

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

31 **Section 1. Subsection (11) of section 117.05, Florida**
 32 **Statutes, is amended to read:**

33 117.05 Use of notary commission; unlawful use; notary fee;
 34 seal; duties; employer liability; name change; advertising;
 35 photocopies; penalties.—

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

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

42 117.107 Prohibited acts.—

43 (13) (a) A notary public, who does not hold an active
 44 license to practice law in a state, territory, or jurisdiction
 45 of the United States and is not otherwise authorized to practice
 46 law or represent others under federal law in an immigration
 47 matter, may not, when advertising his or her notary public
 48 services, use the term notario público, notario, immigration
 49 assistant, immigration consultant, immigration specialist, or
 50 any other designation or title, in any language, which conveys

51 or implies that he or she possesses professional legal skills in
 52 immigration law.

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

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

57 2. An aggrieved person or an entity may, in an appropriate
 58 state court, bring a civil action for injunctive relief or to
 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
 66 possible date and takes precedence over all other cases, except
 67 older 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,
 74 or 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
 80 appropriate state court, bring a civil action for injunctive
 81 relief for a violation of this chapter to recover for actual
 82 monetary loss from such a violation, plus an amount equal to
 83 treble the amount of actual damages or \$1,000 per violation,
 84 whichever is greater.

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

88 (7) An action brought under this chapter must be set for
 89 trial at the earliest possible date and takes precedence over
 90 all other cases, except older matters of the same character and
 91 matters to which special preference may be given by law.

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

94 908.113 Fraud protection.—

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

100 (2) Persons may not, other than those licensed to practice

101 law in a state, territory, or jurisdiction of the United States
102 or otherwise authorized to practice law or represent others
103 under federal law in an immigration matter, engage in the
104 following acts or practices for compensation:

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

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

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

117 2. Transcribing responses to a governmental agency form
118 that is related to an immigration matter, but not advising a
119 customer as to his or her answers on the form.

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

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

126 5. Translating documents from any language into English.

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

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

133 8. Preparing or arranging for the preparation of
134 photographs and fingerprints.

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

138 10. Conducting English language and civics courses.

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

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

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

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

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

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

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

163
164 I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY
165 NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.

166 I AM NOT ACCREDITED TO REPRESENT YOU IN IMMIGRATION
167 MATTERS.

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

174 (a) Representing, either orally or in any document,
175 letterhead, advertisement, stationery, business card, website,

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

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

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

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

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