

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representatives Stargel and Llorente offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsections (9) through (25) of section 559.9335, Florida Statutes, are renumbered as subsections (8) through (24), respectively, and subsection (8) of that section is amended to read:

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

~~(8) Knowingly to sell or market admissions tickets to theme or amusement parks, sporting events, concerts, theater productions, or other entertainment events, in excess of \$1 above the retail admission price charged by the original seller of said tickets, unless said tickets are part of a prearranged travel package which includes transportation or accommodations services, are being resold on behalf of the original seller of~~

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18 ~~said tickets, and the seller of travel provides either a Florida~~
19 ~~seller of travel registration number or an Airlines Reporting~~
20 ~~Corporation agency code number in each advertisement that is~~
21 ~~placed in newspapers circulated primarily in Florida. When any~~
22 ~~original seller of tickets provides a seller of travel with~~
23 ~~tickets in bulk, the seller of travel shall be deemed to be~~
24 ~~reselling the tickets on behalf of the original seller.~~

25 Section 2. Section 817.357, Florida Statutes, is created
26 to read:

27 817.357 Purchase of tickets.--Whoever knowingly purchases
28 from the original ticket seller a quantity of tickets to an
29 event which exceeds the maximum ticket limit quantity posted by
30 or on behalf of the original ticket seller at the point of
31 original sale or printed on the tickets themselves and intends
32 to resell such tickets violates ss. 501.201-501.213, the Florida
33 Deceptive and Unfair Trade Practices Act. A person or firm is
34 not liable under this section with respect to tickets for which
35 that person or firm is the original ticket seller. For purposes
36 of this section, the term "original ticket seller" means the
37 issuer of such ticket or a person or firm who provides
38 distribution services or ticket sales services under a contract
39 with such issuer.

40 Section 3. Section 817.36, Florida Statutes, is amended to
41 read:

42 ~~817.36 Resale of tickets of common carriers, places of~~
43 ~~amusement, etc.--~~

44 ~~(1)(a)~~ Whoever shall offer for resale sale or resell sell
45 any ticket may only charge \$1 above the admission price charged

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46 therefor of the original ticket seller of said ticket for the
47 following transactions:

48 (1) ~~good for~~ Passage or accommodations on any common
49 carrier in this state; ~~however, and request or receive a price~~
50 ~~in excess of \$1 above the retail price charged therefor by the~~
51 ~~original seller of said ticket shall be guilty of a misdemeanor~~
52 ~~of the second degree, punishable as provided in s. 775.082 or s.~~
53 ~~775.083.~~

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

58 (2) Multiday or multievent tickets to a park or
59 entertainment complex or to a concert, entertainment event,
60 permanent exhibition, or recreational activity within such a
61 park or complex, including an entertainment/resort complex as
62 defined in s. 561.01(18).

63 (3) Any tickets, other than the tickets in subsections (1)
64 and (2), that are resold or offered through an Internet website
65 when such website does not make and post the following
66 guarantees and disclosures through Internet web pages on which
67 are visibly posted text, or links to web pages on which are
68 posted, text to which a prospective purchaser is directed before
69 completion of the resale transaction:

70 (a) The website operator guarantees a full refund of the
71 amount paid for the ticket including any servicing, handling, or
72 processing fees, if such fees are not disclosed, when:

73 1. The ticketed event is canceled;

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74 2. The purchaser is denied admission to the ticketed
75 event, unless such denial is due to the action or omission of
76 the purchaser;

77 3. The ticket is not delivered to the purchaser in the
78 manner requested and pursuant to any delivery guarantees made by
79 the reseller and such failure results in the purchaser's
80 inability to attend the ticketed event.

81 (b) The website operator discloses that it is not the
82 issuer, original seller, or reseller of the ticket or items and
83 does not control the pricing of the ticket or items, which may
84 be resold for more than their original value.

85 (4) Nothing in this section authorizes any individual or
86 entity to sell or purchase tickets at any price on property
87 where an event is being held without the prior express written
88 consent of the owner of the property.

89 (5) Any sales tax due for resales under this section shall
90 be remitted to the Department of Revenue in accordance with s.
91 212.04.

92 ~~(2)(a) Whoever shall offer for sale or sell any ticket~~
93 ~~good for admission to any sporting exhibition, athletic contest,~~
94 ~~theater, or any exhibition where an admission price is charged~~
95 ~~and request or receive a price in excess of \$1 above the retail~~
96 ~~admission price charged therefor by the original seller of said~~
97 ~~ticket shall be guilty of a misdemeanor of the second degree,~~
98 ~~punishable as provided in s. 775.082 or s. 775.083.~~

99 ~~(b) The provisions of this subsection shall apply to~~
100 ~~travel agencies that have an established place of business in~~
101 ~~this state, which place of business is required to pay state,~~
102 ~~county, and city occupational license taxes, unless such~~

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103 ~~agencies are registered sellers of travel pursuant to part XI of~~
 104 ~~chapter 559 and adhere to the restriction of selling said~~
 105 ~~tickets as part of the travel packages specified in that part,~~
 106 ~~and such travel agencies are reselling said tickets on behalf of~~
 107 ~~the original sellers of said tickets. When any original seller~~
 108 ~~of tickets provides a travel agency with tickets in bulk, the~~
 109 ~~travel agent shall be deemed to be reselling the tickets on~~
 110 ~~behalf of the original seller.~~

111 Section 4. This act shall take effect July 1, 2006.

112
113 ===== T I T L E A M E N D M E N T =====

114 Remove the entire title and insert:

115 A bill to be entitled

116 An act relating to resale of tickets; amending s.
 117 559.9335, F.S.; deleting a provision making the sale or
 118 marketing of certain admission tickets at a price in
 119 excess of \$1 above the retail admission price charged by
 120 the original seller a violation of the Sellers of Travel
 121 Act in certain circumstances; creating s. 817.357, F.S.;
 122 providing that purchasing tickets in excess of a specified
 123 amount with the intent to resell those tickets is a
 124 violation of the Florida Deceptive and Unfair Trade
 125 Practices Act; providing a definition; amending s. 817.36,
 126 F.S.; prohibiting resale of tickets for more than \$1 above
 127 the resale admission price charged therefor by the
 128 original seller in specified circumstances; providing that
 129 the section does not authorize any individual or entity to
 130 sell or purchase tickets at any price on property where an
 131 event is being held without the prior express written

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132 consent of the owner of the property; providing for sales
133 tax collection on ticket resales; providing an effective
134 date.