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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2025	.	
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The Committee on Criminal Justice (DiCeglie) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

817.091 Fraudulent use of gift cards.—

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

(a) "Cardholder" means a person to whom a physical or  
virtual gift card is sold, gifted, or issued following the



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11 authorized sale of the gift card.

12 (b) "Card issuer" means a person that issues a gift card or  
13 the agent of that person with respect to that card.

14 (c) "Gift card" means a card, code, or device that is  
15 issued to a consumer on a prepaid basis primarily for personal,  
16 family, or household purposes in a specified amount, regardless  
17 of whether that amount may be increased or reloaded in exchange  
18 for payment, and that is redeemable upon presentation by a  
19 consumer at a single merchant, a group of affiliated merchants,  
20 or a group of unaffiliated merchants.

21 (d) "Gift card redemption information" means information  
22 unique to each gift card which allows the cardholder to access,  
23 transfer, or spend the funds on that gift card.

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

26 (f) "Value" means the greatest amount of economic loss the  
27 card issuer, gift card seller, or cardholder might reasonably  
28 suffer, including the full or maximum monetary face or load  
29 value of the gift card, regardless of whether the gift card has  
30 been activated.

31 (2) It is unlawful for a person, with the intent to  
32 defraud:

33 (a) To acquire or retain possession of a gift card or of  
34 gift card redemption information without the consent of the  
35 cardholder, card issuer, or gift card seller.

36 (b) To alter or tamper with a gift card.

37 (c) To devise a scheme to obtain a gift card or gift card  
38 redemption information from a cardholder, card issuer, or gift  
39 card seller by means of false or fraudulent pretenses,



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representations, or promises.

(d) To use, for the purpose of obtaining money, goods, services, or anything else of value, a gift card or gift card redemption information that has been obtained in violation of paragraph (a), paragraph (b), or paragraph (c).

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

(b) If the value of the money, goods, services, or other things of value obtained as a result of violating subsection (2) exceeds \$750, the person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to fraudulent use of gift cards;  
creating s. 817.091, F.S.; defining terms; providing  
criminal penalties for persons who, with the intent to  
defraud, commit specified prohibited acts related to  
gift cards; providing criminal penalties for persons  
who, with the intent to defraud, use for certain  
purposes gift cards or gift card redemption  
information; providing enhanced criminal penalties if  
the value of such violation exceeds a specified  
amount; providing an effective date.