

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Peters offered the following:

2
3 **Amendment**

4 Between lines 526 and 527, insert:

5 Section 21. Section 117.055, Florida Statutes, is created
6 to read:

7 117.055 Notarial journal.-

8 (1) When performing a notarial act upon any mortgage, mortgage-
9 related document, loan modification, last will and testament,
10 codicil to a last will and testament, trust agreement, amendment
11 to a trust agreement, certification of trust, or deed conveying
12 real property, including, but not limited to, a quitclaim deed,
13 a notary public shall record the following information in a

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14 bound, sequential paper journal or an electronic journal that
15 creates sequential and nonmodifiable
16 records:
17 (a) The date and time of the notarial act.
18 (b) The type of notarial act.
19 (c) The type, title, name, or description of the document,
20 proceeding, or transaction requiring the notarial act.
21 (d) The signer's printed name and signature or, in the case of
22 an electronic journal, the signer's name and electronic
23 signature pursuant to s. 668.50(2)(h).
24 (e) The signer's complete residence address.
25 (f) Whether the signer is personally known to the notary public
26 or presented satisfactory evidence of his or her identity
27 pursuant to s. 117.05(5)(b). The notary shall record the type,
28 last 4 digits of the unique identification number, and
29 expiration date of the identification presented.
30 (g) The names of witnesses to the notarial act, if any.
31 (2) A notary public must retain a notarial journal for at least
32 5 years after the date of the last recorded notarial act in the
33 notarial journal. If a notarial journal is lost, stolen,
34 misplaced, destroyed, erased, compromised, rendered unusable, or
35 becomes otherwise inaccessible during the retention period, the
36 notary public must immediately notify the Notary Section of the
37 Executive Office of the Governor in writing of the circumstances
38 of the incident.

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39 (3) A notary employee of a law firm shall maintain a separate
40 notarial journal to record notarial acts of the employee subject
41 to the requirements of this section which
42 pertain to the law firm and its clients. Such notarial journal
43 is the exclusive property of the law firm and shall be
44 maintained and kept by the law firm in a secure area. Any such
45 notarial journal must remain in the law firm's custody upon the
46 termination of the employment of the notary employee. A law firm
47 shall comply with all applicable provisions of subsection (2) as
48 it relates to notarial journals maintained by its notary
49 employees to record notarial acts pertaining to the law firm and
50 its clients.

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

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

59 (6) Failure of a notary public to comply with this section
60 constitutes grounds for suspension or nonrenewal of the notary
61 public's commission and grounds for the denial of a subsequent
62 commission by the Governor.

63 (7) This section does not apply to employees of a law
64 enforcement agency, an office of state attorney, or the Office

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65 of the Attorney General when acting within the scope of their
66 employment.

67 Section 22. Section 117.10, Florida Statutes, is amended to
68 read:

69 117.10 Law enforcement and correctional officers.—Law
70 enforcement officers, correctional officers, and correctional
71 probation officers, as defined in s. 943.10, and traffic
72 accident investigation officers and traffic infraction
73 enforcement officers, as described in s. 316.640, are authorized
74 to administer oaths when engaged in the performance of official
75 duties. Sections 117.01, 117.04, 117.045, 117.05, 117.055, and
76 117.103 do not apply to the provisions of this section. An
77 officer may not notarize his or her own signature.

78 Section 23. This act shall take effect July 1, 2014.
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