

1 A bill to be entitled
 2 An act relating to offenses involving gift cards;
 3 creating ss. 812.0152, 817.5696, and 831.095, F.S.;
 4 providing definitions; prohibiting gift card theft,
 5 gift card fraud, and gift card forgery, respectively;
 6 providing criminal penalties; providing an effective
 7 date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 **Section 1. Section 812.0152, Florida Statutes, is created**
 12 **to read:**

13 812.0152 Gift card theft.-

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

15 (a) "Card issuer" means the issuer of a gift card or an
 16 agent of such issuer with respect to such card.

17 (b) "Cardholder" means a person to whom a physical or
 18 virtual gift card is issued or a person who has agreed with the
 19 card issuer to pay obligations arising from the issuance of a
 20 gift card to another person.

21 (c) "Closed-loop gift card" means a card, code, or device
 22 that is issued to a consumer on a prepaid basis primarily for
 23 personal, family, or household purposes in a specified amount,
 24 regardless of whether that amount may be increased or reloaded
 25 in exchange for payment, and that is redeemable upon

26 presentation by a consumer at a single merchant or group of
27 affiliated merchants.

28 (d) "Gift card" means a physical or digital closed-loop
29 gift card or open-loop gift card that is either activated or
30 inactivated.

31 (e) "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 such gift card.

34 (f) "Gift card seller" means a merchant engaged in the
35 business of selling open-loop gift cards or closed-loop gift
36 cards to consumers.

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

44 (h) "Value" means the full monetary face value of a gift
45 card or, for a variable-load gift card, the potential value of
46 the variable-load gift card.

47 (2) A person who, with intent to defraud, acquires or
48 retains possession of a gift card or gift card redemption
49 information without the consent of the cardholder, card issuer,
50 or gift card seller commits gift card theft, punishable as

51 provided in s. 812.014.

52 (3) A person who, with intent to defraud, uses, for the
53 purpose of obtaining money, goods, services, or anything else of
54 value, a gift card or gift card redemption information that has
55 been obtained in violation of subsection (2) or s. 831.095
56 commits gift card theft, punishable as provided in s. 812.014.

57 **Section 2. Section 817.5696, Florida Statutes, is created**
58 **to read:**

59 817.5696 Gift card fraud.—

60 (1) As used in this section, the terms "gift card," "gift
61 card redemption information," "cardholder," "card issuer," and
62 "gift card seller" have the same meanings as in s. 812.0152(1).

63 (2) A person who, with intent to defraud, knowingly
64 devises a scheme to obtain a gift card or gift card redemption
65 information from a cardholder, card issuer, or gift card seller
66 by means of false or fraudulent pretenses, representations, or
67 promises commits gift card fraud, a felony of the third degree,
68 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

69 **Section 3. Section 831.095, Florida Statutes, is created**
70 **to read:**

71 831.095 Gift card forgery.—

72 (1) As used in this section, the term "gift card" has the
73 same meaning as in s. 812.0152(1).

74 (2) A person who, with intent to injure or defraud, alters
75 or tampers with a gift card commits gift card forgery, a felony

HB 1007

2025

76 | of the third degree, punishable as provided in s. 775.082, s.
77 | 775.083, or s. 775.084.

78 | **Section 4.** This act shall take effect October 1, 2025.