

By Representative Gardiner

1                                   A bill to be entitled  
 2           An act relating to counterfeit payment  
 3           instruments; providing a definition; making  
 4           unlawful the counterfeiting of payment  
 5           instruments with intent to defraud; providing a  
 6           felony penalty; specifying prima facie evidence  
 7           of intent to defraud; providing an exception  
 8           for law enforcement agencies under certain  
 9           circumstances; providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13                   Section 1. (1) For purposes of this act,  
 14 "counterfeit" means the manufacture of or arranging to  
 15 manufacture a payment instrument as defined in s. 560.103,  
 16 Florida Statutes, without the permission of the financial  
 17 institution, account holder, or organization whose name,  
 18 routing number, or account number appears on the payment  
 19 instrument, or the manufacture of any payment instrument with  
 20 a fictitious name, routing number, or account number.

21                   (2)(a) It is unlawful to counterfeit a payment  
 22 instrument with the intent to defraud a financial institution,  
 23 account holder, or any other person or organization or for a  
 24 person to have any counterfeit payment instrument in such  
 25 person's possession. Any person who violates this subsection  
 26 commits a felony of the third degree, punishable as provided  
 27 in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

28                   (b) The printing of a payment instrument in the name  
 29 of a person or entity or with the routing number or account  
 30 number of a person or entity without the permission of the  
 31 person or entity to manufacture or reproduce such payment

1 instrument with such name, routing number, or account number  
2 is prima facie evidence of intent to defraud.

3 (3) This act does not apply to a law enforcement  
4 agency which produces or displays counterfeit payment  
5 instruments for investigative or educational purposes.

6 Section 2. This act shall take effect October 1, 2001.

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9 HOUSE SUMMARY

10 Makes unlawful the counterfeiting of payment instruments  
11 with intent to defraud. Provides a third degree felony  
12 penalty. Specifies prima facie evidence of intent to  
13 defraud. Exempts law enforcement agencies for  
14 investigative or educational purposes.

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