

A bill to be entitled

An act relating to notaries public; creating s. 117.055, F.S.; requiring a notary public to record certain information in a specified journal when performing certain notarial acts; requiring that a notary public retain a notarial journal for a specified period; requiring a notary public to notify the Department of State if a notarial journal is lost, stolen, misplaced, destroyed, or rendered unusable during the retention period; requiring a notary public to keep a notarial journal in a specified area; providing that failure to comply with the notarial journal requirements constitutes grounds for suspension, nonrenewal, or denial of a notary public commission; amending s. 117.10, F.S.; specifying that provisions of the act do not apply to a provision authorizing certain law enforcement and correctional officers to administer oaths; providing an effective date.

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

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

117.055 Notarial journal.-

(1) When performing a notarial act that requires

27 notarizing a signature, a notary public shall record the  
 28 following information in a bound sequential paper or an  
 29 electronic journal:

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

31 (b) The type of notarial act.

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

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

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

38 (f) Whether the signer is personally known to the notary  
 39 public or presented satisfactory evidence pursuant to s.  
 40 117.05(5)(b). The notary shall record the type, last 4 digits of  
 41 the unique identification number, and expiration date of the  
 42 identification presented.

43 (g) The names of witnesses to the notarial act.

44 (2) A notary public must retain a notarial journal for at  
 45 least 5 years after the date of the last recorded notarial act  
 46 in the notarial journal. If a notarial journal is lost, stolen,  
 47 misplaced, destroyed, or rendered unusable during the retention  
 48 period, the notary public must immediately notify the Department  
 49 of State in writing of the circumstances of the incident.

50 (3) The notarial journal is the exclusive property of the  
 51 notary public and shall be kept in a locked and secure area,  
 52 under the direct and exclusive control of the notary public.

53           (4) Failure of a notary public to comply with this section  
54 constitutes grounds for suspension or nonrenewal of the notary  
55 public's commission and grounds for the denial of a subsequent  
56 commission by the Governor.

57           Section 2. Section 117.10, Florida Statutes, is amended to  
58 read:

59           117.10 Law enforcement and correctional officers.—Law  
60 enforcement officers, correctional officers, and correctional  
61 probation officers, as defined in s. 943.10, and traffic  
62 accident investigation officers and traffic infraction  
63 enforcement officers, as described in s. 316.640, are authorized  
64 to administer oaths when engaged in the performance of official  
65 duties. Sections 117.01, 117.04, 117.045, 117.05, 117.055, and  
66 117.103 do not apply to the provisions of this section. An  
67 officer may not notarize his or her own signature.

68           Section 3. This act shall take effect July 1, 2014.