

By the Committee on Criminal Justice; and Senator DiCeglie

591-02285-25

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

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

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

17 817.091 Fraudulent use of gift cards.-

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

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

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

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

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30 or a group of unaffiliated merchants.

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

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

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

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

43 (a) To acquire or retain possession of a gift card or of
44 gift card redemption information without the consent of the
45 cardholder, card issuer, or gift card seller.

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

47 (c) To devise a scheme to obtain a gift card or gift card
48 redemption information from a cardholder, card issuer, or gift
49 card seller by means of false or fraudulent pretenses,
50 representations, or promises.

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

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

58 (b) If the value of the money, goods, services, or other

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59 things of value obtained as a result of violating subsection (2)
60 exceeds \$750, the person commits a felony of the third degree,
61 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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