

20141142er

1
2 An act relating to ticket sales; amending s. 817.355,
3 F.S.; providing that a person who counterfeits,
4 forges, alters, clones, or possesses a ticket, card,
5 wristband, or other medium that accesses or is
6 associated with a specified ticket, token, or paper
7 with the intent to defraud commits a misdemeanor of
8 the first degree; providing enhanced criminal
9 penalties for second and subsequent violations
10 concerning fraudulent creation or possession of an
11 admission ticket; providing criminal penalties for
12 persons who commit such violations involving more than
13 a specified number of tickets, cards, wristbands, or
14 other media that access or are associated with a
15 specified ticket, token, or paper; amending s.
16 817.361, F.S.; defining terms; prohibiting the sale,
17 offer for sale, or transfer of certain multiuse
18 tickets or a card, wristband, or other medium that
19 accesses or is associated with such multiuse ticket;
20 providing criminal penalties; providing enhanced
21 criminal penalties for second or subsequent violations
22 of provisions relating to the sale, offer for sale, or
23 transfer of certain multiuse tickets; providing an
24 effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Section 817.355, Florida Statutes, is amended to
29 read:

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30 817.355 Fraudulent creation or possession of admission
31 ticket.—

32 (1) Except as provided in subsections (2) and (3), a ~~Any~~
33 person who counterfeits, forges, alters, clones, or possesses a
34 any ticket, card, wristband, or other medium that accesses or is
35 associated with a ticket; or a ticket, token, or paper designed
36 for admission to or the rendering of services by a ~~any~~ sports,
37 amusement, concert, or other facility offering services to the
38 general public, with the intent to defraud such facility,
39 commits ~~is guilty of~~ a misdemeanor of the first degree,
40 punishable as provided in s. 775.082 or s. 775.083.

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

44 (3) A person who counterfeits, forges, alters, clones, or
45 possesses 10 or more tickets, cards, wristbands, or other media
46 that access or are associated with a ticket, token, or paper
47 designed for admission to or the rendering of services by a
48 sports, amusement, concert, or other facility offering services
49 to the general public with the intent to defraud such facility,
50 commits a felony of the third degree, punishable as provided in
51 s. 775.082, s. 775.083, or s. 775.084.

52 Section 2. Section 817.361, Florida Statutes, is amended to
53 read:

54 817.361 Sale or transfer ~~Resale~~ of multiuse tickets
55 ~~multiday or multievent ticket.~~—

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

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

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59 (b) "Multiuse ticket" means a ticket, other medium, or
60 right designed for admission to more than one theme park
61 complex, or to more than one amusement location or other
62 facility in a theme park complex, or for admission for more than
63 1 day or more than once in the same day to one or more such
64 locations or facilities in a theme park complex.

65 (c) "Theme park complex" means an area comprised of at
66 least 25 acres of land owned by the same business entity and
67 which contains rides or other recreational activities.

68 (2) A person who ~~Whoever~~ offers for sale, sells, or
69 transfers in connection with a commercial transaction, with or
70 without consideration, a ~~any~~ nontransferable multiuse ticket or
71 a card, wristband, or other medium that accesses or is
72 associated with any such nontransferable multiuse ticket ~~or~~
73 ~~other nontransferable medium designed for admission to more than~~
74 ~~one amusement location or other facility offering entertainment~~
75 ~~to the general public, or for admission for more than 1 day~~
76 ~~thereto, after the nontransferable multiuse said ticket or other~~
77 ~~medium has been used at least once for admission~~ commits a
78 violation of this subsection. For purposes of this subsection, a
79 multiuse ticket is nontransferable unless the phrase "may be
80 used by more than one person" is printed clearly on the multiuse
81 ticket by the issuer or the issuer explicitly states on its
82 website that the multiuse ticket may be used by more than one
83 person, ~~is guilty of a misdemeanor of the second degree,~~
84 ~~punishable as provided in s. 775.082 or s. 775.083. A~~
85 ~~nontransferable ticket or other nontransferable medium is one on~~
86 ~~which is clearly printed the phrase: "Nontransferable; must be~~
87 ~~used by the same person on all days" or words of similar import.~~

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

91 (b) A person who commits ~~Upon conviction for~~ a second or
92 subsequent violation of ~~this~~ subsection (2) commits, ~~such person~~
93 ~~is guilty of a felony misdemeanor~~ of the third ~~first~~ degree,
94 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.
95 775.084.

96 Section 3. This act shall take effect July 1, 2014.