



LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/08/2024	.	
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The Appropriations Committee on Transportation, Tourism, and Economic Development (Avila) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 63 - 323

and insert:

Section 1. Section 117.105, Florida Statutes, is amended to read:

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

(1) A notary public may not do any of the following: ~~who~~

(a) Falsely or fraudulently take ~~takes~~ an acknowledgment of



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11 an instrument as a notary public. ~~or~~

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

14 (c) Who ~~Who~~ Falsely or fraudulently take or receive ~~takes or~~  
15 ~~receives~~ an acknowledgment of the signature on a written or  
16 electronic document instrument is guilty of a felony of the  
17 third degree, punishable as provided in s. 775.082, s. 775.083,  
18 ~~or s. 775.084.~~

19 (2) A notary public who knowingly and willfully violates  
20 subsection (1) commits a felony of the third degree, punishable  
21 as provided in s. 775.082, s. 775.083, or s. 775.084. A notary  
22 public who knowingly and willfully violates subsection (1)  
23 commits a felony of the second degree, punishable as provided in  
24 s. 775.082, s. 775.083, or s. 775.084, if the document notarized  
25 pertains to a real estate transaction or any other transfer of  
26 real property.

27 Section 2. Subsection (9) of section 117.107, Florida  
28 Statutes, is amended, and subsection (13) is added to that  
29 section, to read:

30 117.107 Prohibited acts; penalty.—

31 (9) A notary public may not notarize a signature on a  
32 document if the person whose signature is being notarized does  
33 not appear before the notary public either by means of physical  
34 presence or by means of audio-video communication technology as  
35 authorized under part II of this chapter at the time the  
36 signature is notarized. ~~Any notary public who violates this~~  
37 ~~subsection is guilty of a civil infraction, punishable by~~  
38 ~~penalty not exceeding \$5,000, and such violation constitutes~~  
39 ~~malfesance and misfesance in the conduct of official duties.~~



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40 ~~It is no defense to the civil infraction specified in this~~  
41 ~~subsection that the notary public acted without intent to~~  
42 ~~defraud. A notary public who violates this subsection with the~~  
43 ~~intent to defraud is guilty of violating s. 117.105.~~

44 (13) A notary public who knowingly and willfully violates  
45 this section commits a misdemeanor of the first degree,  
46 punishable as provided in s. 775.082 or s. 775.083. A notary  
47 public who knowingly and willfully violates this section with  
48 the intent to defraud commits a felony of the third degree,  
49 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
50 A notary public who knowingly and willfully violates this  
51 section with the intent to defraud commits a felony of the  
52 second degree, punishable as provided in s. 775.082, s. 775.083,  
53 or s. 775.084, if the violation pertains to a real estate  
54 transaction or any other transfer of real property.

55  
56 ===== T I T L E A M E N D M E N T =====

57 And the title is amended as follows:

58 Delete lines 3 - 53

59 and insert:

60 117.105, F.S.; revising criminal penalties for false  
61 or fraudulent acknowledgments; amending s. 117.107,  
62 F.S.; deleting a civil penalty relating to a provision  
63 that prohibits a notary public from notarizing a  
64 signature on a document of a person who is not, at the  
65 time of the notarial act, physically present or  
66 present by means of audio-video communication  
67 technology; providing criminal penalties;