

CHAPTER 2025-151

Committee Substitute for Senate Bill No. 1198

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; authorizing the aggregating of specified values to determine the degree of an offense; 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 physical or virtual gift card is sold, gifted, or issued following the authorized sale of the gift card.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor June 19, 2025.

Filed in Office Secretary of State June 19, 2025.