

1 A bill to be entitled
 2 An act relating to possession of stolen credit or debit
 3 cards; amending s. 817.60, F.S.; prohibiting possession of
 4 a stolen credit or debit card in specified circumstances;
 5 providing penalties; providing that a retailer who takes,
 6 accepts, retains, or possesses a stolen credit or debit
 7 card without knowledge that the card is stolen and who is
 8 authorized to process transactions by the company issuing
 9 the credit or debit card does not commit a violation under
 10 certain circumstances; providing an exception for certain
 11 retail employees; providing an effective date.

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

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 15 Section 1. Subsection (8) is added to section 817.60,
 16 Florida Statutes, to read:

17 817.60 Theft; obtaining credit card through fraudulent
 18 means.—

19 (8) UNLAWFUL POSSESSION OF A STOLEN CREDIT OR DEBIT CARD.—
 20 A person who knowingly possesses, receives, or retains custody
 21 of a credit or debit card that has been taken from the
 22 possession, custody, or control of another without the
 23 cardholder's consent and with the intent to impede the recovery
 24 of the credit or debit card by the cardholder commits unlawful
 25 possession of a stolen credit or debit card and is subject to
 26 the penalties set forth in s. 817.67(2). A retailer that takes,
 27 accepts, retains, possesses, or processes a stolen credit card
 28 or debit card does not commit a violation of this subsection if

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29 the retailer does so in the ordinary course of business and the
30 retailer does not have actual knowledge that the credit card or
31 debit card is stolen; provided, this exception does not apply to
32 a retail employee who has actual knowledge that the credit card
33 or debit card is stolen.

34 Section 2. This act shall take effect October 1, 2011.