

1                   A bill to be entitled  
 2           An act relating to property fraud; creating s.  
 3           817.535, F.S.; prohibiting a person with intent to  
 4           defraud or harass another from filing or causing to be  
 5           filed a document relating to the ownership, transfer,  
 6           or encumbrance of or claim against real or personal  
 7           property, or any interest in real or personal  
 8           property, which the person knows contains a material  
 9           misstatement, misrepresentation, or omission of fact;  
 10          providing criminal penalties; providing a person who  
 11          records a claim of lien in the official records  
 12          pursuant to part I of ch. 713, F.S., be subject to the  
 13          fraud provisions of s. 713.31, F.S., and not this  
 14          section; providing an effective date.

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 16   Be It Enacted by the Legislature of the State of Florida:

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 18           Section 1.   Section 817.535, Florida Statutes, is created  
 19   to read:

20           817.535 Fraudulent creation of interest in real or  
 21   personal property.—

22           (1)(a) A person may not, with the intent to defraud or  
 23   harass another, file or cause to be filed for recording in the  
 24   official records a document relating to real or personal  
 25   property which the person knows to contain a material  
 26   misstatement, misrepresentation, or omission of fact. The filed  
 27   document may include, but is not limited to, a deed, lease, bill  
 28   of sale, agreement, mortgage, notice of claim of lien, notice of

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29 levy, promissory note, mortgage note, or any other instrument  
30 that relates to the ownership, transfer, or encumbrance of or  
31 claim against real or personal property or any interest in real  
32 or personal property.

33 (b) A person who violates this subsection commits the  
34 offense of fraudulent creation of an interest in real or  
35 personal property, a felony of the third degree, punishable as  
36 provided in s. 775.082, s. 775.083, or s. 775.084.

37 (2) A person who records a claim of lien in the official  
38 records pursuant to part I of chapter 713 shall be subject to  
39 the fraud provisions of s. 713.31 and not this section.

40 Section 2. This act shall take effect October 1, 2012.