

1 A bill to be entitled

2 An act relating to resale of tickets; amending s.
3 559.9335, F.S.; deleting a provision making the sale or
4 marketing of certain admission tickets at a price in
5 excess of \$1 above the retail admission price charged by
6 the original seller a violation of the Sellers of Travel
7 Act in certain circumstances; creating s. 817.357, F.S.;
8 providing that purchasing tickets in excess of a specified
9 amount with the intent to resell those tickets is a
10 violation of the Florida Deceptive and Unfair Trade
11 Practices Act; providing a definition; amending s. 817.36,
12 F.S.; prohibiting resale of tickets for more than \$1 above
13 the resale admission price charged therefor by the
14 original seller in specified circumstances; providing that
15 the section does not authorize any individual or entity to
16 sell or purchase tickets at any price on property where an
17 event is being held without the prior express written
18 consent of the owner of the property; providing for sales
19 tax collection on ticket resales; providing an effective
20 date.

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

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

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

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

44 Section 2. Section 817.357, Florida Statutes, is created
45 to read:

46 817.357 Purchase of tickets.--Whoever knowingly purchases
47 from the original ticket seller a quantity of tickets to an
48 event which exceeds the maximum ticket limit quantity posted by
49 or on behalf of the original ticket seller at the point of
50 original sale or printed on the tickets themselves and intends
51 to resell such tickets violates ss. 501.201-501.213, the Florida
52 Deceptive and Unfair Trade Practices Act. A person or firm is
53 not liable under this section with respect to tickets for which
54 that person or firm is the original ticket seller. For purposes

55 of this section, the term "original ticket seller" means the
 56 issuer of such ticket or a person or firm who provides
 57 distribution services or ticket sales services under a contract
 58 with such issuer.

59 Section 3. Section 817.36, Florida Statutes, is amended to
 60 read:

61 817.36 Resale of tickets ~~of common carriers, places of~~
 62 ~~amusement, etc.--~~

63 ~~(1)(a)~~ Whoever shall offer for resale ~~sale~~ or resell ~~sell~~
 64 any ticket may only charge \$1 above the admission price charged
 65 therefor of the original ticket seller of said ticket for the
 66 following transactions:

67 (1) ~~good for~~ Passage or accommodations on any common
 68 carrier in this state; however, ~~and request or receive a price~~
 69 ~~in excess of \$1 above the retail price charged therefor by the~~
 70 ~~original seller of said ticket shall be guilty of a misdemeanor~~
 71 ~~of the second degree, punishable as provided in s. 775.082 or s.~~
 72 ~~775.083.~~

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

77 (2) Multiday or multievent tickets to a park or
 78 entertainment complex or to a concert, entertainment event,
 79 permanent exhibition, or recreational activity within such a
 80 park or complex, including an entertainment/resort complex as
 81 defined in s. 561.01(18).

82 (3) Any tickets, other than the tickets in subsections (1)
83 and (2), that are resold or offered through an Internet website,
84 unless such website is authorized by the original ticket seller
85 or makes and posts the following guarantees and disclosures
86 through Internet web pages on which are visibly posted, or links
87 to web pages on which are posted, text to which a prospective
88 purchaser is directed before completion of the resale
89 transaction:

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

- 93 1. The ticketed event is canceled;
94 2. The purchaser is denied admission to the ticketed
95 event, unless such denial is due to the action or omission of
96 the purchaser;
97 3. The ticket is not delivered to the purchaser in the
98 manner requested and pursuant to any delivery guarantees made by
99 the reseller and such failure results in the purchaser's
100 inability to attend the ticketed event.

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

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

109 (5) Any sales tax due for resales under this section shall
110 be remitted to the Department of Revenue in accordance with s.
111 212.04.

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

119 ~~(b) The provisions of this subsection shall apply to~~
120 ~~travel agencies that have an established place of business in~~
121 ~~this state, which place of business is required to pay state,~~
122 ~~county, and city occupational license taxes, unless such~~
123 ~~agencies are registered sellers of travel pursuant to part XI of~~
124 ~~chapter 559 and adhere to the restriction of selling said~~
125 ~~tickets as part of the travel packages specified in that part,~~
126 ~~and such travel agencies are reselling said tickets on behalf of~~
127 ~~the original sellers of said tickets. When any original seller~~
128 ~~of tickets provides a travel agency with tickets in bulk, the~~
129 ~~travel agent shall be deemed to be reselling the tickets on~~
130 ~~behalf of the original seller.~~

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