

1 ~~receive~~ a price in excess of 25 percent~~\$1~~ above the retail
2 price charged ~~therefor~~ by the original seller of the said
3 ticket commits ~~shall be guilty of~~ a misdemeanor of the second
4 degree, punishable as provided in s. 775.082 or s. 775.083.

5 (b) ~~The provisions of~~ This subsection does ~~shall~~ not
6 apply to travel agencies that have an established place of
7 business in this state, which place of business is required to
8 pay state, county, and city occupational license taxes.

9 (2)(a) Whoever offers ~~shall offer~~ for sale or sells
10 ~~sell~~ any ticket good for admission to any sporting exhibition,
11 athletic contest, theater, or any exhibition where an
12 admission price is charged and requests ~~request~~ or receives
13 ~~receive~~ a price in excess of 25 percent~~\$1~~ above the retail
14 admission price charged ~~therefor~~ by the original seller of the
15 ~~said~~ ticket commits ~~shall be guilty of~~ a misdemeanor of the
16 second degree, punishable as provided in s. 775.082 or s.
17 775.083.

18 (b) Paragraph (a) applies ~~The provisions of this~~
19 ~~subsection shall apply~~ to travel agencies that have an
20 established place of business in this state, which place of
21 business is required to pay state, county, and city
22 occupational license taxes, unless the such agencies are
23 registered sellers of travel under ~~pursuant to~~ part XI of
24 chapter 559 and adhere to the restriction of selling the said
25 tickets as part of the travel packages specified in that part,
26 and the such travel agencies are reselling the said tickets on
27 behalf of the original sellers of the said tickets. When any
28 original seller of tickets provides a travel agency with
29 tickets in bulk, the travel agent is ~~shall be~~ deemed to be
30 reselling the tickets on behalf of the original seller.

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1 (c) Paragraph (a) does not apply to any transaction in
2 which the ticket is purchased by means of a credit card or
3 other electronic-payment mechanism that offers full
4 reimbursement for fraud, misrepresentation, or nonperformance
5 unless the ticket for resale is for admission to a theme park
6 or entertainment complex, as defined in s. 509.013(9), or to a
7 permanent exhibition or recreational activity within the theme
8 park or entertainment complex.

9 (d) This subsection does not preempt the application
10 of chapter 212 to any person who sells or resells any ticket
11 governed by this section.

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

14 559.9335 Violations.--It is a violation of this part
15 for any person:

16 (8) Knowingly to sell or market admissions tickets to
17 theme or amusement parks, sporting events, concerts, theater
18 productions, or other entertainment events, in excess of 25
19 percent~~\$1~~ above the retail admission price charged by the
20 original seller of ~~the said~~ tickets, unless ~~the said~~ tickets
21 are part of a prearranged travel package ~~that which~~ includes
22 transportation or accommodations services, or are being resold
23 on behalf of the original seller of ~~the said~~ tickets, and the
24 seller of travel provides ~~either~~ a Florida seller of travel
25 registration number or an Airlines Reporting Corporation
26 agency code number in each advertisement that is placed in
27 newspapers circulated primarily in Florida. When any original
28 seller of tickets provides a seller of travel with tickets in
29 bulk, the seller of travel ~~is shall be~~ deemed to be reselling
30 the tickets on behalf of the original seller. A person does
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1 not violate this subsection if the tickets are sold under s.
2 817.36.

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

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7 SENATE SUMMARY

8 Increases, from \$1 to 25 percent above the retail price,
9 the amount a person may charge when reselling a ticket
10 for passage, accommodation, or admission. Provides that
11 criminal penalties for the resale of certain admission
12 tickets do not apply if the resale is conducted under
13 certain circumstances. Provides that criminal penalties
14 do apply if the ticket for resale is for admission to a
15 theme park or entertainment complex or a permanent
16 exhibition or recreational activity within the theme park
17 or entertainment complex. Provides that the act does not
18 preempt the application of the tax on sales to any person
19 who sells or resells any admission ticket governed by the
20 act. Exempts sellers of travel from certain restrictions
21 on the resale of admission tickets under certain
22 circumstances.
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