

By the Committee on Commerce and Tourism; and Senator Polsky

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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; amending s.
12 908.107, F.S.; authorizing certain entities to file
13 suit for declaratory or injunctive relief for certain
14 violations; creating s. 908.113, F.S.; prohibiting
15 certain persons from engaging in the practice of law
16 in immigration matters for compensation or engaging in
17 specified acts or practices for compensation in
18 immigration matters; providing exceptions; requiring
19 certain persons or businesses offering immigration
20 assistance to make a specified disclosure; providing
21 applicability; providing construction; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsection (11) of section 117.05, Florida
27 Statutes, is amended to read:

28 117.05 Use of notary commission; unlawful use; notary fee;
29 seal; duties; employer liability; name change; advertising;

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30 photocopies; penalties.-

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

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

37 117.107 Prohibited acts.-

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

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

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

52 2. An aggrieved person or an entity may, in an appropriate
53 state court, bring a civil action for injunctive relief or to
54 recover for actual monetary loss from such a violation, plus an
55 amount equal to treble the amount of actual damages or \$1,000
56 per violation, whichever is greater.

57 3. If a person or an entity prevails in a civil action for
58 injunctive relief, the person or entity is entitled to recover

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59 reasonable attorney fees and costs.

60 Section 3. Subsection (2) of section 908.107, Florida
61 Statutes, is amended to read:

62 908.107 Enforcement.—

63 (2) ~~In addition,~~ The Attorney General, a state attorney, or
64 a city attorney may file suit against a local governmental
65 entity, ~~or~~ local law enforcement agency, or any other
66 appropriate party in a court of competent jurisdiction for
67 declaratory or injunctive relief for a violation of this
68 chapter.

69 Section 4. Section 908.113, Florida Statutes, is created to
70 read:

71 908.113 Fraud protection.—

72 (1) Persons may not, other than those licensed to practice
73 law in a state, territory, or jurisdiction of the United States
74 or otherwise authorized to practice law or represent others
75 under federal law in an immigration matter, engage in the
76 practice of law in an immigration matter for compensation.

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

82 (a) Selecting or assisting another in selecting, or
83 advising another in selecting, a benefit, visa, or program to
84 apply for in an immigration matter.

85 (b) Soliciting to prepare documents for, or otherwise
86 representing the interests of, another in a judicial or
87 administrative proceeding in an immigration matter.

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88 (c) Explaining, advising, or otherwise interpreting the
89 meaning or intent of a question on a governmental agency form in
90 an immigration matter.

91 (d) Charging a fee for referring another to a person
92 licensed to practice law that such person may perform.

93 (e) Selecting, drafting, or completing legal documents
94 affecting the legal rights of another in an immigration matter.

95 (3) A person or business offering immigration services,
96 other than those persons or businesses holding active licenses
97 to practice law in this state or otherwise permitted to practice
98 law or represent others under federal law in an immigration
99 matter, must post conspicuous notices on its main website and at
100 its place of business in English and every other language in
101 which the person or business proves or offers immigration
102 assistance with the following statement:

103
104 I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY
105 NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.
106 I AM NOT ACCREDITED TO REPRESENT YOU IN IMMIGRATION
107 MATTERS.

108
109 (4) Persons may not, other than those holding an active
110 license to practice law in a state of the United States or
111 otherwise authorized to practice law or represent others under
112 federal law in an immigration matter, engage in the following
113 acts or practices, regardless of whether compensation is sought:

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

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117 notario público, notario, immigration assistant, immigration
118 consultant, immigration specialist, or using any other
119 designation or title, in any language, that conveys or implies
120 that he or she possesses professional legal skills in the area
121 of immigration law.

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

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

132 (b) This section does not prohibit a person from offering
133 translation or interpretation services, regardless of whether
134 compensation is sought. Translating words contained on a
135 governmental form from English to another language and
136 translating a person's words from another language to English
137 does not constitute the unauthorized practice of law.

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