

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative McBurney offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 817.535, Florida Statutes, is created to
8 read:

9 817.535 Fraudulent creation of interest in real or
10 personal property.-

11 (1) A person may not, with the intent to defraud or harass
12 another, file or cause to be filed for recording in the official
13 records a document relating to real or personal property which
14 the person knows to contain a material misstatement,
15 misrepresentation, or omission of fact. The filed document may
16 include, but is not limited to, a deed, lease, bill of sale,
17 agreement, mortgage, notice of claim of lien, notice of levy,
18 promissory note, mortgage note, or any other instrument that
19 relates to the ownership, transfer, or encumbrance of or claim

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20 against real or personal property or any interest in real or
21 personal property.

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

26 (3) A person who records a claim of lien in the official
27 records pursuant to Chapter 713, Part I, shall be subject to the
28 fraud provisions of s. 713.31 and not this section.

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

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33 **T I T L E A M E N D M E N T**

34 Remove the entire title and insert:

35 An act relating to property fraud; creating s. 817.535, F.S.;

36 prohibiting a person, with intent to defraud or harass another,

37 from filing or causing to be filed a document relating to the

38 ownership, transfer, or encumbrance of or claim against real or

39 personal property, or any interest in real or personal property,

40 which the person knows contains a material misstatement,

41 misrepresentation, or omission of fact; providing criminal

42 penalties; providing a person who records a claim of lien in the

43 official records pursuant to Chapter 713, Part I, be subject to

44 the fraud provisions of s. 713.31, F.S.; providing an effective

45 date.