

1                   A bill to be entitled  
 2           An act relating to fraudulent use of gift cards;  
 3           creating s. 817.091, F.S.; providing definitions;  
 4           providing criminal penalties for persons who, with the  
 5           intent to defraud, commit specified acts relating to  
 6           gift cards; providing criminal penalties for persons  
 7           who, with the intent to defraud, use gift cards or  
 8           gift card redemption information for certain purposes;  
 9           providing enhanced criminal penalties for a second or  
 10          subsequent violation; providing enhanced criminal  
 11          penalties if the value of a violation exceeds a  
 12          specified amount; providing that the value of  
 13          specified items may be aggregated to determine the  
 14          degree of the offense; providing an effective date.

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

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 18           **Section 1. Section 817.091, Florida Statutes, is created**  
 19 **to read:**

20           817.091 Fraudulent use of gift cards.-

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

22           (a) "Cardholder" means a person to whom a physical or  
 23 virtual gift card is sold, gifted, or issued following the  
 24 authorized sale of the gift card.

25           (b) "Card issuer" means a person who issues a gift card or

26 | the agent of that person with respect to that card.

27 |       (c) "Gift card" means a physical or virtual card, code, or  
28 | device that may be issued to a consumer on a prepaid basis  
29 | primarily for personal, family, or household purposes in a  
30 | specified amount, regardless of whether that amount may be  
31 | increased or reloaded in exchange for payment, and that is  
32 | redeemable upon presentation by a consumer at a single merchant,  
33 | a group of affiliated merchants, or a group of unaffiliated  
34 | merchants.

35 |       (d) "Gift card redemption information" means information  
36 | unique to each gift card which allows the cardholder to access,  
37 | transfer, or spend the funds on that gift card.

38 |       (e) "Gift card seller" means a merchant that is engaged in  
39 | the business of selling gift cards to consumers.

40 |       (f) "Value" means the greatest amount of economic loss the  
41 | card issuer, gift card seller, or cardholder might reasonably  
42 | suffer, including the full or maximum monetary face or load  
43 | value of the gift card, regardless of whether the gift card has  
44 | been activated.

45 |       (2) It is unlawful for a person, with the intent to  
46 | defraud:

47 |           (a) To acquire or retain possession of a gift card or of  
48 | gift card redemption information without the consent of the  
49 | cardholder, card issuer, or gift card seller.

50 |           (b) To alter or tamper with a gift card or its packaging.

51 (c) To devise a scheme to obtain a gift card or gift card  
52 redemption information from a cardholder, card issuer, or gift  
53 card seller by means of false or fraudulent pretenses,  
54 representations, or promises.

55 (d) To use, for the purpose of obtaining money, goods,  
56 services, or anything else of value, a gift card or gift card  
57 redemption information that has been obtained in violation of  
58 this subsection.

59 (3) (a) Except as provided in paragraph (b), a person who  
60 violates subsection (2) commits a misdemeanor of the first  
61 degree, punishable as provided in s. 775.082 or s. 775.083.

62 (b) A person commits a felony of the third degree,  
63 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
64 if:

65 1. The person violates subsection (2) and has previously  
66 been convicted of a violation of subsection (2).

67 2. The value of any gift card; gift card redemption  
68 information; or money, goods, services, or other thing of value  
69 obtained as a result of violating subsection (2) exceeds \$750.

70 (c) For the purposes of this subsection, the value of any  
71 gift card; gift card redemption information; or money, goods,  
72 services, or other thing of value obtained as a result of  
73 violating subsection (2) may be aggregated to determine the  
74 degree of the offense.

75 **Section 2.** This act shall take effect October 1, 2025.