

Bill No. PCS (732938) for SB 22-C

Barcode 930198

CHAMBER ACTION

Senate

House

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Comm: RCS  
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The Committee on General Government Appropriations (Bennett)  
recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 3, between lines 14 and 15,

insert:

Section 3. Section 501.95, Florida Statutes, is  
amended to read:

501.95 Gift certificates and credit memos.--

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

(a) "Credit memo" means a certificate, card, stored  
value card, or similar instrument issued in exchange for  
returned merchandise when the certificate, card, or similar  
instrument is redeemable for merchandise, food, or services  
regardless of whether any cash may be paid to the owner of the  
certificate, card, or instrument as part of the redemption  
transaction.

(b) "Gift certificate" means a certificate, gift card,  
stored value card, or similar instrument purchased ~~issued in~~  
~~exchange~~ for monetary consideration when the certificate,

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1 card, or similar instrument is redeemable for merchandise,  
 2 food, or services regardless of whether any cash may be paid  
 3 to the owner of the certificate, card, or instrument as part  
 4 of the redemption transaction, but this term shall not include  
 5 tickets as specified in s. 717.1355 or manufacturer or  
 6 retailer discounts and coupons.

7 (2)

8 (a) A gift certificate purchased or credit memo  ~~sold~~  
 9  ~~or issued for consideration~~ in this state may not have an  
 10 expiration date, expiration period, or any type of postsale  
 11 charge or fee imposed on the gift certificate or credit memo,  
 12 including, but not limited to, service charges, dormancy fees,  
 13 account maintenance fees, or cash-out fees. However, a gift  
 14 certificate may have an expiration date of not less than 3  
 15 years if it is provided as a charitable contribution  ~~when no~~  
 16  ~~consideration is given to the issuer by the consumer,~~ or not  
 17 less than 1 year if it is provided as a benefit pursuant to an  
 18 employee-incentive program,  ~~consumer-loyalty program, or~~  
 19  ~~promotional program when no consideration is given to the~~  
 20  ~~issuer by the consumer,~~ and the expiration date is prominently  
 21 disclosed in writing to the consumer at the time it is  
 22 provided. In addition, a gift certificate may have an  
 23 expiration date if it is provided as part of a loyalty program  
 24 or promotional program, or if it is provided in conjunction  
 25 with a larger package related to a convention, conference,  
 26 vacation, or sporting or fine arts event having a limited  
 27 duration so long as the majority of the value paid by the  
 28 recipient is attributable to the convention, conference,  
 29 vacation, or event. An issuer may honor a gift certificate  
 30 that has expired on or before the effective date of this act.

31 (b) Paragraph (a) does not apply to a gift certificate

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1 or credit memo sold or issued by a financial institution, as  
 2 defined in s. 655.005, or by a money transmitter, as defined  
 3 in s. 560.103, if the gift certificate or credit memo is  
 4 redeemable by multiple unaffiliated merchants.

5 (c) This section shall be enforced as provided in s.  
 6 501.142(3), (4), and (5).

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9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 On page 1, line 9, after the semicolon,

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13 insert:

14 amending s.. 501.95, F.S.; redefining the term  
 15 "gift certificate"; providing circumstances in  
 16 which a gift certificate may have an expiration  
 17 date;

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