

Bill No. SB 1168

Barcode 845978

CHAMBER ACTION

Senate

House

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The Committee on Commerce and Consumer Services (Aronberg)  
recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Subsection (2) of section 817.36, Florida  
Statutes, is amended to read:

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

(2)(a) Whoever resells or offers ~~shall offer~~ for  
resale ~~sale or sell~~ any ticket good for admission to any  
sporting exhibition, athletic contest, theater, or other any  
exhibition, or to any theme, amusement, or recreation park or  
entertainment complex, where an admission price is charged  
and request or receive a price in excess of 25 percent ~~\$1~~  
above the retail admission price charged therefor by the  
original seller of the ~~said~~ ticket commits ~~shall be guilty of~~  
a misdemeanor of the second degree, punishable as provided in  
s. 775.082 or s. 775.083.

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1       (b) Paragraph (a) does not prohibit the resale or  
2 offer for resale of a ticket, at any price, if such resale or  
3 offer is authorized by the ticket's original seller.

4       (c) Paragraph (a) also does not prohibit the resale or  
5 offer for resale of a nonpark ticket, at any price, if such  
6 resale or offer is made through an Internet website and the  
7 website operator makes and posts the following guarantees and  
8 disclosures to which a prospective purchaser is directed  
9 before completion of the resale transaction:

10           1. The website operator guarantees a full refund of  
11 the amount paid for the ticket if:

12               a. The ticketed event is canceled;

13               b. The purchaser is denied admission to the ticketed  
14 event, unless such denial is due to the action or omission of  
15 the purchaser; or

16               c. The ticket is not delivered to the purchaser in the  
17 manner requested and pursuant to any delivery guarantees made  
18 by the reseller and such failure results in the purchaser's  
19 inability to attend the ticketed event.

20           2. The website operator discloses through Internet web  
21 pages on which are posted text, or links to web pages on which  
22 are posted text, that it is not the issuer, original seller,  
23 or reseller of the ticket or items and does not control the  
24 pricing of the ticket or items, which may be resold for more  
25 than their original value.

26  
27 A refund under subparagraph 1. shall include any servicing,  
28 handling, or processing fees unless such fees are declared  
29 nonrefundable under the terms of the guarantee. For purposes  
30 of this paragraph, the term "nonpark ticket" means a ticket  
31 that is not for admission to a theme, amusement, or recreation

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1 park or entertainment complex or to a permanent exhibition or  
2 recreational activity within such a park or complex.

3 (d)(b) Paragraph (a) applies ~~The provisions of this~~  
4 ~~subsection shall apply~~ to travel agencies that have an  
5 established place of business in this state, which place of  
6 business is required to pay state, county, and city  
7 occupational license taxes, unless such agencies are  
8 registered sellers of travel pursuant to part XI of chapter  
9 559 and adhere to the restriction of selling such ~~said~~ tickets  
10 as part of the travel packages specified in that part, and  
11 such travel agencies are reselling such ~~said~~ tickets on behalf  
12 of the original sellers of said tickets. When any original  
13 seller of tickets provides a travel agency with tickets in  
14 bulk, the travel agent shall be deemed to be reselling the  
15 tickets on behalf of the original seller.

16 (e) Sales tax for any resale under this subsection  
17 shall be remitted to the Department of Revenue in accordance  
18 with s. 212.04.

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

21 559.9335 Violations.--It is a violation of this part  
22 for any person:

23 (8) To resell or offer for resale a ticket in  
24 violation of s. 817.36(2). ~~Knowingly to sell or market~~  
25 ~~admissions tickets to theme or amusement parks, sporting~~  
26 ~~events, concerts, theater productions, or other entertainment~~  
27 ~~events, in excess of \$1 above the retail admission price~~  
28 ~~charged by the original seller of said tickets, unless said~~  
29 ~~tickets are part of a prearranged travel package which~~  
30 ~~includes transportation or accommodations services, are being~~  
31 ~~resold on behalf of the original seller of said tickets, and~~

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1 ~~the seller of travel provides either a Florida seller of~~  
 2 ~~travel registration number or an Airlines Reporting~~  
 3 ~~Corporation agency code number in each advertisement that is~~  
 4 ~~placed in newspapers circulated primarily in Florida. When~~  
 5 ~~any original seller of tickets provides a seller of travel~~  
 6 ~~with tickets in bulk, the seller of travel shall be deemed to~~  
 7 ~~be reselling the tickets on behalf of the original seller.~~

8 Section 3. This act shall take effect July 1, 2006.

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10

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

12 And the title is amended as follows:

13 Delete everything before the enacting clause

14

15 and insert:

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A bill to be entitled

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An act relating to resale of tickets; amending

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s. 817.36, F.S.; increasing the maximum amount

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above retail price for which specified tickets

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may be resold without violating statute;

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providing an exception to the criminal penalty

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for resale of tickets authorized by the

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original seller; providing an exception to the

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criminal penalty for resale of certain tickets

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through an Internet website in specified

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circumstances; providing for sales tax

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collection on ticket resales; amending s.

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559.9335, F.S.; revising the prohibition on

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resale of tickets by sellers of travel;

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providing that it is a violation to resell or

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offer for resale a ticket in violation of s.

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1 817.36(2), F.S.; providing an effective date.

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