

By the Committees on Criminal Justice; and Judiciary; and  
Senator Dean

591-03788-12

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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 another, from filing or causing to be filed a  
5 document relating to the ownership, transfer, or  
6 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 that a person  
11 who fraudulently records a construction lien is  
12 subject to specified fraud provisions; providing an  
13 effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Section 817.535, Florida Statutes, is created to  
18 read:

19 817.535 Fraudulent creation of interest in real or personal  
20 property.—

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

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30 against real or personal property or any interest in real or  
31 personal property.

32 (2) A person who violates subsection (1) commits the  
33 offense of fraudulent creation of an interest in real or  
34 personal property, a felony of the third degree, punishable as  
35 provided in s. 775.082, s. 775.083, or s. 775.084.

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

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