

1 A bill to be entitled
 2 An act relating to possession of stolen credit cards;
 3 amending s. 817.60, F.S.; prohibiting possession of a
 4 credit card by a person who knows or who should know that
 5 it is stolen; providing criminal penalties; providing
 6 enhanced penalties for second or subsequent violations;
 7 amending s. 817.67, F.S.; providing that persons subject
 8 to a specified penalty provision are guilty of a felony of
 9 the second degree, punishable as provided in specified
 10 provisions; amending s. 921.0022, F.S.; conforming a
 11 cross-reference to changes made by this act; providing an
 12 effective date.

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

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 16 Section 1. Subsections (6) and (7) of section 817.60,
 17 Florida Statutes, are renumbered as subsections (7) and (8),
 18 respectively, and a new subsection (6) is added to that section
 19 to read:

20 817.60 Theft; obtaining credit card through fraudulent
 21 means.--

22 (6) POSSESSION OF A STOLEN CREDIT CARD.--

23 (a) Except as provided in paragraph (b), a person who
 24 knowingly has in his or her possession a credit card that he or
 25 she knows or should know was stolen violates this subsection and
 26 is subject to the penalties set forth in s. 817.67(2).

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27 (b) A person who commits a second or subsequent violation
 28 of paragraph (a) is subject to the penalties set forth in s.
 29 817.67(3).

30 Section 2. Subsection (3) is added to section 817.67,
 31 Florida Statutes, to read:

32 817.67 Penalties.--

33 (3) A person who is subject to the penalties of this
 34 subsection is guilty of a felony of the second degree,
 35 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

36 Section 3. Paragraph (b) of subsection (3) of section
 37 921.0022, Florida Statutes, is amended to read:

38 921.0022 Criminal Punishment Code; offense severity
 39 ranking chart.--

40 (3) OFFENSE SEVERITY RANKING CHART

41 (b) LEVEL 2

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Florida Statute	Felony Degree	Description
379.2431(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431(1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.

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46	403.413 (5) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
47	517.07	3rd	Registration of securities and furnishing of prospectus required.
48	590.28 (1)	3rd	Willful, malicious, or intentional burning.
49	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
50	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
51	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
52	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

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53	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
54	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
55	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
56	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
57	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
58	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
59	817.52 (3)	3rd	Failure to redeliver hired vehicle.
60	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
61	817.60 (5)	3rd	Dealing in credit cards of another.

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62	817.60 <u>(7)</u> (6) (a)	3rd	Forgery; purchase goods, services with false card.
63	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
64	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
65	831.01	3rd	Forgery.
66	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
67	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
68	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
69	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
70	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.

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71	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
72	843.08	3rd	Falsely impersonating an officer.
73	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03(1) (c), (2) (c)1., (2) (c)2., (2) (c)3., (2) (c)5., (2) (c)6., (2) (c)7., (2) (c)8., (2) (c)9., (3), or (4) drugs other than cannabis.
74	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
75	Section 4. This act shall take effect October 1, 2009.		