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A bill to be entitled

1. Property and Notary Fraud Protection Act.
2. An act relating to the protection of elder persons and
3. other victims of fraud enabled by notary malfeasance;
4. amending s. 117.05 to include the requirement that
5. the names of all signatories be printed; amending
6. s. 117.105 to increase penalties for false or fraudulent
7. notarization for real estate transactions and other
8. transfers of real property; clarifying that the
9. notarization of a signature of a person who does not
10. appear before the notary in person or online is a false
11. notification; amending s. 117.107 to criminalize the
12. the commission of prohibited acts; creating requirement
13. for the keeping of an online journal for all notaries;
14. requiring specified information to be maintained;
15. requiring specified information to be reported;
16. requiring the providing time frames for reporting;
17. providing access to the online journal to specified parties;
18. amending s. 28.47 to authorize property appraiser to refuse
19. fraudulent deed with notation on property records;
20. providing an effective date.
21. Be It Enacted by the Legislature of the State of Florida
22. Section 1. Section 117.05, Florida Statutes, is amended to
23. to read:
24. 117.05 Use of notary commission; unlawful use; notary
25. fee seal; duties; employer liability; name change;
26. advertising; photocopies; penalties.-
27. (1) A person may not obtain or use a notary public
28. commission in other than his or her legal name, and it is
29. unlawful for a notary public to notarize his or her own
30. signature. Any person applying for a notary public commission
31. must submit proof of identity to the Department of State.
32. Any person who violates this subsection commits a felony of
33. the third degree, punishable as provided in s. [775.082](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=117.05&URL=0700-0799/0775/Sections/0775.082.html),
34. s. [775.083](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=117.05&URL=0700-0799/0775/Sections/0775.083.html), or s. [775.084](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=117.05&URL=0700-0799/0775/Sections/0775.084.html).
35. (2)(a) The fee of a notary public may not exceed $10
36. for any one notarial act under this part, except as provided
37. in s. 117.045 or s. 117.275.
38. (b) A notary public may not charge a fee for witnessing
39. a vote-by-mail ballot in an election, and must witness such
40. a ballot upon the request of an elector, provided the
41. notarial act is in accordance with the provisions of this
42. chapter.
43. (3)(a) A notary public seal shall be affixed to all
44. notarized paper documents and shall be of the rubber stamp
45. type and shall include the words “Notary Public-State of
46. Florida.” The seal shall also include the name of the notary
47. public, the date of expiration of the commission of the
48. notary public, and the commission number. The rubber stamp
49. seal must be affixed to the notarized paper document in
50. photographically reproducible black ink. Every notary public
51. shall print, type, or stamp below his or her signature on a
52. paper document his or her name exactly as commissioned. An
53. impression-type seal may be used in addition to the rubber
54. stamp seal, but the rubber stamp seal shall be the official
55. seal for use on a paper document, and the impression-type
56. seal may not be substituted therefor.
57. (b) The notary public official seal and the certificate
58. of notary public commission are the exclusive property of
59. the notary public and must be kept under the direct and
60. exclusive control of the notary public. The seal and
61. certificate of commission must not be surrendered to an
62. employer upon termination of employment, regardless of
63. whether the employer paid for the seal or for the
64. commission.
65. (c) A notary public whose official seal is lost,
66. stolen, or believed to be in the possession of another
67. person shall immediately notify the Department of State or
68. the Governor in writing.
69. (d) Any person who unlawfully possesses a notary public
70. official seal or any papers or copies relating to notarial
71. acts is guilty of a misdemeanor of the second degree,
72. punishable as provided in s. 775.082 or s. 775.083.
73. (4) When notarizing a signature, a notary public shall
74. complete a jurat or notarial certificate in substantially
75. the same form as those found in subsection (13). The jurat
76. or certificate of acknowledgment shall contain the following
77. elements:
78. (a) The venue stating the location of the notary public
79. at the time of the notarization in the format, “State of
80. Florida, County of .”
81. (b) The type of notarial act performed, an oath or an
82. acknowledgment, evidenced by the words “sworn” or
83. “acknowledged.”
84. (c) Whether the signer personally appeared before
85. the notary public at the time of the notarization by
86. physical presence or by means of audio-video communication
87. technology as authorized under part II of this chapter.
88. (d) The exact date of the notarial act.
89. (e) The name of the person whose signature is being
90. notarized. It is presumed, absent such specific notation by
91. the notary public, that notarization is to all signatures.
92. (f) The specific type of identification the notary
93. public is relying upon in identifying the signer, either
94. based on personal knowledge or satisfactory evidence
95. specified in subsection (5).
96. (g) The notary public’s official signature.
97. (h) The notary public’s name, which must be typed,
98. printed, or stamped below the signature.
99. (i) The notary public’s official seal affixed
100. below or to either side of the notary public’s signature.
101. (5) A notary public may not notarize a signature on a
102. document unless he or she personally knows, or has
103. satisfactory evidence, that the person whose signature is to
104. be notarized is the individual who is described in and who
105. is executing the instrument. A notary public shall certify
106. in the certificate of acknowledgment or jurat the type of
107. identification, either based on personal knowledge or other
108. form of identification, upon which the notary public is
109. relying. In the case of an online notarization, the online
110. notary public shall comply with the requirements set forth
111. in part II of this chapter.
112. (a) For purposes of this subsection, the term
113. “personally knows” means having an acquaintance, derived
114. from association with the individual, which establishes the
115. individual’s identity with at least a reasonable certainty.
116. (b) For the purposes of this subsection, the term
117. “satisfactory evidence” means the absence of any
118. information, evidence, or other circumstances which
119. would lead a reasonable person to believe that the person
120. whose signature is to be notarized is not the person he
121. or she claims to be and any one of the following:
122. 1. The sworn written statement of one credible witness
123. personally known to the notary public or the sworn written
124. statement of two credible witnesses whose identities are
125. proven to the notary public upon the presentation of
126. satisfactory evidence that each of the following is true:
127. a. That the person whose signature is to be notarized
128. is the person named in the document;
129. b. That the person whose signature is to be notarized
130. is personally known to the witnesses;
131. c. That it is the reasonable belief of the witnesses
132. that the circumstances of the person whose signature is to
133. be notarized are such that it would be very difficult or
134. impossible for that person to obtain another acceptable
135. form of identification;
136. d. That it is the reasonable belief of the witnesses
137. that the person whose signature is to be notarized does not
138. possess any of the identification documents specified in
139. subparagraph 2.; and
140. e. That the witnesses do not have a financial interest
141. in nor are parties to the underlying transaction; or
142. 2. Reasonable reliance on the presentation to the
143. notary public of any one of the following forms of
144. identification, if the document is current or has been
145. issued within the past 5 years and bears a serial or other
146. identifying number:
147. a. A Florida identification card or driver license
148. issued by the public agency authorized to issue driver
149. licenses;
150. b. A passport issued by the Department of State of the
151. United States;
152. c. A passport issued by a foreign government if the
153. document is stamped by the United States Bureau of
154. Citizenship and Immigration Services;
155. d. A driver license or an identification card issued
156. by a public agency authorized to issue driver licenses in a
157. state other than Florida or in a territory of the United
158. States, or Canada or Mexico;
159. e. An identification card issued by any branch of the
160. armed forces of the United States;
161. f. A veteran health identification card issued by the
162. United States Department of Veterans Affairs;
163. g. An inmate identification card issued on or after
164. January 1, 1991, by the Florida Department of Corrections
165. for an inmate who is in the custody of the department;
166. h. An inmate identification card issued by the United
167. States Department of Justice, Bureau of Prisons, for an
168. inmate who is in the custody of the department;
169. i. A sworn, written statement from a sworn law
170. enforcement officer that the forms of identification for an
171. inmate in an institution of confinement were confiscated
172. upon confinement and that the person named in the document
173. is the person whose signature is to be notarized; or
174. j. An identification card issued by the United States
175. Bureau of Citizenship and Immigration Services.
176. (6) The employer of a notary public shall be liable
177. to the persons involved for all damages proximately caused
178. by the notary’s official misconduct, if the notary public
179. was acting within the scope of his or her employment at the
180. time the notary engaged in the official misconduct.
181. (7) Any person who acts as or otherwise willfully
182. impersonates a notary public while not lawfully appointed
183. and commissioned to perform notarial acts is guilty of a
184. misdemeanor of the second degree, punishable as provided in
185. s. 775.082 or s. 775.083.
186. (8) Any notary public who knowingly acts as a notary
187. public after his or her commission has expired is guilty of
188. a misdemeanor of the second degree, punishable as provided
189. in s. 775.082 or s. 775.083.
190. (9) Any notary public who lawfully changes his or her
191. name shall, within 60 days after such change, request an
192. amended commission from the Secretary of State and shall
193. send $25, his or her current commission, and a notice of
194. change form, obtained from the Secretary of State, which
195. shall include the new name and contain a specimen of his or
196. her official signature. The Secretary of State shall issue
197. an amended commission to the notary public in the new name.
198. A rider to the notary public’s bond must accompany the
199. notice of change form. After submitting the required notice
200. of change form and rider to the Secretary of State, the
201. notary public may continue to perform notarial acts in his
202. or her former name for 60 days or until receipt of the
203. amended commission, whichever date is earlier.
204. (10) A notary public who is not an attorney who
205. advertises the services of a notary public in a language
206. other than English, whether by radio, television, signs,
207. pamphlets, newspapers, or other written communication, with
208. the exception of a single desk plaque, shall post or
209. otherwise include with the advertisement a notice in
210. English and in the language used for the advertisement.
211. The notice shall be of a conspicuous size, if in writing,
212. and shall state: “I AM NOT AN ATTORNEY LICENSED TO PRACTICE
213. LAW IN THE STATE OF FLORIDA, AND I MAY NOT GIVE LEGAL
214. ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.” If the
215. advertisement is by radio or television, the statement
216. may be modified but must include substantially the
217. same message.
218. (11) Literal translation of the phrase “Notary Public”
219. into a language other than English is prohibited in an
220. advertisement for notarial services.
221. (12)(a) A notary public may supervise the making of a
222. copy of a tangible or an electronic record or the printing
223. of an electronic record and attest to the trueness of the
224. copy or of the printout, provided the document is neither a
225. vital record in this state, another state, a territory of
226. the United States, or another country, nor a public record,
227. if a copy can be made by the custodian of the public
228. record.
229. (b) A notary public must use a certificate in
230. substantially the following form in notarizing an attested
231. copy:
232. STATE OF FLORIDA
233. COUNTY OF
234. On this day of , (year) , I attest that the
235. preceding or attached document is a true, exact, complete,
236. and unaltered photocopy made by me of   (description of
237. document) presented to me by the document’s custodian,
238. , and, to the best of my knowledge, that the
239. photocopied document is neither a vital record nor a public
240. record, certified copies of which are available from an
241. official source other than a notary public.
242. (Official Notary Signature and Notary Seal)
243. (Name of Notary Typed, Printed or Stamped)
244. (c) A notary public must use a certificate in
245. substantially the following form in notarizing a copy
246. of a tangible or an electronic record or a printout of an
247. electronic record:
248. STATE OF FLORIDA
249. COUNTY OF
250. On this   day of   ,   (year)  , I attest that the
251. preceding or attached document is a true, exact, complete,
252. and unaltered (copy of a tangible or an electronic
253. record presented to me by the document’s custodian) or a
254. (printout made by me from such record). If a printout,
255. I further attest that, at the time of printing, no security
256. features, if any, present on the electronic record,
257. indicated that the record had been altered since execution.
258. (Signature of Notary Public - State of Florida)
259. (Print, Type, or Stamp Commissioned Name of Notary Public)
260. (13) The following notarial certificates are sufficient
261. for the purposes indicated, if completed with the
262. information required by this chapter. The specification of
263. forms under this subsection does not preclude the use of
264. other forms. The notarial certificate, however, must
265. contain the printed names of all signatories, including
266. principals and witnesses.
267. (a) For an oath or affirmation:
268. STATE OF FLORIDA
269. COUNTY OF
270. Sworn to (or affirmed) and subscribed before me by means of
271. ☐ physical presence or ☐ online notarization, this   day
272. of , (year) , by (name of person making statement).
273. (Signature of Notary Public - State of Florida)
274. (Print, Type, or Stamp Commissioned Name of Notary Public)
275. Personally Known OR Produced Identification
276. Type of Identification Produced
277. (b) For an acknowledgment in an individual capacity:
278. STATE OF FLORIDA
279. COUNTY OF
280. The foregoing instrument was acknowledged before me by
281. means of ☐ physical presence or ☐ online notarization,
282. this   day of   ,   (year)  , by   (name of person
283. acknowledging).
284. (Signature of Notary Public - State of Florida)
285. (Print, Type, or Stamp Commissioned Name of Notary Public)
286. Personally Known OR Produced Identification
287. Type of Identification Produced
288. (c) For an acknowledgment in a representative capacity:
289. STATE OF FLORIDA
290. COUNTY OF
291. The foregoing instrument was acknowledged before me by
292. means of ☐ physical presence or ☐ online notarization,
293. this   day of   ,   (year)  , by   (name of person)  as
294. (type of authority, . . . e.g. officer, trustee,
295. attorney in fact)   for   (name of party on behalf of
296. whom instrument was executed).
297. (Signature of Notary Public - State of Florida)
298. (Print, Type, or Stamp Commissioned Name of Notary Public)
299. Personally Known   OR Produced Identification
300. Type of Identification Produced
301. (14) A notary public must make reasonable
302. accommodations to provide notarial services to persons with
303. disabilities.
304. (a) A notary public may notarize the signature of a
305. person who is blind after the notary public has read the
306. entire instrument to that person.
307. (b) A notary public may notarize the signature of a
308. person who signs with a mark if:
309. 1. The document signing is witnessed by two
310. disinterested persons;
311. 2. The notary public prints the person’s first name at
312. the beginning of the designated signature line and the
313. person’s last name at the end of the designated signature
314. line; and
315. 3. The notary public prints the words “his (or her)
316. mark” below the person’s signature mark.
317. (c) The following notarial certificates are sufficient
318. for the purpose of notarizing for a person who signs with a
319. mark:
320. 1. For an oath or affirmation:
321. (First Name)     (Last Name)
322. (His (or Her) Mark)
323. STATE OF FLORIDA
324. COUNTY OF
325. Sworn to and subscribed before me by means of ☐ physical
326. presence or ☐ online notarization, this   day of  ,(year),
327. by   (name of person making statement)  , who signed with
328. a mark in the presence of these witnesses:
329. (Signature of Notary Public - State of Florida)
330. (Print, Type, or Stamp Commissioned Name of Notary Public)
331. Personally Known OR Produced Identification
332. Type of Identification Produced
333. 2. For an acknowledgment in an individual capacity:
334. (First Name)     (Last Name)
335. (His (or Her) Mark)
336. STATE OF FLORIDA
337. COUNTY OF
338. The foregoing instrument was acknowledged before me by
339. means of ☐ physical presence or ☐ online notarization,
340. this   day of   ,   (year)  , by   (name of person
341. acknowledging)  , who signed with a mark in the presence of
342. these witnesses:
343. (Signature of Notary Public - State of Florida)
344. (Print, Type, or Stamp Commissioned Name of Notary Public)
345. Personally Known OR Produced Identification
346. Type of Identification Produced
347. (d) A notary public may sign the name of a person whose
348. signature is to be notarized when that person is physically
349. unable to sign or make a signature mark on a document if:
350. 1. The person with a disability directs the notary
351. public to sign in his or her presence by verbal, written,
352. or other means;
353. 2. The document signing is witnessed by two
354. disinterested persons; and
355. 3. The notary public writes below the signature the
356. following statement: “Signature affixed by notary, pursuant
357. to s. [117.05](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=117.05&URL=0100-0199/0117/Sections/0117.05.html)(14), Florida Statutes,” and states the
358. circumstances and the means by which the notary public was
359. directed to sign the notarial certificate.
360. The notary public must maintain the proof of direction
361. and authorization to sign on behalf of the person with
362. a disability for 10 years from the date of the notarial
363. act.
364. (e) The following notarial certificates are sufficient
365. for the purpose of notarizing for a person with a
366. disability who directs the notary public to sign his or her
367. name:
368. 1. For an oath or affirmation:
369. STATE OF FLORIDA
370. COUNTY OF
371. Sworn to (or affirmed) before me by means of ☐ physical
372. presence or ☐ online notarization, this  day of   ,(year),
373. by   (name of person making statement)  , and subscribed
374. by   (name of notary)  at the direction of  (name of person
375. making statement)   by   (written, verbal, or other means),
376. and in the presence of these witnesses:
377. (Signature of Notary Public - State of Florida)
378. (Print, Type, or Stamp Commissioned Name of Notary Public)
379. Personally Known OR Produced Identification
380. Type of Identification Produced
381. 2. For an acknowledgment in an individual capacity:
382. STATE OF FLORIDA
383. COUNTY OF
384. The foregoing instrument was acknowledged before me by
385. means of ☐ physical presence or ☐ online notarization,
386. this   day of   ,(year), by  (name of person acknowledging)
387. and subscribed by   (name of notary)   at the direction of
388. (name of person acknowledging) , and in the presence
389. of these witnesses:
390. (Signature of Notary Public - State of Florida)
391. (Print, Type, or Stamp Commissioned Name of Notary Public)
392. Personally Known OR Produced Identification
393. Type of Identification Produced
394. Section 2. Section 117.105, Florida Statutes, is
395. amended to read:
396. 117.105 False or fraudulent acknowledgments; penalt~~y~~ies for
397. prohibited acts.—
398. (1) A notary public who: falsely notarizes a signature on a
399. document, written or electronic, of a person who is not in the
400. presence of the notary public, either in person or online
401. pursuant to s. 117.201, at the time the signature is notarized; or who falsely or fraudulently takes an
402. acknowledgment of an instrument as a notary public; or who
403. falsely or fraudulently makes a certificate as a notary public;
404. or who falsely or fraudulently takes or receives an
405. acknowledgement of signature on a ~~written instrument~~ document,
406. written or electronic, is guilty of a felony of the third degree,
407. punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
408. If the document notarized under these circumstances pertains to a real estate transaction or any
409. other transfer of real property, the notary public is guilty of a
410. felony of the second degree, punishable as provided in s.
411. 775.082, s. 775.083, or s. 775.084.
412. (2) A notary public who violates the prohibitions of
413. s. 117.107 is guilty of a misdemeanor of the first degree,
414. punishable as provided in s. 775.082, or s. 775.083. A violation
415. of the prohibitions of s. 117.107 with the intent to defraud is
416. punishable as provided in 117.105(1).
417. Section 3. Section 117.107, Florida Statutes, is
418. amended to read:
419. 117.107 Prohibited acts.—
420. (1) A notary public may not use a name or initial in signing
421. certificates other than that by which the notary public is
422. commissioned.
423. (2) A notary public may not sign notarial certificates using
424. a facsimile signature stamp unless the notary public has a
425. physical disability that limits or prohibits his or her ability
426. to make a written signature and unless the notary public has
427. first submitted written notice to the Department of State with an
428. exemplar of the facsimile signature stamp.
429. (3) A notary public may not affix his or her signature to a
430. blank form of affidavit or certificate of acknowledgment and
431. deliver that form to another person with the intent that it be
432. used as an affidavit or acknowledgment.
433. (4) A notary public may not take the acknowledgment of or
434. administer an oath to a person whom the notary public actually
435. knows to have been adjudicated mentally incapacitated by a court
436. of competent jurisdiction, where the acknowledgment or oath
437. necessitates the exercise of a right that has been removed
438. pursuant to s. 744.3215(2) or (3), and where the person has not
439. been restored to capacity as a matter of record.
440. (5) A notary public may not notarize a signature on a
441. document if it appears that the person is mentally incapable of
442. understanding the nature and effect of the document at the time
443. of notarization.
444. (6) A notary public may not take the acknowledgment of a
445. person who does not speak or understand the English language,
446. unless the nature and effect of the instrument to be notarized is
447. translated into a language which the person does understand.
448. (7) A notary public may not change anything in a written in
449. a written instrument after it has been signed by anyone.
450. (8) A notary public may not amend a notarial certificate
451. after the notarization is complete.
452. ~~(9) A notary public may not notarize a signature on a~~
453. ~~document if the person whose signature is being notarized is not~~
454. ~~in the presence of the notary public at the time the signature~~
455. ~~is notarized. Any notary public who violates this subsection~~
456. ~~is guilty of a civil infraction, punishable by penalty not~~
457. ~~exceeding $5,000, and such violation constitutes malfeasance and~~
458. ~~misfeasance in~~ ~~the conduct of official duties. It is no defense~~
459. ~~to the civil~~ ~~infraction specified in this subsection that the~~
460. ~~notary public acted without intent to defraud. A notary public~~
461. ~~who violates this subsection with the intent to defraud is guilty~~
462. ~~of violating s. 117.105.~~
463. (~~10~~ 9) A notary public may not notarize a signature on a
464. document if the document is incomplete or blank. However,
465. an endorsement or assignment in blank of a negotiable or
466. nonnegotiable note and the assignment in blank of any instrument
467. given as security for such note is not deemed incomplete.
468. (~~11~~ 10) A notary public may not notarize a signature on a
469. document if the person whose signature is to be notarized
470. is the spouse, son, daughter, mother, or father of the notary
471. public.
472. (~~12~~ 11) A notary public may not notarize a signature on a
473. document if the notary public has a financial interest in or
474. is a party to the underlying transaction; however, a notary
475. public who is an employee may notarize a signature for his or
476. or her employer, and this employment does not constitute a
477. financial interest in the transaction nor make the notary
478. a party to the transaction under this subsection as long as
479. he or she does not receive a benefit other than his or her
480. salary and the fee for services as a notary public authorized
481. by law. For purposes of this subsection, a notary public who
482. is an attorney does not have a financial interest in and is
483. not a party to the underlying transaction evidenced by a
484. notarized document if he or she notarizes a signature on that
485. document for a client for whom he or she serves as an
486. attorney of record and he or she has no interest in the
487. document other than the fee paid to him or her for legal
488. services and the fee authorized by law for services as a
489. notary public.

1. Section 4. Section 117.109, Florida Statutes, is created
2. to read:
3. 117.109 Electronic journal of notarizations.—
4. (1) A notary public shall keep one or more secure
5. electronic journals of notarizations performed by the notary
6. public. For each notarization, the electronic journal entry
7. must contain all of the following:
8. (a) The date and time of the notarization.
9. (b) The type of notarial act performed, whether an oath or
10. acknowledgment.
11. (c) The type, the title, or a description of the
12. electronic recording or proceeding.
13. (d) The name and address of each principal or witness involved in the
14. transaction or proceeding.
15. (e) Evidence of identity of each principal involved in the
16. transaction or proceeding in either of the following forms:
17. (1.) A statement that the person is personally known to the
18. notary public; or
19. (2.a.) A notation of the type of government-issued
20. identification credential provided to the notary public;
21. (b.) An indication that government-issued identification
22. credential satisfied the credential analysis; and
23. (c.) An indication that principal satisfactorily
24. passed the identity proofing.
25. (f) The fee, if any, charged for the notarization.
26. (2) The notary public shall take responsible steps to:
27. (a) Maintain a backup record of the electronic journal
28. required by subsection (1).
29. (b) Protect the electronic journal, the backup record,
30. and any other records received by the notary public from
31. unauthorized access or use.
32. (3) The electronic journal required under subsection (1)
33. shall be maintained for at least 10 years after the date of
34. the notarial act. The Department of State maintains
35. jurisdiction over the electronic journal recordings to
36. investigate notarial misconduct for a period of 10 years
37. after the date of the notarial act. The notary public, a
38. guardian of an incapacitated notary public, or the personal
39. representative of a deceased notary public may, by contract
40. with a secure repository in accordance with any rules
41. established under this chapter, delegate to the
42. repository the notary public’s duty to retain the electronic
43. journal, provided that the Department of State is notified of
44. such delegation of retention duties to the repository within
45. 30 days thereafter, including the effective date of the
46. delegation and the address and contact information for the
47. repository. If a notary public delegates to a secure
48. repository under this section, the notary public shall make
49. an entry in his or her electronic journal identifying such
50. repository and provide notice to the Department of State
51. as required in this subsection. During any delegation under
52. this subsection, the secure repository shall fulfill the
53. responsibilities of the notary public to provide copies or
54. access under s. [117.](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0117/Sections/0117.255.html)110.
55. (4) An omitted or incomplete entry in the electronic
56. journal does not impair the validity of the notarial act
57. which was notarized, but may be introduced as evidence to
58. establish violations of this chapter; as evidence of possible
59. fraud, forgery, impersonation, duress, incapacity, undue
60. influence, minority, illegality, or unconscionability;
61. or for other evidentiary purposes.
62. Section 5. Section 117.110, Florida Statutes, is created
63. to read:
64. 117.110 Use of electronic journal.—
65. (1) A notary public shall:
66. (a) Keep the electronic journal secure and under his or her
67. sole control, which includes access protection using
68. passwords or codes under control of the notary public. The
69. notary public may not allow another person to use the notary
70. public’s electronic journal or other authorized person
71. providing services to a notary public to facilitate
72. performance of notarizations.
73. (b) Notify an appropriate law enforcement agency and the
74. Department of State of any unauthorized use of or compromise
75. to the security of the electronic journal within 7 days after
76. discovery of such unauthorized use or compromise to security.
77. (2) A notary public shall provide electronic copies of
78. pertinent entries in the electronic journal shall provide
79. access to the following persons upon request:
80. (a) The Department of State pursuant to a notary
81. misconduct investigation;
82. (b) Any other persons pursuant to a subpoena, court
83. order, law enforcement investigation, or other lawful
84. inspection demand.
85. Section 2. Subsection (6) is added to 28.47, Florida Statutes,
86. to read:
87. 28.47 Recording notification service
88. (6)This section also applies to county appraisers who
89. have adopted an electronic land record notification service
90. before July 1, 2023.
91. (a) The property appraiser may use a verification process
92. for persons wishing to register for the electronic land
93. record notification service to ensure integrity of the procees.
94. 1. If the property appraiser receives notice from the property
95. owner or clerk of the circuit court and reasonably determines
96. the recorded deed is fraudulent, the property appraiser may
97. refuse to update the owner of the record on the county’s tax
98. rolls. However, it shall make a notation on its records that
99. a possible conveyance has been recorded.
100. Section 3. This act shall take effect upon becoming a law.