

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 that a retailer who in
 16 good faith takes, accepts, retains, or processes a stolen
 17 credit card without knowledge that the card is stolen does
 18 not commit a violation; providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Subsection (1) of section 817.60, Florida
 23 Statutes, is amended, and subsection (8) is added to that
 24 section, to read:

25 817.60 Theft; obtaining credit card through fraudulent
 26 means.—

27 (1) THEFT BY TAKING OR RETAINING POSSESSION OF CARD
 28 TAKEN.—A person who takes a credit card from the person,

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

46 | (8) RETAILER EXCEPTION.—A retailer who in good faith
 47 | takes, accepts, retains, or processes a stolen credit card
 48 | without knowledge that the card is stolen does not commit a
 49 | violation of this section.

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