

HB 401

2017

1 A bill to be entitled
2 An act relating to notaries public; amending s.
3 117.05, F.S.; expanding the list of forms of
4 identification which a notary public may rely on in
5 notarizing a signature on a document to include a
6 veteran health information card; providing an
7 effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Paragraph (b) of subsection (5) of section
12 117.05, Florida Statutes, is amended to read:

13 117.05 Use of notary commission; unlawful use; notary fee;
14 seal; duties; employer liability; name change; advertising;
15 photocopies; penalties.—

16 (5) A notary public may not notarize a signature on a
17 document unless he or she personally knows, or has satisfactory
18 evidence, that the person whose signature is to be notarized is
19 the individual who is described in and who is executing the
20 instrument. A notary public shall certify in the certificate of
21 acknowledgment or jurat the type of identification, either based
22 on personal knowledge or other form of identification, upon
23 which the notary public is relying.

24 (b) For the purposes of this subsection, "satisfactory
25 evidence" means the absence of any information, evidence, or

26 | other circumstances which would lead a reasonable person to
27 | believe that the person whose signature is to be notarized is
28 | not the person he or she claims to be and any one of the
29 | following:

30 | 1. The sworn written statement of one credible witness
31 | personally known to the notary public or the sworn written
32 | statement of two credible witnesses whose identities are proven
33 | to the notary public upon the presentation of satisfactory
34 | evidence that each of the following is true:

35 | a. That the person whose signature is to be notarized is
36 | the person named in the document;

37 | b. That the person whose signature is to be notarized is
38 | personally known to the witnesses;

39 | c. That it is the reasonable belief of the witnesses that
40 | the circumstances of the person whose signature is to be
41 | notarized are such that it would be very difficult or impossible
42 | for that person to obtain another acceptable form of
43 | identification;

44 | d. That it is the reasonable belief of the witnesses that
45 | the person whose signature is to be notarized does not possess
46 | any of the identification documents specified in subparagraph
47 | 2.; and

48 | e. That the witnesses do not have a financial interest in
49 | nor are parties to the underlying transaction; or

50 | 2. Reasonable reliance on the presentation to the notary

51 public of any one of the following forms of identification, if
52 the document is current or has been issued within the past 5
53 years and bears a serial or other identifying number:

54 a. A Florida identification card or driver license issued
55 by the public agency authorized to issue driver licenses;

56 b. A passport issued by the Department of State of the
57 United States;

58 c. A passport issued by a foreign government if the
59 document is stamped by the United States Bureau of Citizenship
60 and Immigration Services;

61 d. A driver license or an identification card issued by a
62 public agency authorized to issue driver licenses in a state
63 other than Florida, a territory of the United States, or Canada
64 or Mexico;

65 e. An identification card issued by any branch of the
66 armed forces of the United States or a veteran health
67 identification card issued by the United States Department of
68 Veterans Affairs;

69 f. An inmate identification card issued on or after
70 January 1, 1991, by the Florida Department of Corrections for an
71 inmate who is in the custody of the department;

72 g. An inmate identification card issued by the United
73 States Department of Justice, Bureau of Prisons, for an inmate
74 who is in the custody of the department;

75 h. A sworn, written statement from a sworn law enforcement

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76 | officer that the forms of identification for an inmate in an
77 | institution of confinement were confiscated upon confinement and
78 | that the person named in the document is the person whose
79 | signature is to be notarized; or

80 | i. An identification card issued by the United States
81 | Bureau of Citizenship and Immigration Services.

82 | Section 2. This act shall take effect July 1, 2017.