## Florida Senate - 2006

 ${\bf By}$  the Committee on Commerce and Consumer Services; and Senators Bennett and Fasano

577-1887-06

	577 1007 00
1	A bill to be entitled
2	An act relating to resale of tickets; creating
3	s. 817.357, F.S.; providing a criminal penalty
4	for purchasing tickets in excess of the maximum
5	number allowed with the intent to resell those
6	tickets; amending s. 817.36, F.S.; increasing
7	the maximum amount above retail price for which
8	specified tickets may be resold without
9	violating statute; providing an exception to
10	the criminal penalty for resale of tickets
11	authorized by the original seller; providing an
12	exception to the criminal penalty for resale of
13	certain tickets through an Internet website in
14	specified circumstances; providing for sales
15	tax collection on ticket resales; amending s.
16	559.9335, F.S.; revising the prohibition on
17	resale of tickets by sellers of travel;
18	providing that it is a violation to resell or
19	offer for resale a ticket in violation of s.
20	817.36(2), F.S.; providing an effective date.
21	
22	Be It Enacted by the Legislature of the State of Florida:
23	
24	Section 1. Section 817.357, Florida Statutes, is
25	created to read:
26	817.357 Purchase of ticketsWhoever knowingly
27	purchases from the original seller and intends to resell a
28	quantity of tickets to an event which exceeds the maximum
29	amount posted by or on behalf of the original ticket seller at
30	the point of original sale or printed on the tickets
31	themselves commits a misdemeanor of the second degree,
	_

**CODING:** Words stricken are deletions; words <u>underlined</u> are additions.

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 respect to tickets for which that person or firm is the 3 4 original ticket seller or for which that person or firm provides contracted services for such original ticket seller 5 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. --(2)(a) Whoever resells or offers shall offer for 11 12 resale sale or sell any ticket good for admission to any 13 sporting exhibition, athletic contest, theater, or other any exhibition, or to any theme, amusement, or recreation park or 14 entertainment complex, where an admission price is charged 15 and request or receive a price in excess of 25 percent\$116 17 above the retail admission price charged therefor by the 18 original seller of the said ticket commits shall be guilty of a misdemeanor of the second degree, punishable as provided in 19 s. 775.082 or s. 775.083. 20 21 (b) Paragraph (a) does not prohibit the resale or offer for resale of a ticket, at any price, if such resale or 2.2 23 offer is authorized by the ticket's original seller. (c) Paragraph (a) also does not prohibit the resale or 2.4 offer for resale of a nonpark ticket, at any price, if such 25 resale or offer is made through an Internet website and the 26 27 website operator makes and posts the following guarantees and 2.8 disclosures to which a prospective purchaser is directed before completion of the resale transaction: 29 30 1. The website operator guarantees a full refund of the amount paid for the ticket if: 31

CODING: Words stricken are deletions; words underlined are additions.

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
б	manner requested and pursuant to any delivery quarantees 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.
15	
16	<u>A refund under subparagraph 1. shall include any servicing,</u>
17	handling, or processing fees unless such fees are declared
18	nonrefundable under the terms of the quarantee. 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	<u>(d)(b)</u> 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 <u>such</u> said tickets
30	as part of the travel packages specified in that part, and
31	such travel agencies are reselling <u>such</u> said tickets on behalf
	3

3

**CODING:** Words stricken are deletions; words <u>underlined</u> are additions.

of the original sellers of said tickets. When any original 1 2 seller of tickets provides a travel agency with tickets in bulk, the travel agent shall be deemed to be reselling the 3 tickets on behalf of the original seller. 4 (e) Sales tax for any resale under this subsection 5 6 shall be remitted to the Department of Revenue in accordance 7 with s. 212.04. Section 3. Subsection (8) of section 559.9335, Florida 8 Statutes, is amended to read: 9 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 admissions tickets to theme or amusement parks, sporting 14 15 events, concerts, theater productions, or other entertainment events, in excess of \$1 above the retail admission price 16 17 charged by the original seller of said tickets, unless said 18 tickets are part of a prearranged travel package which includes transportation or accommodations services, are being 19 resold on behalf of the original seller of said tickets, and 2.0 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 placed in newspapers circulated primarily in Florida. When 2.4 any original seller of tickets provides a seller of travel 25 26 with tickets in bulk, the seller of travel shall be deemed to 27 be reselling the tickets on behalf of the original seller. 2.8 Section 4. This act shall take effect July 1, 2006. 29 30 31

4

CODING: Words stricken are deletions; words underlined are additions.

CS for SB 1168

1		STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2		COMMITTEE SUBSTITUTE FOR Senate Bill 1168
3		Senate Stil 1105
4	Thia	committee substitute makes the following changes to the
5		as filed:
6	-	Imposes a criminal penalty on anyone who intentionally buys tickets in excess of caps placed on the quantity
7		that may be purchased with the intent to resell those tickets;
, 8	_	Specifies that criminal penalties will not apply if
9	_	tickets are offered by the original seller;
10	-	Provides that no criminal penalty will apply to the sale of tickets over the Internet where the website operator
11		guarantees a full refund of the amount paid under certain specified circumstances and discloses that it is not the
11		original seller of the tickets and has no control over prices;
13	_	Requires that sales tax be remitted on all transactions;
14	and	-
15	-	Inserts a conforming provision into the sellers of travel statute, s. 559.9335, F.S.
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
		5

**CODING:** Words stricken are deletions; words <u>underlined</u> are additions.