

CHAMBER ACTION

1 The State Resources Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to resale of tickets; amending s.
7 559.9335, F.S.; deleting a provision making the sale or
8 marketing of certain admission tickets at a price in
9 excess of \$1 above the retail admission price charged by
10 the original seller a violation of the Sellers of Travel
11 Act in certain circumstances; amending s. 817.36, F.S.;
12 increasing the maximum amount above retail price for which
13 specified tickets may be resold without violating statute;
14 providing an exception to the criminal penalty for resale
15 of tickets authorized by the original seller; providing an
16 exception to the criminal penalty for resale of certain
17 tickets through an Internet website in specified
18 circumstances; providing for sales tax collection on
19 ticket resales; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

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

27 559.9335 Violations.--It is a violation of this part for
28 any person:

29 ~~(8) Knowingly to sell or market admissions tickets to~~
30 ~~theme or amusement parks, sporting events, concerts, theater~~
31 ~~productions, or other entertainment events, in excess of \$1~~
32 ~~above the retail admission price charged by the original seller~~
33 ~~of said tickets, unless said tickets are part of a prearranged~~
34 ~~travel package which includes transportation or accommodations~~
35 ~~services, are being resold on behalf of the original seller of~~
36 ~~said tickets, and the seller of travel provides either a Florida~~
37 ~~seller of travel registration number or an Airlines Reporting~~
38 ~~Corporation agency code number in each advertisement that is~~
39 ~~placed in newspapers circulated primarily in Florida. When any~~
40 ~~original seller of tickets provides a seller of travel with~~
41 ~~tickets in bulk, the seller of travel shall be deemed to be~~
42 ~~reselling the tickets on behalf of the original seller.~~

43 Section 2. Subsection (2) of section 817.36, Florida
44 Statutes, is amended to read:

45 817.36 Resale of tickets of common carriers, places of
46 amusement, etc.--

47 (2) (a) Whoever shall resell or offer for resale ~~sale or~~
48 ~~sell~~ any ticket good for admission to any sporting exhibition,
49 athletic contest, theater, or other any exhibition, or to any
50 park or entertainment complex or to a concert, entertainment

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51 event, permanent exhibition, or recreational activity within
52 such a park or complex, including an entertainment/resort
53 complex as defined in s. 561.01(18), where an admission price is
54 charged and request or receive a price in excess of 25 percent
55 \$1 above the retail admission price charged therefor by the
56 original seller of the said ticket commits shall be guilty of a
57 misdemeanor of the second degree, punishable as provided in s.
58 775.082 or s. 775.083.

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

62 (c) The provisions of paragraph (a) also shall not
63 prohibit the resale or offer for resale of a non-park ticket, at
64 any price, if such resale or offer is made through an Internet
65 website and the website operator makes and posts 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 1. The website operator guarantees a full refund of the
71 amount paid for the ticket if:

72 a. The ticketed event is canceled;

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

76 c. The ticket is not delivered to the purchaser in the
77 manner requested and pursuant to any delivery guarantees made by

78 | the reseller and such failure results in the purchaser's
79 | inability to attend the ticketed event.

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

84 |
85 | A refund under subparagraph 1. shall include any servicing,
86 | handling, or processing fees unless such fees are declared
87 | nonrefundable under the terms of the guarantee. For purposes of
88 | this paragraph, the term "non-park ticket" means a ticket that
89 | is not for admission to a theme, amusement, or recreation park
90 | or entertainment complex or to a permanent exhibition or
91 | recreational activity within such a park or complex.

92 | (d) ~~(b)~~ The provisions of paragraph (a) ~~this subsection~~
93 | shall apply to travel agencies that have an established place of
94 | business in this state, which place of business is required to
95 | pay state, county, and city occupational license taxes, unless
96 | such agencies are registered sellers of travel pursuant to part
97 | XI of chapter 559 and adhere to the restriction of selling said
98 | tickets as part of the travel packages specified in that part,
99 | and such travel agencies are reselling said tickets on behalf of
100 | the original sellers of said tickets. When any original seller
101 | of tickets provides a travel agency with tickets in bulk, the
102 | travel agent shall be deemed to be reselling the tickets on
103 | behalf of the original seller.

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104 | (e) Any sales tax due for resales under this subsection
105 | shall be remitted to the Department of Revenue in accordance
106 | with s. 212.04.

107 | Section 3. This act shall take effect July 1, 2006.