

FLORIDA CONSUMER eNEWSLETTER

brought to you by the Division of Consumer Services
FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
1-800-HELP-FLA (435-7352) | 1-800-FL-AYUDA (352-9832)



Dear Friends:

As the sun sets on my tenure as Commissioner for the Florida Department of Agriculture and Consumer Services, I would be remiss if I did not express my heartfelt appreciation to the citizens of this great state for having given me the opportunity to serve them in this capacity. I am extremely proud of my administration's commitment to consumer protection over the past nine and a half years. With more than 100,000 subscribers currently, the Consumer E-Newsletter is a shining example of our many accomplishments in this area. But, the time has come to hand the reigns over to a new administration, and I have the utmost confidence that Commissioner-Elect Adam Putnam will work tirelessly to ensure that Florida's consumers continue to be given the highest level of protection possible.

Once again, I thank you for the honor of serving as your Commissioner, and in the spirit of the Holiday Season, we have dedicated this issue of the Florida Consumer E-Newsletter to providing you the most up-to-date information on buying, giving, and using gift cards. Merry Christmas and Happy Holidays to each of you, and remember... consumer education is the best defense against fraud and deception!

Sincerely,
Charles H. Bronson



GIFT CARDS

It is particularly important for consumers to understand the differences between certain types of gift cards. For the most part, there are two types: retail gift cards and bank gift cards. Retail gift cards, sometimes referred to as "closed-loop" cards, are sold by retailers and restaurants, and

can typically be used only with those merchants. While these may have certain purchasing exclusions as defined in their individual terms and conditions, by Florida law they shall not have an expiration date or any post-sale charge or fee. Bank gift cards, or "open-loop" cards will carry the logo of a payment card network like American Express, VISA or MasterCard, and their major advantage is that they are able to be used at any location accepting cards from that network. According to new federal law (the Credit CARD Act of 2009), these cards cannot expire for at least 5 years, and no inactivity or "service fees" (such as a balance inquiry fee or an ATM fee) can be charged unless the card has not been used in 12 months. Even after 12 months of inactivity, only one such fee can be deducted from the balance per month. This new law also states that as of January 31, 2011, both retail gift cards and bank gift cards will be required to print key terms and conditions on the card itself, including: fee information, expiration information, a toll-free number for additional information and a website, if available. Consumers should always remember...

When Purchasing and Giving Gift Cards:

- Buy from sources you know and trust. Be cautious when buying gift cards from online auction sites, as the cards may be counterfeit or may have been obtained fraudulently.
- Read the terms and conditions, including the fine print, before you buy.
- Ask about expiration dates and fees when you're buying a card. This information may appear on the card itself, on the accompanying sleeve or envelope, or on the issuer's website. If you don't see it, ask. If the information is separate from the gift card, give it to the recipient with the card to help protect the value of the card.
- Inspect the card before you buy it. Verify that none of the protective stickers have been removed, and make sure that the codes on the back of the card haven't been scratched off to reveal a PIN number. Report tampered cards to the store selling the cards. Immediately after purchasing the card in a retail store, ask the sales clerk to scan the card to make sure the balance is correct.
- Give the recipient the original receipt to verify the card's purchase in case it is lost or stolen.

When Receiving and Using Gift Cards:

- Read the terms and conditions when you get the card, and check for an expiration date or any fees.
- If you didn't get the card's terms and conditions, the original purchase receipt, or the card's ID number, ask for them from the person who gave you the card.
- Treat gift cards like cash. If you lose them and don't have any documentation, you've just lost money! Make photocopies and set up a family gift card file to retain the original receipts, subsequent receipts, any expiration/fee commencement dates, any inserts with terms and conditions, and toll-free customer service numbers.
- Use your card as soon as you can, and register the cards of retailers that require it for replacement. But keep in mind, most retailers will charge a fee to replace your lost or stolen card.