

By Senator Dean

5-00133-13

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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 from filing or  
4           causing to be filed, with intent to defraud another, 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:

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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 need not be limited to, a deed, lease, bill of  
27           sale, agreement, mortgage, notice of claim of lien, notice of  
28           levy, promissory note, mortgage note, or any other instrument  
29           that relates to the ownership, transfer, or encumbrance of or

5-00133-13

2013112

30 claim against real or personal property or any interest in real  
31 or 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, 2013.