

THE FLORIDA SENATE
2025 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 1198 — Fraudulent Use of Gift Cards

by Criminal Justice Committee and Senators DiCeglie and Rodriguez

The bill creates s. 817.091, F.S., relating to the fraudulent use of gift cards. It is a first degree misdemeanor for a person with intent to defraud to:

- Acquire or retain possession of a gift card or of gift card redemption information without consent.
- Alter or tamper with a gift card or its packaging.
- Devise a scheme to obtain a gift card or gift card redemption information under fraudulent pretenses, representations, or promises.
- Use, for the purpose of obtaining money, goods, or services or anything else of value, a gift card or gift card redemption information that has been obtained in any manner described above.

A person commits a third degree felony, if he or she commits the above described offense, and:

- Has a previous conviction of such an offense; or
- The value of any gift card; gift card redemption information; or money, goods, services, or other thing of value obtained as a result of the violation exceeds \$750.

Additionally, the bill defines a:

- “Gift card” as a physical or virtual card, code, or device that may be issued to a consumer on a prepaid basis primarily for personal, family, or household purposes in a specified amount, regardless of whether that amount may be increased or reloaded in exchange for payment, and that is redeemable upon presentation by a consumer at a single merchant, a group of affiliated merchants, or a group of unaffiliated merchants.
- “Gift card redemption information” as information unique to each gift card which allows the cardholder to access, transfer, or spend the funds on that gift card.
- “Value” as the greatest amount of economic loss the card issuer, gift card seller, or cardholder might reasonably suffer, including the full or maximum monetary face or load value of the gift card, regardless of whether the gift card has been activated.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect October 1, 2025.

Vote: Senate 37-0; House 115-0