

By Senator Polsky

30-01159A-25

2025846__

1 A bill to be entitled
2 An act relating to notary public fraud; amending s.
3 117.05, F.S.; prohibiting the literal translation of
4 the phrase "Notary Public" into a language other than
5 English; specifying the applicable penalties for
6 violations; amending s. 117.107, F.S.; prohibiting
7 notaries public from using specified terms to describe
8 themselves under certain circumstances; authorizing
9 declaratory or injunctive relief and civil actions for
10 injunctive relief or to recover damages; providing for
11 the recovery of attorney fees and costs; providing for
12 expedited trials for such actions; amending s.
13 908.107, F.S.; authorizing certain entities to file
14 suit for declaratory or injunctive relief for certain
15 violations; authorizing declaratory or injunctive
16 relief and civil actions for injunctive relief or to
17 recover damages; providing for the recovery of
18 attorney fees and costs; providing for expedited
19 trials for such actions; creating s. 908.113, F.S.;
20 prohibiting certain persons from engaging in the
21 practice of law in immigration matters for
22 compensation or specified acts or practices for
23 compensation in immigration matters; providing
24 exceptions; requiring certain persons or businesses
25 offering immigration assistance to make a specified
26 disclosure; providing applicability; providing
27 construction; providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

30-01159A-25

2025846__

30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

Section 1. Subsection (11) 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.—

(11) Literal translation of the phrase "Notary Public" into a language other than English is prohibited ~~in an advertisement for notarial services~~. A person who violates this subsection is subject to the penalties in s. 117.107(13) (b).

Section 2. Subsection (13) is added to section 117.107, Florida Statutes, to read:

117.107 Prohibited acts.—

(13) (a) A notary public, who does not hold an active license to practice law in a state, territory, or jurisdiction of the United States and is not otherwise authorized to practice law or represent others under federal law in an immigration matter, may not, when advertising his or her notary public services, use the term notario público, notario, immigration assistant, immigration consultant, immigration specialist, or any other designation or title, in any language, which conveys or implies that he or she possesses professional legal skills in immigration law.

(b) For a violation of paragraph (a) or s. 117.05(11):

1. The Attorney General, a state attorney, or a city attorney may file suit against the appropriate party in a court of competent jurisdiction for declaratory or injunctive relief.

2. An aggrieved person or an entity may, in an appropriate state court, bring a civil action for injunctive relief or to

30-01159A-25

2025846__

59 recover for actual monetary loss from such a violation, plus an
60 amount equal to treble the amount of actual damages or \$1,000
61 per violation, whichever is greater.

62 3. If a person or an entity prevails in a civil action for
63 injunctive relief, the person or entity is entitled to recover
64 reasonable attorney fees and costs.

65 4. An action must be set for trial at the earliest possible
66 date and takes precedence over all other cases, except older
67 matters of the same character and matters to which special
68 preference may be given by law.

69 Section 3. Subsection (2) of section 908.107, Florida
70 Statutes, is amended, and subsections (5), (6), and (7) are
71 added to that section, to read:

72 908.107 Enforcement.—

73 (2) ~~In addition,~~ The Attorney General, a state attorney, or
74 a city attorney may file suit against a local governmental
75 entity, ~~or~~ local law enforcement agency, or any other
76 appropriate party in a court of competent jurisdiction for
77 declaratory or injunctive relief for a violation of this
78 chapter.

79 (5) An aggrieved person or an entity may, in an appropriate
80 state court, bring a civil action for injunctive relief for a
81 violation of this chapter to recover for actual monetary loss
82 from such a violation, plus an amount equal to treble the amount
83 of actual damages or \$1,000 per violation, whichever is greater.

84 (6) If a person or an entity prevails in a civil action for
85 injunctive relief, the person or entity is entitled to recover
86 reasonable attorney fees and costs.

87 (7) An action brought under this chapter must be set for

30-01159A-25

2025846__

88 trial at the earliest possible date and takes precedence over
89 all other cases, except older matters of the same character and
90 matters to which special preference may be given by law.

91 Section 4. Section 908.113, Florida Statutes, is created to
92 read:

93 908.113 Fraud protection.—

94 (1) Persons may not, other than those licensed to practice
95 law in a state, territory, or jurisdiction of the United States
96 or otherwise authorized to practice law or represent others
97 under federal law in an immigration matter, engage in the
98 practice of law in an immigration matter for compensation.

99 (2) Persons may not, other than those licensed to practice
100 law in a state, territory, or jurisdiction of the United States
101 or otherwise authorized to practice law or represent others
102 under federal law in an immigration matter, engage in the
103 following acts or practices for compensation:

104 (a) Advising or assisting another person in determining the
105 person's legal status for the purpose of an immigration matter.

106 (b) Selecting, assisting another in selecting, or advising
107 another as to his or her answers on a governmental agency form
108 or document in an immigration matter. However, a person who
109 provides or offers to provide immigration assistance services
110 may perform the following services:

111 1. Completing a governmental agency form, requested by the
112 customer and appropriate to the customer's needs, only if the
113 completion of that form does not involve a legal judgment for
114 that particular matter.

115 2. Transcribing responses to a governmental agency form
116 that is related to an immigration matter, but not advising a

30-01159A-25

2025846__

117 customer as to his or her answers on the form.

118 3. Translating and interpreting information on forms
119 related to immigration matters for a customer and translating
120 the customer's answers to questions posed on such forms.

121 4. Securing for the customer supporting documents, such as
122 birth and marriage certificates, which may be needed to be
123 submitted with governmental agency forms.

124 5. Translating documents from any language into English.

125 6. Notarizing signatures on governmental agency forms
126 related to immigration matters, if the person performing the
127 service is a notary public of this state.

128 7. Making referrals, without fee, to an attorney authorized
129 to undertake legal representation for a person in an immigration
130 matter.

131 8. Preparing or arranging for the preparation of
132 photographs and fingerprints.

133 9. Arranging for the performance of medical testing,
134 including X-rays and AIDS tests, and obtaining the results of
135 such tests.

136 10. Conducting English language and civics courses.

137 11. Other services that the Attorney General determines by
138 rule that such person may perform in furthering the purposes of
139 this section.

140 (c) Selecting or assisting another in selecting, or
141 advising another in selecting, a benefit, visa, or program to
142 apply for in an immigration matter.

143 (d) Soliciting to prepare documents for, or otherwise
144 representing the interests of, another in a judicial or
145 administrative proceeding in an immigration matter.

30-01159A-25

2025846__

146 (e) Explaining, advising, or otherwise interpreting the
147 meaning or intent of a question on a governmental agency form in
148 an immigration matter.

149 (f) Charging a fee for referring another to a person
150 licensed to practice law that such person may perform.

151 (g) Selecting, drafting, or completing legal documents
152 affecting the legal rights of another in an immigration matter.

153 (3) A person or business offering immigration services,
154 other than those persons or businesses holding active licenses
155 to practice law in this state or otherwise permitted to practice
156 law or represent others under federal law in an immigration
157 matter, must post conspicuous notices on its main website and at
158 its place of business in English and every other language in
159 which the person or business proves or offers immigration
160 assistance with the following statement:

161
162 I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY
163 NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.
164 I AM NOT ACCREDITED TO REPRESENT YOU IN IMMIGRATION
165 MATTERS.
166

167 (4) Persons may not, other than those holding an active
168 license to practice law in a state of the United States or
169 otherwise authorized to practice law or represent others under
170 federal law in an immigration matter, engage in the following
171 acts or practices, regardless of whether compensation is sought:

172 (a) Representing, either orally or in any document,
173 letterhead, advertisement, stationery, business card, website,
174 or other comparable written material, that he or she is a

30-01159A-25

2025846__

175 notario público, notario, immigration assistant, immigration
176 consultant, immigration specialist, or using any other
177 designation or title, in any language, that conveys or implies
178 that he or she possesses professional legal skills in the area
179 of immigration law.

180 (b) Representing, in any language, either orally or in any
181 document, letterhead, advertisement, stationery, business card,
182 website, or other comparable written material, that he or she
183 can or is willing to provide services in an immigration matter,
184 if such services would constitute the practice of law.

185 (5) (a) The prohibitions of subsections (1)-(4) do not apply
186 to the activities of nonlawyer assistants acting under the
187 supervision of a person holding an active license to practice
188 law in this state or otherwise authorized to practice law or
189 represent others under federal law in an immigration matter.

190 (b) This section does not prohibit a person from offering
191 translation or interpretation services, regardless of whether
192 compensation is sought. Translating words contained on a
193 governmental form from English to another language and
194 translating a person's words from another language to English
195 does not constitute the unauthorized practice of law.

196 Section 5. This act shall take effect July 1, 2025.