

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Regulatory Affairs
2 Committee
3 Representative Smith offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 817.355, Florida Statutes, is amended
8 to read:

9 817.355 Fraudulent creation or possession of admission
10 ticket.—

11 (1) Except as provided in subsections (2) and (3), a ~~Any~~
12 person who counterfeits, forges, alters, or possesses a ~~any~~
13 ticket, token, or paper designed for admission to or the
14 rendering of services by a ~~any~~ sports, amusement, concert, or
15 other facility offering services to the general public, with the
16 intent to defraud such facility, commits ~~is guilty of a~~
17 misdemeanor of the first degree, punishable as provided in s.
18 775.082 or s. 775.083.

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19 (2) A person who commits a second or subsequent violation
20 of subsection (1) commits a felony of the third degree,
21 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

22 (3) A person who counterfeits, forges, alters, or
23 possesses 10 or more tickets, tokens, or papers designed for
24 admission to or the rendering of services by a sports,
25 amusement, concert, or other facility offering services to the
26 general public with the intent to defraud such facility commits
27 a felony of the third degree, punishable as provided in s.
28 775.082, s. 775.083, or s. 775.084.

29 Section 2. Section 817.361, Florida Statutes, is amended
30 to read:

31 817.361 Resale or repurchase of multiuse ~~multiday or~~
32 ~~multievent~~ ticket.-

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

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

36 (b) "Multiuse ticket" means a ticket, other medium, or
37 right designed for admission to more than one amusement location
38 or other facility in a theme park complex, or for admission for
39 more than 1 day to one or more such locations or facilities in a
40 theme park complex.

41 (c) "Theme park complex" means an area comprised of at
42 least 25 acres owned by the same business entity that contains
43 rides or other recreational activities.

44 (2) A person who purchases or offers to purchase with the
45 intent to defraud, ~~whoever~~ offers for sale, sells, or transfers
46 in connection with a commercial transaction, with or without

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47 consideration, ~~a any nontransferable multiuse ticket or other~~
 48 ~~nontransferable medium designed for admission to more than one~~
 49 ~~amusement location or other facility offering entertainment to~~
 50 ~~the general public, or for admission for more than 1 day~~
 51 ~~thereto,~~ after the multiuse said ticket ~~or other medium~~ has been
 52 used at least once for admission, commits a violation of this
 53 subsection. For purposes of this subsection, a multiuse ticket
 54 is nontransferable unless the phrase "may be used by more than
 55 one person" is printed clearly on the multiuse ticket by the
 56 issuer or the issuer explicitly states on its website that the
 57 multiuse ticket may be used by more than one person ~~is guilty of~~
 58 ~~a misdemeanor of the second degree, punishable as provided in s.~~
 59 ~~775.082 or s. 775.083. A nontransferable ticket or other~~
 60 ~~nontransferable medium is one on which is clearly printed the~~
 61 ~~phrase: "Nontransferable; must be used by the same person on all~~
 62 ~~days" or words of similar import.~~

63 (3) (a) Except as provided in paragraph (b), a person who
 64 violates subsection (2) commits a misdemeanor of the first
 65 degree, punishable as provided in s. 775.082 or s. 775.083.

66 (b) A person who commits ~~Upon conviction for~~ a second or
 67 subsequent violation of ~~this~~ subsection (2) commits, ~~such person~~
 68 ~~is guilty of a felony~~ misdemeanor of the third ~~first~~ degree,
 69 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.
 70 775.084.

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

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74 **T I T L E A M E N D M E N T**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 163 (2013)

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75 Remove everything before the enacting clause and insert:

76 A bill to be entitled

77 An act relating to ticket sales; amending s. 817.355,
78 F.S.; providing enhanced criminal penalties for second
79 and subsequent violations concerning fraudulent
80 creation or possession of an admission ticket;
81 providing criminal penalties for persons who commit
82 such violations involving more than a specified number
83 of tickets; amending s. 817.361, F.S.; providing
84 definitions; prohibiting the fraudulent repurchase of
85 a multiuse ticket; providing enhanced criminal
86 penalties for second or subsequent violations of
87 provisions relating to the resale or repurchase of
88 multiuse tickets; providing an effective date.