

By Senator Soto

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

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30 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 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 as defined in s. 668.50(2).

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). The notary public shall record the
57 type, last four digits of the unique identification number, and
58 expiration date of any form of identification relied upon by the

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59 notary public as satisfactory evidence of identity.

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

61 (2) Except as specifically provided in subsection (5), a
62 notarial journal is the exclusive property of the notary public.

63 (3) A notarial journal must be kept in a locked and secure
64 area, under the direct and exclusive control of the notary
65 public. Access to an electronic notarial journal must be further
66 protected by a password or other secure means of authentication.

67 (4) A notary public shall retain a notarial journal for at
68 least 5 years after the date of the last recorded notarial act
69 in the journal. If the notarial journal is lost, stolen,
70 misplaced, destroyed, erased, compromised, rendered unusable, or
71 becomes otherwise inaccessible during the retention period, the
72 notary public shall immediately notify the Notary Section of the
73 Executive Office of the Governor in writing of the circumstances
74 of the incident.

75 (5) A notary public employed by a law firm shall maintain a
76 separate notarial journal to record notarial acts subject to the
77 requirements of this section which pertain to the law firm and
78 its clients. Such notarial journal is the exclusive property of
79 the law firm and must remain in the law firm's custody upon the
80 termination of the employment of the notary public. A law firm
81 shall comply with the security, retention, and reporting
82 requirements of subsections (3) and (4) for such notarial
83 journals.

84 (6) Failure of a notary public to comply with this section
85 does not invalidate an otherwise lawful notarization.

86 (7) Failure of a notary public to comply with this section
87 constitutes grounds for suspension or nonrenewal of the notary

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88 public's commission and for the denial of a subsequent
89 commission to the notary public by the Governor.

90 (8) This section does not apply to a notary public employed
91 by a law enforcement agency, an office of state attorney, or the
92 Office of the Attorney General when he or she is acting within
93 the scope of such employment.

94 Section 2. Section 117.10, Florida Statutes, is amended to
95 read:

96 117.10 Law enforcement and correctional officers.—Law
97 enforcement officers, correctional officers, and correctional
98 probation officers, as defined in s. 943.10, and traffic
99 accident investigation officers and traffic infraction
100 enforcement officers, as described in s. 316.640, are authorized
101 to administer oaths when engaged in the performance of official
102 duties. Sections 117.01, 117.04, 117.045, 117.05, 117.055, and
103 117.103 do not apply to the provisions of this section. An
104 officer may not notarize his or her own signature.

105 Section 3. This act shall take effect January 1, 2016.