

1 A bill to be entitled
2 An act relating to notaries public; amending s.
3 117.105, F.S.; revising criminal penalties for false
4 or fraudulent acknowledgements; amending s. 117.107,
5 F.S.; deleting a civil penalty relating to a provision
6 that prohibits a notary public from notarizing a
7 signature on a document of a person who is not, at the
8 time of the notarial act, physically present or
9 present by means of audio-video communication
10 technology; providing criminal penalties; providing an
11 effective date.

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13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Section 117.105, Florida Statutes, is amended
16 to read:

17 117.105 False or fraudulent acknowledgments; penalties for
18 prohibited acts ~~penalty.~~

19 (1) A notary public may not: ~~who~~

20 (a) Falsely or fraudulently take ~~takes~~ an acknowledgment
21 of an instrument as a notary public. ~~or~~

22 (b) ~~Who~~ Falsely or fraudulently make ~~makes~~ a certificate
23 as a notary public. ~~or~~

24 (c) ~~Who~~ Falsely or fraudulently take or receive ~~takes or~~
25 ~~receives~~ an acknowledgment of the signature on a written or

26 ~~electronic document instrument is guilty of a felony of the~~
 27 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~
 28 ~~or s. 775.084.~~

29 (2) A notary public who knowingly and willfully violates
 30 subsection (1) commits a felony of the third degree, punishable
 31 as provided in s. 775.082, s. 775.083, or s. 775.084. A notary
 32 public who knowingly and willfully violates subsection (1)
 33 commits a felony of the second degree, punishable as provided in
 34 s. 775.082, s. 775.083, or s. 775.084, if the document notarized
 35 pertains to a real estate transaction or any other transfer of
 36 real property.

37 Section 2. Subsection (9) of section 117.107, Florida
 38 Statutes, is amended, and subsection (13) is added to that
 39 section, to read:

40 117.107 Prohibited acts; penalty.—

41 (9) A notary public may not notarize a signature on a
 42 document if the person whose signature is being notarized does
 43 not appear before the notary public either by means of physical
 44 presence or by means of audio-video communication technology as
 45 authorized under part II of this chapter at the time the
 46 signature is notarized. ~~Any notary public who violates this~~
 47 ~~subsection is guilty of a civil infraction, punishable by~~
 48 ~~penalty not exceeding \$5,000, and such violation constitutes~~
 49 ~~malfeasance and misfeasance in the conduct of official duties.~~
 50 ~~It is no defense to the civil infraction specified in this~~

51 ~~subsection that the notary public acted without intent to~~
52 ~~defraud. A notary public who violates this subsection with the~~
53 ~~intent to defraud is guilty of violating s. 117.105.~~

54 (13) A notary public who knowingly and willfully violates
55 this section commits a misdemeanor of the first degree,
56 punishable as provided in s. 775.082 or s. 775.083. A notary
57 public who knowingly and willfully violates this section with
58 the intent to defraud commits a felony of the third degree,
59 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
60 A notary public who knowingly and willfully violates this
61 section with the intent to defraud commits a felony of the
62 second degree, punishable as provided in s. 775.082, s. 775.083,
63 or s. 775.084, if the violation pertains to a real estate
64 transaction or any other transfer of real property.

65 Section 3. This act shall take effect July 1, 2024.