

1                                   A bill to be entitled  
 2           An act relating to resale of tickets; amending s. 817.36,  
 3           F.S.; increasing the maximum amount above retail price for  
 4           which specified tickets may be resold without violating  
 5           statute; providing an exception to the criminal penalty  
 6           for resale of tickets authorized by the original seller;  
 7           providing an exception to the criminal penalty for resale  
 8           of certain tickets through an Internet website in  
 9           specified circumstances; providing for sales tax  
 10          collection on ticket resales; providing an effective date.

11  
 12 Be It Enacted by the Legislature of the State of Florida:

13  
 14           Section 1. Subsection (2) of section 817.36, Florida  
 15 Statutes, is amended to read:

16           817.36 Resale of tickets of common carriers, places of  
 17 amusement, etc.--

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

27        (b) The provisions of paragraph (a) shall not prohibit the  
28 resale or offer for resale of a ticket, at any price, if such  
29 resale or offer is authorized by the ticket's original seller.

30        (c) The provisions of paragraph (a) also shall not prohibit  
31 the resale or offer for resale of a non-park ticket, at any  
32 price, if such resale or offer is made through an Internet  
33 website and the website operator makes and posts the following  
34 guarantees and disclosures through Internet web pages on which  
35 are visibly posted text, or links to web pages on which are  
36 posted text, to which a prospective purchaser is directed before  
37 completion of the resale transaction:

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

40            a. The ticketed event is canceled;

41            b. The purchaser is denied admission to the ticketed event,  
42 unless such denial is due to the action or omission of the  
43 purchaser; or

44            c. The ticket is not delivered to the purchaser in the  
45 manner requested and pursuant to any delivery guarantees made by  
46 the reseller and such failure results in the purchaser's  
47 inability to attend the ticketed event.

48        2. The website operator discloses that it is not the  
49 issuer, original seller, or reseller of the ticket or items and  
50 does not control the pricing of the ticket or items, which may be  
51 resold for more than their original value.

52  
53 A refund under subparagraph 1. shall include any servicing,  
54 handling, or processing fees unless such fees are declared

HCB 6003 (for HBs 515, 589)

2006

55 nonrefundable under the terms of the guarantee. For purposes of  
56 this paragraph, the term "non-park ticket" means a ticket that is  
57 not for admission to a theme, amusement, or recreation park or  
58 entertainment complex or to a permanent exhibition or  
59 recreational activity within such a park or complex.

60 (d) ~~(b)~~ The provisions of paragraph (a) ~~this subsection~~  
61 shall apply to travel agencies that have an established place of  
62 business in this state, which place of business is required to  
63 pay state, county, and city occupational license taxes, unless  
64 such agencies are registered sellers of travel pursuant to part  
65 XI of chapter 559 and adhere to the restriction of selling said  
66 tickets as part of the travel packages specified in that part,  
67 and such travel agencies are reselling said tickets on behalf of  
68 the original sellers of said tickets. When any original seller  
69 of tickets provides a travel agency with tickets in bulk, the  
70 travel agent shall be deemed to be reselling the tickets on  
71 behalf of the original seller.

72 (e) Any sales tax due for resales under this subsection  
73 shall be remitted to the Department of Revenue in accordance  
74 with s. 212.04.

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