By Senator Crist

12-00891A-10   20101106__

1   A bill to be entitled

2   An act relating to fraudulently taking or using a

3   credit card; amending s. 817.60, F.S.; providing that

4   a person who takes a credit card from the possession,

5   custody, or control of another without the

6   cardholder's consent, who possesses, receives, or

7   retains custody of the credit card with the knowledge

8   that it has been taken, or who receives the credit

9   card with the intent to use it, to sell it, or to

10   transfer it to a person other than the issuer or the

11   cardholder commits a felony of the third degree rather

12   than a misdemeanor of the first degree; providing

13   increased criminal penalties; providing an effective

14   date.

15

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

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18   Section 1. Subsection (1) of section 817.60, Florida

19   Statutes, is amended to read:

20   817.60 Theft; obtaining credit card through fraudulent

21   means.—

22   (1) THEFT BY TAKING OR RETAINING POSSESSION OF CARD TAKEN.—

23   A person who takes a credit card from the person, possession,

24   custody, or control of another without the cardholder's consent;

25   ~~or~~ who possess, receives, or retains custody of the card, with

26   knowledge that it has been so taken; or who, receives the credit

27   card with intent to use it, to sell it, or to transfer it to a

28   person other than the issuer or the cardholder commits ~~is guilty~~

29   ~~of~~ credit card theft and is subject to the penalties set forth

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30 in s. 817.67(2) ~~s. 817.67(1)~~. Taking a credit card without
31 consent includes obtaining it by conduct defined or known as
32 statutory larceny, common-law larceny by trespassory taking,
33 common-law larceny by trick or embezzlement or obtaining
34 property by false pretense, false promise or extortion.
35   Section 2. This act shall take effect July 1, 2010.