



STATE OF FLORIDA

Office of the Governor

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JEB BUSH
GOVERNOR

June 22, 2006

Ms. Sue Cobb
Secretary of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Dear Secretary Cobb:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections, House Bill 567, enacted during the 108th Session of the Legislature of Florida, since statehood in 1845, during the Regular Session of 2006 and entitled:

An act relating to Notaries Public ...

House Bill 567 requires Florida notaries public to maintain a sequential journal recording each notarial act and provides exemptions for this requirement for Florida licensed attorneys and title insurance agencies conducting business in Florida. The bill also creates a new exemption for U.S. military veterans, firefighters, and law enforcement officers to receive notarization for employment benefits free of charge, but only if the notarization is performed by a state employed notary. Lastly, the bill defines a notarial act for the purpose of consistently applying fee provisions.

I am vetoing the bill for these reasons.

First, while it is important that the state does what it can to reduce fraud, I am not convinced that this bill accomplishes this purpose or that there is sufficient evidence of rampant notarial fraud to require a legal mandate. Worse, the bill creates a possible public record hazard that invades Floridians' right of privacy. The notary journal required in this bill is a public record and contains sensitive material, including a person's address, telephone number, and the type of document notarized, that should not be readily available to the public. There is also the potential risk that a notary may choose to record additional information, above and beyond the information required in this bill that may impose an additional invasion of privacy for the citizens of this state. While Florida is well known for our Sunshine Law that provides the public access to government records and increases the government's accountability to the people in this state, the records required under this bill relate to the personal business of private individuals and not government



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actions. We must ensure that records providing personal details and information unrelated to the business of government are not readily available and distributed.

Second, the bill provides a special exemption for Florida licensed attorneys and title insurance companies. A large number of documents are notarized by attorneys or employees of title insurance companies. Exempting this group while requiring others to keep journals undercuts the stated purpose of this legislation. This legislation omits these individuals from the journal requirement, ultimately increasing the burden and regulation for only certain notaries public conducting business in this state and further fragmenting the potential fraud prevention benefits of the bill.

Third, the bill does not provide standards for retention of the required journals or for safe disposal of journals after the death or retirement of the notary. Absence of such standards creates unnecessary uncertainty about what notaries are legally required to do.

For the reasons stated above, I am hereby withholding my approval of House Bill 567.

Sincerely,

A handwritten signature in black ink that reads "Jeb Bush". The signature is written in a cursive, flowing style with a long, sweeping underline that extends to the left and then loops back under the name.

Jeb Bush