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CS/HB 401

2017 Legislature

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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 identification 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

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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

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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;

67 f. A veteran health identification card issued by the  
 68 United States Department of Veterans Affairs;

69 ~~g.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 ~~h.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 i.h. A sworn, written statement from a sworn law

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

80 |       j.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.