

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 and retain the  
6           notarial journal for a specified period; requiring a  
7           notary public to notify the Executive Office of the  
8           Governor under certain circumstances in which a  
9           notarial journal becomes inaccessible during the  
10          retention period; requiring law firm employees who  
11          perform notarial services for the firm to maintain a  
12          separate notarial journal for certain notarial acts  
13          pertaining to the law firm and its clients; requiring  
14          a law firm to comply with notarial journal maintenance  
15          and security requirements; specifying the ownership of  
16          notarial journals; requiring a notary public to secure  
17          a notarial journal; providing that failure to comply  
18          with notarial journal requirements does not invalidate  
19          a lawful notarization; providing that failure to  
20          comply with the notarial journal requirements  
21          constitutes grounds for suspension, nonrenewal, or  
22          denial of a notary public commission; providing  
23          applicability; amending s. 117.10, F.S.; exempting  
24          certain acts of specified law enforcement and  
25          correctional officers from the notarial journal  
26          requirements; providing an effective date.

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

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30 Section 1. Section 117.055, Florida Statutes, is created  
31 to read:

32 117.055 Notarial journal.-

33 (1) When performing a notarial act upon a mortgage,  
34 mortgage-related document, loan modification, power of attorney,  
35 last will and testament, codicil to a last will and testament,  
36 trust agreement, amendment to a trust agreement, certification  
37 of trust, or deed conveying real property, including a quitclaim  
38 deed, a notary public shall record the following information in  
39 a bound, sequential paper journal or an electronic journal that  
40 creates sequential and nonmodifiable records:

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

42 (b) The type of notarial act.

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

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

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

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

53 number, and the expiration date of the identification presented.

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

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

62 (3) A law firm employee who performs notarial services for  
63 the firm shall maintain a separate notarial journal to record  
64 notarial acts of the employee, subject to the requirements of  
65 this section, that pertain to the law firm and its clients. Such  
66 notarial journal is the exclusive property of the law firm and  
67 shall be maintained and kept by the law firm in a secure area.  
68 Such notarial journal must remain in the law firm's custody upon  
69 the termination or other separation of the employment of the  
70 employee who has performed notarial services. A law firm shall  
71 comply with all applicable provisions of subsection (2) related  
72 to notarial journals maintained by its employees who record  
73 notarial acts pertaining to the law firm and its clients.

74 (4) Except as expressly provided in subsection (3), a  
75 notarial journal is the exclusive property of the notary public.  
76 A paper journal must be kept in a locked and secure area under  
77 the direct and exclusive control of the notary public. Access to  
78 an electronic notarial journal must be protected by a password

79 | or other secure means of authentication.

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

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

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

90 | Section 2. Section 117.10, Florida Statutes, is amended to  
 91 | read:

92 | 117.10 Law enforcement and correctional officers.—Law  
 93 | enforcement officers, correctional officers, and correctional  
 94 | probation officers, as defined in s. 943.10, and traffic  
 95 | accident investigation officers and traffic infraction  
 96 | enforcement officers, as described in s. 316.640, are authorized  
 97 | to administer oaths when engaged in the performance of official  
 98 | duties. Sections 117.01, 117.04, 117.045, 117.05, 117.055, and  
 99 | 117.103 do not apply to the provisions of this section. An  
 100 | officer may not notarize his or her own signature.

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