

By the Committee on Commerce and Tourism; and Senator Hays

577-03850-13

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1 A bill to be entitled
2 An act relating to ticket sales; amending s. 817.355,
3 F.S.; providing enhanced criminal penalties for second
4 and subsequent violations concerning fraudulent
5 creation or possession of an admission ticket;
6 providing criminal penalties for persons who commit
7 such violations involving more than a specified number
8 of tickets; amending s. 817.361, F.S.; providing
9 definitions; prohibiting the fraudulent repurchase of
10 a multiuse ticket; providing enhanced criminal
11 penalties for second or subsequent violations of
12 provisions relating to the resale or repurchase of
13 multiuse tickets; providing an effective date.

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

16
17 Section 1. Section 817.355, Florida Statutes, is amended to
18 read:

19 817.355 Fraudulent creation or possession of admission
20 ticket.—

21 (1) Except as provided in subsections (2) and (3), a ~~Any~~
22 person who counterfeits, forges, alters, or possesses a any
23 ticket, token, or paper designed for admission to or the
24 rendering of services by any sports, amusement, concert, or
25 other facility offering services to the general public, with the
26 intent to defraud such facility, commits ~~is guilty of~~ a
27 misdemeanor of the first degree, punishable as provided in s.
28 775.082 or s. 775.083.

29 (2) A person who commits a second or subsequent violation

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30 of subsection (1) commits a felony of the third degree,
31 punishable as provided in s. 775.082 or s. 775.084 or by a fine
32 of up to \$10,000.

33 (3) A person who counterfeits, forges, alters, or possesses
34 10 or more tickets, tokens, or papers designed for admission to
35 or the rendering of services by any sports, amusement, concert,
36 or other facility offering services to the general public with
37 the intent to defraud such facility commits a felony of the
38 third degree, punishable as provided in s. 775.082 or s. 775.084
39 or by a fine of up to \$10,000.

40 Section 2. Section 817.361, Florida Statutes, is amended to
41 read:

42 817.361 Resale or repurchase of multiuse ~~multiday or~~
43 ~~multievent~~ ticket.-

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

45 (a) "Issuer" means the person or entity that created a
46 multiuse ticket and is obligated to allow admission thereunder.

47 (b) "Multiuse ticket" means a ticket, other medium, or
48 right designed for admission to more than one amusement location
49 or other facility in a theme park complex, or for admission for
50 more than 1 day to one or more such locations or facilities in a
51 theme park complex.

52 (c) "Theme park complex" means any area comprised of at
53 least 25 acres owned by the same business entity which contains
54 rides or other recreational activities.

55 (2) A person who ~~whoever~~ offers for sale, sells, ~~or~~
56 transfers, or, intending to defraud, purchases or offers to
57 purchase, in connection with a commercial transaction, with or
58 without consideration, any nontransferable multiuse ticket ~~or~~

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59 ~~other nontransferable medium designed for admission to more than~~
60 ~~one amusement location or other facility offering entertainment~~
61 ~~to the general public, or for admission for more than 1 day~~
62 ~~thereto, after the multiuse said ticket or other medium has been~~
63 ~~used at least once for admission, commits a violation of this~~
64 ~~subsection. For purposes of this subsection, a multiuse ticket~~
65 ~~is nontransferable unless the phrase "may be used by more than~~
66 ~~one person" is printed clearly on the multiuse ticket by the~~
67 ~~issuer or the issuer explicitly states on its website that the~~
68 ~~multiuse ticket may be used by more than one person is guilty of~~
69 ~~a misdemeanor of the second degree, punishable as provided in s.~~
70 ~~775.082 or s. 775.083. A nontransferable ticket or other~~
71 ~~nontransferable medium is one on which is clearly printed the~~
72 ~~phrase: "Nontransferable; must be used by the same person on all~~
73 ~~days" or words of similar import.~~

74 (3) (a) Except as provided in paragraph (b), a person who
75 violates subsection (2) commits a misdemeanor of the first
76 degree, punishable as provided in s. 775.082 or s. 775.084 or by
77 a fine of up to \$10,000.

78 (b) A person who commits ~~Upon conviction for~~ a second or
79 subsequent violation of this subsection (2) commits, ~~such person~~
80 ~~is guilty of a felony~~ misdemeanor of the third first ~~degree,~~
81 punishable as provided in s. 775.082 or s. 775.084 or by a fine
82 of up to \$10,000 ~~775.083.~~

83 Section 3. This act shall take effect July 1, 2013.