

1 A bill to be entitled
 2 An act relating to fraudulently taking or using a credit
 3 card; amending s. 817.60, F.S.; providing that a person
 4 who takes a credit card from the possession, custody, or
 5 control of another without the cardholder's consent, who
 6 possesses, receives, or retains custody of the credit card
 7 with the knowledge that it has been taken, or who receives
 8 the credit card with the intent to use it, to sell it, or
 9 to transfer it to a person other than the issuer or the
 10 cardholder commits a felony of the third degree rather
 11 than a misdemeanor of the first degree; providing
 12 increased criminal penalties; providing for an inference
 13 that the person in possession of a credit card knew or
 14 should have known that the credit card had been stolen in
 15 certain circumstances; providing an effective date.

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

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 19 Section 1. Subsection (1) of section 817.60, Florida
 20 Statutes, is amended to read:

21 817.60 Theft; obtaining credit card through fraudulent
 22 means.—

23 (1) THEFT BY TAKING OR RETAINING POSSESSION OF CARD
 24 TAKEN.—A person who takes a credit card from the person,
 25 possession, custody, or control of another without the
 26 cardholder's consent; ~~or~~ who possesses, receives, or retains
 27 custody of the credit card, with knowledge that it has been so
 28 taken; or who receives the credit card with intent to use it,

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29 | to sell it, or to transfer it to a person other than the issuer
30 | or the cardholder commits ~~is guilty of~~ credit card theft and is
31 | subject to the penalties set forth in s. 817.67 (2) ~~(1)~~. Taking a
32 | credit card without consent includes obtaining it by conduct
33 | defined or known as statutory larceny, common-law larceny by
34 | trespassory taking, common-law larceny by trick or embezzlement
35 | or obtaining property by false pretense, false promise or
36 | extortion. Proof of possession of a credit card that has been
37 | recently stolen or possession of a credit card in the name of a
38 | person other than that of the possessor, unless satisfactorily
39 | explained, gives rise to an inference that the person in
40 | possession of the credit card knew or should have known that the
41 | credit card had been stolen.

42 | Section 2. This act shall take effect July 1, 2010.