



597786

576-04056-17

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to payment card offenses; amending s.
817.625, F.S.; revising definitions; revising
terminology; revising the offenses of using a scanning
device or reencoder with the intent to defraud;
prohibiting the use of a skimming device with intent
to defraud; prohibiting the possession, sale, or
delivery of a skimming device; providing criminal
penalties; amending s. 921.0022, F.S.; ranking the
offense of possessing, selling, or delivering a
skimming device on level 4 of the offense severity
ranking chart; conforming provisions to changes made
by the act; providing an effective date.

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

Section 1. Section 817.625, Florida Statutes, is amended to
read:

817.625 Use of scanning device, skimming device, or
reencoder to defraud; possession of skimming device; penalties.-

(1) As used in this section, the term:

(d) ~~(a)~~ "Scanning device" means a scanner, reader, or any
other electronic device that may be ~~is~~ used to access, read,
scan, obtain, memorize, or store, temporarily or permanently,
information encoded on the computer chip, magnetic strip or
stripe, or other storage mechanism of a payment card or from
another device that directly reads the information from a



597786

576-04056-17

28 payment card. The term does not include a skimming device.

29 (c) ~~(b)~~ "Reencoder" means an electronic device that places
30 encoded information from the computer chip, magnetic strip or
31 stripe, or other storage mechanism of a payment card onto the
32 computer chip, magnetic strip or stripe, or other storage
33 mechanism of a different payment card. The term does not include
34 a skimming device.

35 (b) ~~(e)~~ "Payment card" means a credit card, charge card,
36 debit card, or any other card that is issued to an authorized
37 card user and that allows the user to obtain, purchase, or
38 receive goods, services, money, or anything else of value from a
39 merchant.

40 (a) ~~(d)~~ "Merchant" means a person who receives from an
41 authorized user of a payment card, or someone the person
42 believes to be an authorized user, a payment card or information
43 from a payment card, or what the person believes to be a payment
44 card or information from a payment card, as the instrument for
45 obtaining, purchasing, or receiving goods, services, money, or
46 anything else of value from the person.

47 (e) "Skimming device" means a self-contained device that:

48 1. Is designed to read and store in the device's internal
49 memory information encoded on the computer chip, magnetic strip
50 or stripe, or other storage mechanism of a payment card or from
51 another device that directly reads the information from a
52 payment card; and

53 2. Is incapable of processing the payment card information
54 for the purpose of obtaining, purchasing, or receiving goods,
55 services, money, or anything else of value from a merchant.

56 (2) (a) It is a felony of the third degree, punishable as



597786

576-04056-17

57 provided in s. 775.082, s. 775.083, or s. 775.084, for a person
58 to use:

59 1. A scanning device or skimming device to access, read,
60 obtain, memorize, or store, temporarily or permanently,
61 information encoded on the computer chip, magnetic strip or
62 stripe, or other storage mechanism of a payment card without the
63 permission of the authorized user of the payment card and with
64 the intent to defraud the authorized user, the issuer of the
65 authorized user's payment card, or a merchant.

66 2. A reencoder to place information encoded on the computer
67 chip, magnetic strip or stripe, or other storage mechanism of a
68 payment card onto the computer chip, magnetic strip or stripe,
69 or other storage mechanism of a different card without the
70 permission of the authorized user of the card from which the
71 information is being reencoded and with the intent to defraud
72 the authorized user, the issuer of the authorized user's payment
73 card, or a merchant.

74 (b) A ~~Any~~ person who violates subparagraph (a)1. or
75 subparagraph (a)2. a second or subsequent time commits a felony
76 of the second degree, punishable as provided in s. 775.082, s.
77 775.083, or s. 775.084.

78 (c) It is a felony of the third degree, punishable as
79 provided in s. 775.082, s. 775.083, or s. 775.084, for a person
80 to knowingly possess, sell, or deliver a skimming device. This
81 paragraph does not apply to the following individuals while
82 acting within the scope of their official duties:

83 1. An employee, officer, or agent of:

84 a. A law enforcement agency or criminal prosecuting
85 authority for the state or the federal government;



597786

576-04056-17

86 b. The state courts system as defined in s. 25.382 or the
87 federal court system; or

88 c. An executive branch agency in this state.

89 2. A financial or retail security investigator employed by
90 a merchant.

91 (d) ~~(e)~~ A Any person who commits a violation of this
92 subsection is violates subparagraph (a)1. or subparagraph (a)2.
93 shall also be subject to the provisions of ss. 932.701-932.7062.

94 Section 2. Paragraphs (d) and (e) of subsection (3) of
95 section 921.0022, Florida Statutes, are amended to read:

96 921.0022 Criminal Punishment Code; offense severity ranking
97 chart.-

98 (3) OFFENSE SEVERITY RANKING CHART

99 (d) LEVEL 4

100

Florida Statute	Felony Degree	Description
-----------------	---------------	-------------

101

316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
----------------	-----	--

102

499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
-------------	-----	---



597786

576-04056-17

112	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
113	784.083 (3)	3rd	Battery on code inspector.
114	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
115	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
116	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
117	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
118	787.07	3rd	Human smuggling.
119	790.115 (1)	3rd	Exhibiting firearm or weapon



597786

576-04056-17

within 1,000 feet of a school.

120

790.115(2)(b) 3rd Possessing electric weapon or
device, destructive device, or
other weapon on school
property.

121

790.115(2)(c) 3rd Possessing firearm on school
property.

122

800.04(7)(c) 3rd Lewd or lascivious exhibition;
offender less than 18 years.

123

810.02(4)(a) 3rd Burglary, or attempted
burglary, of an unoccupied
structure; unarmed; no assault
or battery.

124

810.02(4)(b) 3rd Burglary, or attempted
burglary, of an unoccupied
conveyance; unarmed; no assault
or battery.

125

810.06 3rd Burglary; possession of tools.

126

810.08(2)(c) 3rd Trespass on property, armed
with firearm or dangerous
weapon.

127



597786

576-04056-17

128

812.014 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000
or more but less than \$20,000.

129

812.014 3rd Grand theft, 3rd degree, a
(2) (c) 4.-10. will, firearm, motor vehicle,
livestock, etc.

130

812.0195 (2) 3rd Dealing in stolen property by
use of the Internet; property
stolen \$300 or more.

131

817.563 (1) 3rd Sell or deliver substance other
than controlled substance
agreed upon, excluding s.
893.03 (5) drugs.

132

817.568 (2) (a) 3rd Fraudulent use of personal
identification information.

133

817.625 (2) (a) 3rd Fraudulent use of scanning
device, skimming device, or
reencoder.

134

817.625 (2) (c) 3rd Possession, sale, or delivery
of skimming device.

828.125 (1) 2nd Kill, maim, or cause great
bodily harm or permanent
breeding disability to any



597786

576-04056-17

registered horse or cattle.

135

837.02(1) 3rd Perjury in official proceedings.

136

837.021(1) 3rd Make contradictory statements in official proceedings.

137

838.022 3rd Official misconduct.

138

839.13(2)(a) 3rd Falsifying records of an individual in the care and custody of a state agency.

139

839.13(2)(c) 3rd Falsifying records of the Department of Children and Families.

140

843.021 3rd Possession of a concealed handcuff key by a person in custody.

141

843.025 3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

142

843.15(1)(a) 3rd Failure to appear while on bail for felony (bond estreatment or



597786

576-04056-17

bond jumping).

143

847.0135(5)(c) 3rd Lewd or lascivious exhibition
using computer; offender less
than 18 years.

144

874.05(1)(a) 3rd Encouraging or recruiting
another to join a criminal
gang.

145

893.13(2)(a)1. 2nd Purchase of cocaine (or other
s. 893.03(1)(a), (b), or (d),
(2)(a), (2)(b), or (2)(c)4.
drugs).

146

914.14(2) 3rd Witnesses accepting bribes.

147

914.22(1) 3rd Force, threaten, etc., witness,
victim, or informant.

148

914.23(2) 3rd Retaliation against a witness,
victim, or informant, no bodily
injury.

149

918.12 3rd Tampering with jurors.

150

934.215 3rd Use of two-way communications
device to facilitate commission
of a crime.



597786

576-04056-17

151
152
153
154
155
156
157
158
159
160

(e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or



597786

576-04056-17

sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

161

379.367(4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

162

379.407(5)(b)3. 3rd Possession of 100 or more undersized spiny lobsters.

163

381.0041(11)(b) 3rd Donate blood, plasma, or organs knowing HIV positive.

164

440.10(1)(g) 2nd Failure to obtain workers' compensation coverage.

165

440.105(5) 2nd Unlawful solicitation for the



597786

576-04056-17

purpose of making workers'
compensation claims.

166

440.381(2) 2nd Submission of false,
misleading, or incomplete
information with the purpose of
avoiding or reducing workers'
compensation premiums.

167

624.401(4)(b)2. 2nd Transacting insurance without a
certificate or authority;
premium collected \$20,000 or
more but less than \$100,000.

168

626.902(1)(c) 2nd Representing an unauthorized
insurer; repeat offender.

169

790.01(2) 3rd Carrying a concealed firearm.

170

790.162 2nd Threat to throw or discharge
destructive device.

171

790.163(1) 2nd False report of bomb,
explosive, weapon of mass
destruction, or use of firearms
in violent manner.

172

790.221(1) 2nd Possession of short-barreled
shotgun or machine gun.



597786

576-04056-17

173
174
175
176
177
178
179
180

790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.



597786

576-04056-17

181

812.019(1) 2nd Stolen property; dealing in or
trafficking in.

182

812.131(2)(b) 3rd Robbery by sudden snatching.

183

812.16(2) 3rd Owning, operating, or
conducting a chop shop.

184

817.034(4)(a)2. 2nd Communications fraud, value
\$20,000 to \$50,000.

185

817.234(11)(b) 2nd Insurance fraud; property value
\$20,000 or more but less than
\$100,000.

186

817.2341(1), 3rd Filing false financial
(2)(a) & (3)(a) statements, making false
entries of material fact or
false statements regarding
property values relating to the
solvency of an insuring entity.

817.568(2)(b) 2nd Fraudulent use of personal
identification information;
value of benefit, services
received, payment avoided, or
amount of injury or fraud,
\$5,000 or more or use of
personal identification



597786

576-04056-17

information of 10 or more
persons.

187

817.611(2)(a) 2nd Traffic in or possess 5 to 14
counterfeit credit cards or
related documents.

188

817.625(2)(b) 2nd Second or subsequent fraudulent
use of scanning device,
skimming device, or reencoder.

189

825.1025(4) 3rd Lewd or lascivious exhibition
in the presence of an elderly
person or disabled adult.

190

827.071(4) 2nd Possess with intent to promote
any photographic material,
motion picture, etc., which
includes sexual conduct by a
child.

191

827.071(5) 3rd Possess, control, or
intentionally view any
photographic material, motion
picture, etc., which includes
sexual conduct by a child.

192

839.13(2)(b) 2nd Falsifying records of an
individual in the care and



597786

576-04056-17

cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)4.
drugs).

200

893.13(1)(c)2. 2nd Sell, manufacture, or deliver
cannabis (or other 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)
within 1,000 feet of a child
care facility, school, or
state, county, or municipal
park or publicly owned
recreational facility or
community center.

201

893.13(1)(d)1. 1st Sell, manufacture, or deliver
cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)4.
drugs) within 1,000 feet of
university.

202

893.13(1)(e)2. 2nd Sell, manufacture, or deliver
cannabis or other drug
prohibited under s.
893.03(1)(c), (2)(c)1.,

