

Committee on Judiciary

CS/CS/CS/SB 112 — Filing False Documents Against Real or Personal Property

by Rules Committee; Criminal Justice Committee; Judiciary Committee; and Senator Dean

The bill creates the offense of filing or directing to file, with the intent to defraud or harass another, a document in an official record which contains materially false, fictitious, or fraudulent statements or representations that affect the owner's interest in property described in the document. A person who commits the new offense commits a third-degree felony. A third-degree felony is punishable by imprisonment of up to 5 years and the imposition of a fine of up to \$5,000. If a person commits this offense a second or subsequent time, the person commits a second-degree felony. A second-degree felony is punishable by imprisonment of up to 15 years and the imposition of a fine of up to \$10,000. The bill increases the felony degree of these offenses under circumstances outlined in the bill. The bill also provides that a person who files a fraudulent construction lien is subject to penalties under the Construction Lien Law, not the newly-created offense in the bill.

Under current s. 843.0855, F.S., a person commits a third degree felony by engaging in the following actions under color of law or through the use of simulated legal process:

- Deliberately impersonating or falsely acting as a public officer in connection with or relating to any legal process affecting persons and property, or otherwise taking action under color of law against persons or property.
- Simulating legal process, including but not limited to, actions affecting title to real estate or personal property, indictments, subpoenas, warrants, injunctions, liens, orders, judgments, or any legal documents or proceedings, knowing or having reason to know the contents of any such documents or proceedings or the basis for any action to be fraudulent. The bill revises the definition of "legal process" to include documents recorded with any state or federal official governmental entity.
- Falsely under color of law attempting in any way to influence, intimidate, or hinder a public officer.

For purposes of the offenses under s. 843.0855, F.S., the bill defines public officer or employee to encompass more individuals. As a result, the application of the statute establishes a broader variety of crimes relating to impersonating public officers and employees and fraudulently simulating legal process.

The bill creates additional civil remedies to grant relief to public officers or employees affected by the offense of filing of false statements or claims.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 39-0; House 116-0