

CHAMBER ACTION

1 The Committee on Commerce recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to resales of admission tickets; amending
7 s. 817.36, F.S.; providing for nonapplication to certain
8 resales of tickets by certain means under certain
9 circumstances; providing for unenforceability of certain
10 terms and limitations under certain circumstances;
11 providing a criminal penalty; amending s. 559.9335, F.S.;
12 providing an exception to unlawful sales of certain
13 tickets; providing an effective date.

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

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17 Section 1. Paragraph (a) of subsection (2) of section
18 817.36, Florida Statutes, is amended to read:

19 817.36 Resale of tickets of common carriers, places of
20 amusement, etc.--

21 (2)(a)1. Whoever shall offer for sale or sell any ticket
22 good for admission to any sporting exhibition, athletic contest,
23 theater, or any exhibition where an admission price is charged

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24 and request or receive a price in excess of \$1 above the retail
25 admission price charged therefor by the original seller of said
26 ticket commits ~~shall be guilty of~~ a misdemeanor of the second
27 degree, punishable as provided in s. 775.082 or s. 775.083.

28 2. Subparagraph 1. does not apply to the first ten tickets
29 that a natural person purchases to an event which are resold
30 through a credit card or other electronic payment mechanism that
31 offers partial or full reimbursement for fraud,
32 misrepresentation, or nonperformance. Any term or condition of
33 the original sale of the ticket that purports to limit the terms
34 or conditions of resale of the ticket, including, but not
35 limited to, the resale price of the ticket, shall be
36 unenforceable, null, and void if the resale transaction is
37 carried out through a credit card or other electronic payment
38 mechanism that offers partial or full reimbursement for fraud,
39 misrepresentation, or nonperformance. Any natural person that
40 knowingly resells, knowingly assists another to resell, or
41 conspires to resell more than ten tickets to an event without
42 being licensed pursuant to s. 559.9335(8) commits a misdemeanor
43 of the second degree, punishable as provided in s. 775.082 or s.
44 775.083.

45 3. Nothing in this paragraph changes the applicability of
46 chapter 212 to any person with respect to the sale or resale of
47 any ticket.

48 Section 2. Subsection (8) of section 559.9335, Florida
49 Statutes, is amended to read:

50 559.9335 Violations.--It is a violation of this part for
51 any person:

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52 (8) Knowingly to sell or market admissions tickets to
53 theme or amusement parks, sporting events, concerts, theater
54 productions, or other entertainment events, in excess of \$1
55 above the retail admission price charged by the original seller
56 of said tickets, unless said tickets are resold in accordance
57 with s. 817.36(2)(a)2. or are part of a prearranged travel
58 package which includes transportation or accommodations
59 services, are being resold on behalf of the original seller of
60 said tickets, and the seller of travel provides either a Florida
61 seller of travel registration number or an Airlines Reporting
62 Corporation agency code number in each advertisement that is
63 placed in newspapers circulated primarily in Florida. When any
64 original seller of tickets provides a seller of travel with
65 tickets in bulk, the seller of travel shall be deemed to be
66 reselling the tickets on behalf of the original seller.

67 Section 3. This act shall take effect upon becoming a law.