



1 punishable as provided in s. 775.082 or s. 775.083. No person  
2 or firm shall have any liability under this section with  
3 respect to tickets for which that person or firm is the  
4 original ticket seller or for which that person or firm  
5 provides contracted services for such original ticket seller  
6 in connection with such sales.

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

9 817.36 Resale of tickets of common carriers, places of  
10 amusement, etc.--

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

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

24 (c) Paragraph (a) also does not prohibit the resale or  
25 offer for resale of a nonpark ticket, at any price, if such  
26 resale or offer is made through an Internet website and the  
27 website operator makes and posts the following guarantees and  
28 disclosures to which a prospective purchaser is directed  
29 before completion of the resale transaction:

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

- 1           a. The ticketed event is canceled;  
2           b. The purchaser is denied admission to the ticketed  
3 event, unless such denial is due to the action or omission of  
4 the purchaser; or  
5           c. The ticket is not delivered to the purchaser in the  
6 manner requested and pursuant to any delivery guarantees made  
7 by the reseller and such failure results in the purchaser's  
8 inability to attend the ticketed event.

9           2. The website operator discloses through Internet web  
10 pages on which are posted text, or links to web pages on which  
11 are posted text, that it is not the issuer, original seller,  
12 or reseller of the ticket or items and does not control the  
13 pricing of the ticket or items, which may be resold for more  
14 than their original value.

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16 A refund under subparagraph 1. shall include any servicing,  
17 handling, or processing fees unless such fees are declared  
18 nonrefundable under the terms of the guarantee. For purposes  
19 of this paragraph, the term "nonpark ticket" means a ticket  
20 that is not for admission to a theme, amusement, or recreation  
21 park or entertainment complex or to a permanent exhibition or  
22 recreational activity within such a park or complex.

23           ~~(d)(b)~~ Paragraph (a) applies ~~The provisions of this~~  
24 ~~subsection shall apply~~ to travel agencies that have an  
25 established place of business in this state, which place of  
26 business is required to pay state, county, and city  
27 occupational license taxes, unless such agencies are  
28 registered sellers of travel pursuant to part XI of chapter  
29 559 and adhere to the restriction of selling such ~~said~~ tickets  
30 as part of the travel packages specified in that part, and  
31 such travel agencies are reselling such ~~said~~ tickets on behalf

1 of the original sellers of said tickets. When any original  
2 seller of tickets provides a travel agency with tickets in  
3 bulk, the travel agent shall be deemed to be reselling the  
4 tickets on behalf of the original seller.

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

8 Section 3. Subsection (8) of section 559.9335, Florida  
9 Statutes, is amended to read:

10 559.9335 Violations.--It is a violation of this part  
11 for any person:

12 (8) To resell or offer for resale a ticket in  
13 violation of s. 817.36(2). ~~Knowingly to sell or market~~  
14 ~~admissions tickets to theme or amusement parks, sporting~~  
15 ~~events, concerts, theater productions, or other entertainment~~  
16 ~~events, in excess of \$1 above the retail admission price~~  
17 ~~charged by the original seller of said tickets, unless said~~  
18 ~~tickets are part of a prearranged travel package which~~  
19 ~~includes transportation or accommodations services, are being~~  
20 ~~resold on behalf of the original seller of said tickets, and~~  
21 ~~the seller of travel provides either a Florida seller of~~  
22 ~~travel registration number or an Airlines Reporting~~  
23 ~~Corporation agency code number in each advertisement that is~~  
24 ~~placed in newspapers circulated primarily in Florida. When~~  
25 ~~any original seller of tickets provides a seller of travel~~  
26 ~~with tickets in bulk, the seller of travel shall be deemed to~~  
27 ~~be reselling the tickets on behalf of the original seller.~~

28 Section 4. This act shall take effect July 1, 2006.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1168

This committee substitute makes the following changes to the bill as filed:

- Imposes a criminal penalty on anyone who intentionally buys tickets in excess of caps placed on the quantity that may be purchased with the intent to resell those tickets;
- Specifies that criminal penalties will not apply if tickets are offered by the original seller;
- Provides that no criminal penalty will apply to the sale of tickets over the Internet where the website operator guarantees a full refund of the amount paid under certain specified circumstances and discloses that it is not the original seller of the tickets and has no control over prices;
- Requires that sales tax be remitted on all transactions; and
- Inserts a conforming provision into the sellers of travel statute, s. 559.9335, F.S.