



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
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The Committee on Criminal Justice (Dean) recommended the following:

Senate Amendment

Delete lines 162 - 186
and insert:

legitimate property or lien interest in favor of another person.

1. The court shall determine whether the entire instrument or certain parts thereof are null and void ab initio. If the court finds the instrument null and void in its entirety, it may order the instrument sealed from the official record and removed from any electronic database used for indexing or locating



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13 instruments in the official record. The court may also,
14 permanently or for a period of time, enjoin the defendant who
15 filed the instrument or who directed the filer to file the
16 instrument, from filing or directing a person to file an
17 instrument in the official records, without prior review and
18 approval for filing by a circuit or county court judge, provided
19 that as to third parties who may have given value for an
20 interest described or granted by any instrument filed in
21 violation of the injunction, the instrument shall be deemed
22 validly filed and provides constructive notice, notwithstanding
23 any failure to comply with the terms of the injunction.

24 2. Upon a finding of intent to defraud or harass, the court
25 shall award actual damages and punitive damages, subject to the
26 criteria in s. 768.72, to the person adversely affected by the
27 instrument. The court may also levy a civil penalty of \$2,500
28 for each instrument determined to be in violation of subsection
29 (2).

30 3. Granting such other relief or remedy that the court
31 determines is just and proper within its sound judicial
32 discretion.