

A bill to be entitled

An act relating to resale of tickets; amending s. 817.36, F.S.; revising terminology; permitting resale of a ticket to a professional sporting exhibition or professional athletic contest at a price above the original sales price in specified circumstances; providing for sales tax collection on such resales; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 817.36, Florida Statutes, is amended to read:

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

(1) (a) Whoever offers ~~shall offer~~ for resale ~~sale~~ or sells ~~sell~~ any ticket good for passage or accommodations on any common carrier in this state and requests ~~request~~ or receives ~~receive~~ a price in excess of \$1 above the retail price charged therefor by the original seller of said ticket commits ~~shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

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

(2) (a) Whoever offers ~~shall offer~~ for resale ~~sale~~ or sells ~~sell~~ any ticket good for admission to any sporting exhibition, athletic contest, theater, or any exhibition where an admission

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29 price is charged and requests ~~request~~ or receives ~~receive~~ a
30 price in excess of \$1 above the retail admission price charged
31 therefor by the original seller of said ticket commits ~~shall be~~
32 ~~guilty of~~ a misdemeanor of the second degree, punishable as
33 provided in s. 775.082 or s. 775.083.

34 (b)1. The provisions of paragraph (a) shall not apply to
35 an offer for the resale or to the resale of a ticket to a
36 professional sporting exhibition or a professional athletic
37 contest through an Internet website:

38 a. Operated by the manager of the facility at which the
39 exhibition or contest is occurring; or

40 b. Operated by the management of a sports team or league
41 that has been granted permission by the manager of the facility
42 at which the exhibition or contest is occurring to offer for
43 resale and to sell tickets to the exhibition or contest and the
44 team or league has received from the facility manager the rights
45 to be an original seller of such tickets.

46 2. Sales tax for resales under this paragraph shall be
47 remitted to the Department of Revenue under s. 212.04 on that
48 portion of the ticket's resale price received by the reseller in
49 excess of those amounts that have already been taxed in
50 connection with prior sales of such ticket, with such excess
51 portion being deemed the sales price for the purposes of s.
52 212.04.

53 (c) ~~(b)~~ The provisions of paragraph (a) ~~this subsection~~
54 shall apply to travel agencies that have an established place of
55 business in this state, which place of business is required to
56 pay state, county, and city occupational license taxes, unless

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57 | such agencies are registered sellers of travel pursuant to part
58 | XI of chapter 559 and adhere to the restriction of selling said
59 | tickets as part of the travel packages specified in that part,
60 | and such travel agencies are reselling said tickets on behalf of
61 | the original sellers of said tickets. When any original seller
62 | of tickets provides a travel agency with tickets in bulk, the
63 | travel agent shall be deemed to be reselling the tickets on
64 | behalf of the original seller.

65 | Section 2. This act shall take effect July 1, 2006.