



Bill No. CS for CS for SB 1168

Barcode 485842

1 ~~amusement, etc.--~~

2       ~~(i)(a) Whoever shall offer for resale ~~sale~~ or resell~~  
3 ~~sell any ticket may only charge \$1 above the admission price~~  
4 ~~charged therefor of the original ticket seller of said ticket~~  
5 ~~for the following transactions:~~

6       ~~(1) good for Passage or accommodations on any common~~  
7 ~~carrier in this state; however, and request or receive a price~~  
8 ~~in excess of \$1 above the retail price charged therefor by the~~  
9 ~~original seller of said ticket shall be guilty of a~~  
10 ~~misdemeanor of the second degree, punishable as provided in s.~~  
11 ~~775.082 or s. 775.083.~~

12       ~~(b) the provisions of this subsection shall not apply~~  
13 ~~to travel agencies that have an established place of business~~  
14 ~~in this state, which place of business is required to pay~~  
15 ~~state, county, and city occupational license taxes.~~

16       ~~(2) Multiday or multievent tickets to a park or~~  
17 ~~entertainment complex or to a concert, entertainment event,~~  
18 ~~permanent exhibition, or recreational activity within such a~~  
19 ~~park or complex, including an entertainment/resort complex as~~  
20 ~~defined in s. 561.01(18).~~

21       ~~(3) Any tickets, other than the tickets in subsections~~  
22 ~~(1) and (2), that are resold or offered through an Internet~~  
23 ~~website, unless such website is authorized by the original~~  
24 ~~ticket seller or makes and posts the following guarantees and~~  
25 ~~disclosures through Internet web pages on which are visibly~~  
26 ~~posted, or links to web pages on which are posted, text to~~  
27 ~~which a prospective purchaser is directed before completion of~~  
28 ~~the resale transaction:~~

29       ~~(a) The website operator guarantees a full refund of~~  
30 ~~the amount paid for the ticket including any servicing,~~  
31 ~~handling, or processing fees, if such fees are not disclosed,~~

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1 when:

2       1. The ticketed event is canceled;

3       2. The purchaser is denied admission to the ticketed  
4 event, unless such denial is due to the action or omission of  
5 the purchaser; or

6       3. The ticket is not delivered to the purchaser in the  
7 manner requested and pursuant to any delivery guarantees made  
8 by the reseller and such failure results in the purchaser's  
9 inability to attend the ticketed event.

10       (b) The website operator discloses that it is not the  
11 issuer, original seller, or reseller of the ticket or items  
12 and does not control the pricing of the ticket or items, which  
13 may be resold for more than their original value.

14       (4) Nothing in this section authorizes any individual  
15 or entity to sell or purchase tickets at any price on property  
16 where an event is being held without the prior express written  
17 consent of the owner of the property.

18       (5) Any sales tax due for resales under this section  
19 shall be remitted to the Department of Revenue in accordance  
20 with s. 212.04.

21       ~~(2)(a) Whoever shall offer for sale or sell any ticket~~  
22 ~~good for admission to any sporting exhibition, athletic~~  
23 ~~contest, theater, or any exhibition where an admission price~~  
24 ~~is charged and request or receive a price in excess of \$1~~  
25 ~~above the retail admission price charged therefor by the~~  
26 ~~original seller of said ticket shall be guilty of a~~  
27 ~~misdemeanor of the second degree, punishable as provided in s.~~  
28 ~~775.082 or s. 775.083.~~

29       ~~(b) The provisions of this subsection shall apply to~~  
30 ~~travel agencies that have an established place of business in~~  
31 ~~this state, which place of business is required to pay state,~~

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1 ~~county, and city occupational license taxes, unless such~~  
2 ~~agencies are registered sellers of travel pursuant to part XI~~  
3 ~~of chapter 559 and adhere to the restriction of selling said~~  
4 ~~tickets as part of the travel packages specified in that part,~~  
5 ~~and such travel agencies are reselling said tickets on behalf~~  
6 ~~of the original sellers of said tickets. When any original~~  
7 ~~seller of tickets provides a travel agency with tickets in~~  
8 ~~bulk, the travel agent shall be deemed to be reselling the~~  
9 ~~tickets on behalf of the original seller.~~

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11

12 ===== T I T L E    A M E N D M E N T =====

13 And the title is amended as follows:

14            On page 1, lines 6-12, delete those lines

15

16 and insert:

17            creating s. 817.357, F.S.; providing that  
18            purchasing tickets in excess of a specified  
19            amount with the intent to resell those tickets  
20            is a violation of the Florida Deceptive and  
21            Unfair Trade Practices Act; providing a  
22            definition; amending s. 817.36, F.S.;  
23            prohibiting resale of tickets for more than \$1  
24            above the resale admission price charged  
25            therefor by the original seller in specified  
26            circumstances; providing that the section does  
27            not authorize any individual or entity to sell  
28            or purchase tickets at any price on property  
29            where an event is being held without the prior  
30            express written consent of the owner of the  
31            property; providing for sales tax collection on

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1 ticket resales; providing an effective date.

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