

By Senator DiCeglie

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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, acquire or retain possession of certain gift
cards or gift card redemption information or from
altering or tampering with 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.

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

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 gift card is
issued or any person who has agreed with the card issuer to pay
obligations arising from the issuance of a gift card to another
person.

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

(c) "Closed-loop gift card" means a card, code, or device
that is issued to a consumer on a prepaid basis primarily for
personal, family, or household purposes in a specified amount,

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30 regardless of whether that amount may be increased or reloaded
31 in exchange for payment, and which is redeemable upon
32 presentation by a consumer at a single merchant or group of
33 affiliated merchants.

34 (d) "Gift card" means a physical or digital closed-loop
35 gift card or open-loop gift card that is either activated or
36 deactivated.

37 (e) "Gift card redemption information" means information
38 unique to each gift card which allows the cardholder to access,
39 transfer, or spend the funds on that gift card.

40 (f) "Gift card seller" means a merchant that is engaged in
41 the business of selling open-loop or closed-loop gift cards to
42 consumers.

43 (g) "Open-loop gift card" means a card, code, or device
44 that is issued to a consumer on a prepaid basis primarily for
45 personal, family, or household purposes in a specified amount,
46 regardless of whether that amount may be increased or reloaded
47 in exchange for payment, and which is redeemable upon
48 presentation at multiple unaffiliated merchants for goods or
49 services within the payment card network.

50 (h) "Value" means the greatest amount of economic loss the
51 owner of the property might reasonably suffer, including, in the
52 case of a gift card, the full monetary face value or potential
53 value for variable load gift cards.

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

56 (a) To acquire or retain possession of a gift card or of
57 gift card redemption information without the consent of the
58 cardholder, card issuer, or gift card seller.

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

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

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

67 (b) If the value of the money, goods, services, or other
68 things of value obtained as a result of violating subsection (2)
69 exceeds \$950, the person commits a felony of the first degree,
70 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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