



Filing of Fraudulent Liens

Issue: Florida's citizens are being victimized by people filing false claims and liens with the intent of doing harm, and in many cases sovereign citizens are responsible. The law currently allows individuals, like sovereign citizens, to file false liens with the clerk of courts **without** notice to the person for which the lien is being filed against. There is no statutory authority for clerks to reject the fraudulent documents, and no review process for these false documents. The result is a false lien, in absurd amounts in excess of \$1,000,000, which is recorded in official records and on one's property title that will negatively impact any sale, refinance or other action on that real or personal property and require significant effort to clear.

Sovereign citizens are individuals who do not believe that they must follow the laws of the State of Florida or the federal government. They typically do not hold driver's licenses or use state issued license plates. Most often when sovereign citizens have interaction with law enforcement or court officials, they retaliate by committing "paper terrorism" – which is the filing of fraudulent liens against deputies, law enforcement, judges and clerks. These liens are not valid, often representing the "Republic of Florida" or other fictitious courts created by sovereign citizens. This is a system wide issue for public officials who are often victimized by this group.

In addition, there are examples of individuals filing false claims and liens as a result of fraudulent business practices, a dispute or an act of vengeance. While these may not be public officials, the victim has the same arduous and potentially time consuming and expensive process to clear title of their property.

In both instances, individuals are exploiting the law for inappropriate purposes at the expense of innocent people.

Solution: This proposed legislation creates criminal penalties for filing of false liens against public officers, employees, and private citizens. It also provides enhancements for subsequent offenses and other aggravating circumstances. If a person filing a false lien is found guilty, he or she may be prohibited from filing any other document in the public record affecting real or personal property without review from a judge.

This proposed legislation allows the court to seal false liens from public record. In addition, it allows a court to order the lien be sealed from the official record and removed from any electronic database.

Support HB 915 and SB 112 to reduce the filing of false claims against innocent citizens.

