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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;
10 authorizing the aggregating of specified values to
11 determine the degree of an offense; providing an
12 effective date.

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

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

18 817.091 Fraudulent use of gift cards.—

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

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

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

25 (c) "Gift card" means a physical or virtual card, code, or
26 device that may be issued to a consumer on a prepaid basis
27 primarily for personal, family, or household purposes in a
28 specified amount, regardless of whether that amount may be
29 increased or reloaded in exchange for payment, and that is

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30 redeemable upon presentation by a consumer at a single merchant,
31 a group of affiliated merchants, or a group of unaffiliated
32 merchants.

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

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

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

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

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

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

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

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

57 (3) (a) Except as provided in paragraph (b), a person who
58 violates subsection (2) commits a misdemeanor of the first

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59 degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

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