

Committee on Criminal Justice

CS/CS/HB 343 — Payment Card Offenses

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Asencio and others (CS/CS/SB 766 by Appropriations Committee; Criminal Justice Committee; and Senators Rodriguez, Young, Farmer, Stewart, and Powell)

The bill primarily addresses the unlawful practice of “skimming,” which involves obtaining private information from someone’s payment card by use of a device called a “skimming device,” which the bill defines.

The bill modifies the offense of fraudulent use of a scanning device to also punish fraudulent use of a skimming device. Fraudulent use of a skimming device is ranked in Level 4 of the Criminal Punishment Code offense severity ranking chart. The bill also modifies this offense to reflect technological advancements in payment cards such as the incorporation of computer chips in payment cards. Similar changes are made to the offense of fraudulent use of a reencoder.

Finally, the bill provides that it is a third degree felony to knowingly possess, sell, or deliver a skimming device. This offense is ranked in Level 4 of the Criminal Punishment Code offense severity ranking chart and is also subject to the Florida Contraband Forfeiture Act. The bill provides that the offense does not apply to certain persons, such as law enforcement officers, acting within the scope of their official duties.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 38-0; House 118-0