Florida Senate - 2006

 ${\bf By}$ the Committees on General Government Appropriations; Commerce and Consumer Services; and Senators Bennett and Fasano

	601-2263-06
1	A bill to be entitled
2	An act relating to resale of tickets; repealing
3	s. 559.9335(8), F.S., related to the
4	prohibition of selling or marketing certain
5	admissions tickets above their retail value;
б	creating s. 817.357, F.S.; providing that
7	purchasing tickets in excess of the maximum
8	number allowed with the intent to resell those
9	tickets is a violation of the Florida Deceptive
10	and Unfair Trade Practices Act; amending s.
11	817.36, F.S.; deleting the prohibition on the
12	resale of tickets; providing an effective date.
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14	Be It Enacted by the Legislature of the State of Florida:
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16	Section 1. <u>Subsection (8) of section 559.9335, Florida</u>
17	<u>Statutes, is repealed.</u>
18	Section 2. Section 817.357, Florida Statutes, is
19	created to read:
20	817.357 Purchase of ticketsWhoever knowingly
21	purchases from the original seller and intends to resell a
22	quantity of tickets to an event which exceeds the maximum
23	amount posted by or on behalf of the original ticket seller at
24	the point of original sale or printed on the tickets
25	themselves violates ss. 501.201-501.213, the Florida Deceptive
26	and Unfair Trade Practices Act. A person or firm is not liable
27	under this section with respect to tickets for which that
28	person or firm is the original ticket seller or for which that
29	person or firm provides contracted services for such original
30	ticket seller in connection with such sales.
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CODING: Words stricken are deletions; words <u>underlined</u> are additions.

1 Section 3. Section 817.36, Florida Statutes, is 2 amended to read: 3 817.36 Resale of tickets of common carriers, places of 4 amusement, etc.--5 (1)(a) Whoever shall offer for sale or sell any ticket 6 good for passage or accommodations on any common carrier in 7 this state and request or receive a price in excess of \$1 above the retail price charged therefor by the original seller 8 of said ticket shall be quilty of a misdemeanor of the second 9 degree, punishable as provided in s. 775.082 or s. 775.083. 10 (b) The provisions of this subsection shall This 11 12 section does not apply to travel agencies that have an 13 established place of business in this state, which place of business is required to pay state, county, and city 14 occupational license taxes. 15 (2)(a) Whoever shall offer for sale or sell any ticket 16 17 good for admission to any sporting exhibition, athletic 18 contest, theater, or any exhibition where an admission price is charged and request or receive a price in excess of \$1 19 above the retail admission price charged therefor by the 2.0 21 original seller of said ticket shall be guilty of a 2.2 misdemeanor of the second degree, punishable as provided in s. 23 775.082 or s. 775.083. (b) The provisions of this subsection shall apply to 2.4 travel agencies that have an established place of business in 25 26 this state, which place of business is required to pay state, 27 county, and city occupational license taxes, unless such 2.8 agencies are registered sellers of travel pursuant to part XI of chapter 559 and adhere to the restriction of selling said 29 tickets as part of the travel packages specified in that part, 30 and such travel agencies are reselling said tickets on behalf 31

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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 Section 4. This act shall take effect July 1, 2006. б 7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR 8 <u>CS/SB 1168</u> 9 Repeals subsection 817.36(2), Florida Statutes, part of Florida's ticket scalping law, in order to remove the 10 prohibition against selling admission tickets to theme or 11 amusement parks, sporting events, concerts, theater 12 productions, or entertainment events for more than \$1 above the retail price of the tickets. 13 Creates a Florida Deceptive and Unfair Trade Practices Act violation for anyone who knowingly buys tickets in excess of 14 retail caps placed on the quantity of tickets that may be purchased with the intent to resell those tickets. 15 16 17 18 19 20 21 22 23 2.4 25 26 27 28 29 30

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