governor to be used to educate and assist notaries  
31 | public. The Executive Office of the Governor may contract with  
32 | private vendors to provide the services set forth in this  
33 | section. However, no commission fee shall be required for the  
34 | issuance of a commission as a notary public to a veteran who  
35 | served during a period of wartime service, as defined in s.  
36 | 1.01(14), and who has been rated by the United States Government  
37 | or the United States Department of Veterans Affairs or its  
38 | predecessor to have a disability rating of 50 percent or more;  
39 | such a disability is subject to verification by the Secretary of  
40 | State, who has authority to adopt reasonable procedures to  
41 | implement this act. The oath of office and notary bond required  
42 | by this section shall also accompany the application and shall  
43 | be in a form prescribed by the Department of State which shall  
44 | require, but not be limited to, the following information: full  
45 | name, residence address and telephone number, business address  
46 | and telephone number, date of birth, race, sex, social security  
47 | number, citizenship status, driver's license number or the  
48 | number of other official state-issued identification, affidavit  
49 | of good character from someone unrelated to the applicant who  
50 | has known the applicant for 1 year or more, a list of all  
51 | professional licenses and commissions issued by the state during  
52 | the previous 10 years and a statement as to whether or not the

53 applicant has had such license or commission revoked or  
54 suspended, and a statement as to whether or not the applicant  
55 has been convicted of a felony, and, if there has been a  
56 conviction, a statement of the nature of the felony and  
57 restoration of civil rights. The applicant may not use a  
58 fictitious or assumed name other than a nickname on an  
59 application for commission. The application shall be maintained  
60 by the Department of State for the full term of a notary  
61 commission. A notary public shall notify, in writing, the  
62 Department of State of any change in his or her business  
63 address, home telephone number, business telephone number, home  
64 address, or criminal record within 60 days after such change.  
65 The Governor may require any other information he or she deems  
66 necessary for determining whether an applicant is eligible for a  
67 notary public commission. The Department of Law Enforcement  
68 shall charge a fee of \$15 per applicant for a criminal history  
69 records check, payable from the application fee prescribed in  
70 this subsection. Each applicant must swear or affirm on the  
71 application that the information on the application is true and  
72 correct.

73 Section 2. Section 117.055, Florida Statutes, is created  
74 to read:

75 117.055 Notarial journal.—

76 (1) At the time of a notarial act, a notary public shall  
77 record the following information in a bound sequential paper or  
78 an electronic journal:

- 79        (a) The date and time of the notarial act.  
 80        (b) The type of notarial act.  
 81        (c) The type, title, name, or description of the document,  
 82 proceeding, or transaction requiring the notarial act.  
 83        (d) The signer's printed name and signature, or in the  
 84 case of an electronic journal, the signer's name and electronic  
 85 signature pursuant to s. 668.50(2)(h).  
 86        (e) The signer's complete residence address.  
 87        (f) Whether the signer is personally known to the notary  
 88 public or presented satisfactory evidence pursuant to s.  
 89 117.05(5)(b). The notary shall record the type, last 4 digits of  
 90 the unique identification number, and expiration date of the  
 91 identification presented.  
 92        (g) The names of witnesses to the notarial act.  
 93        (2) A notary public must retain a notarial journal for at  
 94 least 5 years after the date of the last recorded notarial act  
 95 in the notarial journal. If a notarial journal is lost, stolen,  
 96 misplaced, destroyed, or rendered unusable during the retention  
 97 period, the notary public must immediately notify the Department  
 98 of State in writing of the circumstances of the incident.  
 99        (3) The notarial journal is the exclusive property of the  
 100 notary public and shall be kept in a locked and secure area,  
 101 under the direct and exclusive control of the notary public.  
 102        (4) Failure of a notary public to comply with this section  
 103 constitutes grounds for suspension or nonrenewal of the notary  
 104 public's commission and grounds for the denial of a subsequent

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105 | commission by the Governor.

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