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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2024	.	
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The Committee on Commerce and Tourism (Avila) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 242 - 328

and insert:

Section 4. Section 117.109, Florida Statutes, is created to read:

117.109 Journal of notarizations.-

(1) A notary public shall keep one or more tangible journals of all notarizations performed by the notary public.

For each notarization, the journal entry must contain all of the



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11 following:

12 (a) The date and time of the notarization.

13 (b) The type of notarial act performed, whether an oath or  
14 acknowledgment.

15 (c) The type, the title, or a description of the electronic  
16 recording or proceeding.

17 (d) The name and address of each principal or witness  
18 involved in the transaction or proceeding.

19 (e) Evidence of identity of each principal involved in the  
20 transaction or proceeding in either of the following forms:

21 1. A statement that the person is personally known to the  
22 notary public; or

23 2.a. A notation of the type of government-issued  
24 identification credential the person provided to the notary  
25 public;

26 b. An indication that the government-issued identification  
27 credential satisfied the credential analysis; and

28 c. An indication that the principal satisfactorily passed  
29 the identity proofing.

30 (f) The fee, if any, charged for the notarization.

31 (2) The notary public shall take reasonable steps to:

32 (a) Maintain a backup record of the journal required by  
33 subsection (1).

34 (b) Protect from unauthorized access the journal, the  
35 backup record, and any other records the notary public receives.

36 (3) The Department of State shall retain jurisdiction over  
37 the journal records for a period of 10 years after the date of  
38 the notarial acts for the purpose of investigating possible  
39 notarial misconduct.



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40           (a) A notary public shall maintain the journal required  
41 under subsection (1) for at least 10 years after the date of the  
42 notarial act.

43           (b) A notary public, a guardian of an incapacitated notary  
44 public, or the personal representative of a notary public may  
45 contract with a secure repository, in accordance with any rules  
46 established under this chapter, and delegate to the repository  
47 the notary public's duty to maintain the journal, provided that  
48 the department is notified of such delegation of retention  
49 duties within 30 days thereafter, including the effective date  
50 of the delegation and the address and contact information for  
51 the repository.

52           (c) If a notary public delegates to a secure repository his  
53 or her duty to maintain the journal required under this section,  
54 the notary public must make an entry in his or her journal  
55 identifying such repository and notify the department as  
56 required in this subsection. During any delegation under this  
57 subsection, the secure repository shall fulfill the  
58 responsibilities of the notary public to provide copies or  
59 access under s. 117.111.

60           (4) An omitted or incomplete entry in the journal does not  
61 invalidate the notarial act performed, but may be introduced as  
62 evidence to establish violations of this chapter; as evidence of  
63 possible fraud, forgery, impersonation, duress, incapacity,  
64 undue influence, minority, illegality, or unconscionability; or  
65 for other evidentiary purposes.

66           Section 5. Section 117.111, Florida Statutes, is created to  
67 read:

68           117.111 Use of journal.-



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- 69       (1) A notary public shall do all of the following:  
70       (a) Keep the journal maintained pursuant to s. 117.109  
71 secure and under his or her sole control. The notary public may  
72 not allow another person to use the notary public's journal or  
73 allow another person who is providing services to a notary  
74 public to facilitate the performance of notarizations.  
75       (b) Notify an appropriate law enforcement agency and the  
76 Department of State of any unauthorized use of or compromise to  
77 the security of the journal within 7 days after the discovery of  
78 the unauthorized use or compromise to security.  
79       (2) A notary public shall provide copies of pertinent  
80 entries in the journal upon the request of any of the following:  
81       (a) The department, pursuant to a notary misconduct  
82 investigation.  
83       (b) Any other persons or entities, pursuant to a subpoena,  
84 a court order, a law enforcement investigation, or any other  
85 lawful inspection demand.  
86       (3) This section may not be construed to prevent a notary  
87 public from designating a secure repository under s. 117.109.

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89 ===== T I T L E   A M E N D M E N T =====

90 And the title is amended as follows:

91       Delete lines 17 - 53

92 and insert:

93       notary public to keep at least one tangible journal;  
94       requiring a journal entry for each notarization;  
95       providing requirements for such entries; requiring the  
96       notary public to take reasonable steps to maintain a  
97       backup record and to protect the journal, the backup



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98 record, and other records from unauthorized access;  
99 requiring the Department of State to retain  
100 jurisdiction over the journal records for a specified  
101 timeframe for a certain purpose; requiring the notary  
102 public to maintain the journal for a specified  
103 timeframe; authorizing the notary public or specified  
104 individuals on his or her behalf to contract with a  
105 secure repository to maintain the journal; providing  
106 that such repository must fulfill specified duties of  
107 the notary public with respect to the journal;  
108 requiring the notary public to send, within a  
109 specified timeframe, a certain notification to the  
110 department of such delegation of retention duties;  
111 requiring the notary public to make an entry  
112 identifying the repository and providing notice to the  
113 department; requiring the secure repository to fulfill  
114 certain responsibilities of the notary public during  
115 any delegation; providing that an omitted or  
116 incomplete entry in the journal does not invalidate  
117 the notarial act, but may be used for specified  
118 evidentiary purposes; creating s. 117.111, F.S.;

119 requiring a notary public to keep the journal secure  
120 and notify, within a specified timeframe, the  
121 appropriate law enforcement agency and the department  
122 of any unauthorized use of or compromise to the  
123 security of the journal; prohibiting the notary public  
124 from allowing another person to use the notary  
125 public's journal or from allowing another person who  
126 is providing services to a notary public to facilitate



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the performance of notarizations; requiring the notary  
public to provide copies of pertinent entries upon the