

By Senator Gibson

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A bill to be entitled
An act relating to notaries public; amending s.
117.05, F.S.; expanding the list of forms of
identification which a notary public may rely on in
notarizing a signature on a document to include a
veteran health information card; providing an
effective date.

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

Section 1. Paragraph (b) of subsection (5) of section
117.05, Florida Statutes, is amended to read:

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

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

(b) For the purposes of this subsection, "satisfactory
evidence" means the absence of any information, evidence, or
other circumstances which would lead a reasonable person to
believe that the person whose signature is to be notarized is
not the person he or she claims to be and any one of the
following:

1. The sworn written statement of one credible witness
personally known to the notary public or the sworn written
statement of two credible witnesses whose identities are proven

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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

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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 armed
66 forces of the United States or a veteran health identification
67 card issued by the United States Department of Veterans Affairs;

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

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

74 h. A sworn, written statement from a sworn law enforcement
75 officer that the forms of identification for an inmate in an
76 institution of confinement were confiscated upon confinement and
77 that the person named in the document is the person whose
78 signature is to be notarized; or

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

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