

By Senator Bennett

21-03212A-08

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1 A bill to be entitled

2 An act relating to event tickets; amending s. 817.357,  
3 F.S.; providing that it is a violation of the Florida  
4 Deceptive and Unfair Trade Practices Act for any person to  
5 knowingly purchase from the original ticket seller a  
6 quantity of tickets to an event which exceeds the maximum  
7 ticket limit quantity posted by or on behalf of the  
8 original ticket seller at the point of original sale or  
9 printed on the tickets themselves with intent to resell  
10 such tickets; providing that it is a violation of the  
11 Florida Deceptive and Unfair Trade Practices Act for an  
12 original ticket seller to knowingly withhold, restrict, or  
13 otherwise prevent the availability of any tickets to the  
14 public with the intent to manipulate ticket prices for  
15 events at certain venues; providing that it is a violation  
16 of the Florida Deceptive and Unfair Trade Practices Act  
17 for an original ticket seller to knowingly refuse to post  
18 on a publicly available Internet website certain  
19 information in connection with the sale, allocation, or  
20 distribution of tickets to every event at certain venues  
21 within a specified period; providing that it is a  
22 violation of the Florida Deceptive and Unfair Trade  
23 Practices Act for a person to knowingly make available for  
24 sale on a ticket exchange or auction website any tickets  
25 to events at certain venues which were not first made  
26 available for sale to the public for a specified period,  
27 or attempt to restrict by any means the resale of such  
28 tickets as a condition of purchase or retention of such  
29 tickets or any contractual rights associated therewith;

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30 providing that it is a violation of the Florida Deceptive  
31 and Unfair Trade Practices Act for any operator of a place  
32 of entertainment to deny access to a ticket holder who  
33 possesses a resold ticket solely because that ticket was  
34 resold; amending s. 817.36, F.S.; providing a civil  
35 penalty for violations of state law regarding the resale  
36 of tickets; providing an effective date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Section 817.357, Florida Statutes, is amended to  
41 read:

42 817.357 Purchase of tickets.--It is a violation of ss.  
43 501.201-501.213, the Florida Deceptive and Unfair Trade Practices  
44 Act, for any person:

45 (1) ~~Whoever~~ Knowingly to purchase ~~purchases~~ from the  
46 original ticket seller a quantity of tickets to an event which  
47 exceeds the maximum ticket limit quantity posted by or on behalf  
48 of the original ticket seller at the point of original sale or  
49 printed on the tickets themselves with intent ~~and intends~~ to  
50 resell such tickets ~~violates ss. 501.201-501.213, the Florida~~  
51 ~~Deceptive and Unfair Trade Practices Act. A person or firm is not~~  
52 ~~liable under this section with respect to tickets for which that~~  
53 ~~person or firm is the original ticket seller.~~ For purposes of  
54 this section, the term "original ticket seller" means the issuer  
55 of such ticket or a person or firm who provides distribution  
56 services or ticket sales services under a contract with such  
57 issuer.

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58       (2) Who is an original ticket seller knowingly to withhold,  
59 restrict, or otherwise prevent the availability of any tickets to  
60 the general public during the original ticket sale with the  
61 intent to manipulate ticket prices for an event at a venue that  
62 directly or indirectly receives public funds. This subsection  
63 does not include tickets sold, allocated, or distributed to fan  
64 clubs, the promoter of the event, the performer, or the agents of  
65 the promoter or performer.

66       (3) Who is an original ticket seller knowingly to refuse to  
67 post on a publicly available Internet website, no later than 5  
68 calendar days before the date of original public sale and  
69 continue posting until the conclusion of the event, the following  
70 information in connection with the sale, allocation, or  
71 distribution of tickets to every event at a venue that directly  
72 or indirectly receives public funds for which he or she is the  
73 original ticket seller:

74       (a) The number of tickets offered for sale to the general  
75 public at each price level;

76       (b) The number of tickets allocated or distributed to the  
77 original ticket seller or its agents at each price level;

78       (c) The number of tickets sold, allocated, or distributed  
79 to fan clubs at each price level; and

80       (d) The number of tickets sold, allocated, or distributed  
81 to the event promoter, performer, or the agents of the promoter  
82 or performer at each price level.

83       (4) Knowingly to make available for sale on a ticket  
84 exchange or auction website any tickets that were not first made  
85 available for sale to the general public for a period of no less

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86 than 36 hours for an event at a venue directly or indirectly  
87 receiving public funds.

88 (5) Knowingly to offer for sale any tickets or packages for  
89 events at a venue directly or indirectly receiving public funds  
90 and attempt to restrict by any means the resale of any tickets or  
91 packages as a condition of purchase, as a condition to retain  
92 such tickets or season ticket package agreement, or as a  
93 condition to retain any contractual rights to purchase future  
94 tickets.

95 (6) Who is an operator of a place of entertainment to deny  
96 access to a ticket holder who possesses a resold ticket to an  
97 event based solely on the grounds that such ticket has been  
98 resold.

99 Section 2. Section 817.36, Florida Statutes, is amended to  
100 read:

101 817.36 Resale of tickets.--

102 (1) Whoever shall offer for resale or resell any ticket may  
103 only charge \$1 above the admission price charged therefor by the  
104 original ticket seller of said ticket for the following  
105 transactions:

106 (a) ~~(1)~~ Passage or accommodations on any common carrier in  
107 this state; however, the provisions of this paragraph does  
108 subsection shall not apply to travel agencies that have an  
109 established place of business in this state, which place of  
110 business is required to pay state, county, and city occupational  
111 license taxes.

112 (b) ~~(2)~~ Multiday or multievent tickets to a park or  
113 entertainment complex or to a concert, entertainment event,  
114 permanent exhibition, or recreational activity within such a park

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115 or complex, including an entertainment/resort complex as defined  
116 in s. 561.01(18).

117 (c)~~(3)~~ Any tickets, other than the tickets described in  
118 paragraphs (a) and (b), which subsections (1) and (2), that are  
119 resold or offered through an Internet website, unless such  
120 website is authorized by the original ticket seller or makes and  
121 posts the following guarantees and disclosures through Internet  
122 web pages on which are visibly posted, or links to web pages on  
123 which are posted, text to which a prospective purchaser is  
124 directed before completion of the resale transaction:

125 1.~~(a)~~ The website operator guarantees a full refund of the  
126 amount paid for the ticket including any servicing, handling, or  
127 processing fees, if such fees are not disclosed, when:

128 a.1. ~~The ticketed event is canceled;~~

129 b.2. ~~The purchaser is denied admission to the ticketed~~  
130 event, unless such denial is due to the action or omission of the  
131 purchaser;

132 c.3. ~~The ticket is not delivered to the purchaser in the~~  
133 manner requested and pursuant to any delivery guarantees made by  
134 the reseller and such failure results in the purchaser's  
135 inability to attend the ticketed event.

136 2.~~(b)~~ The website operator discloses that it is not the  
137 issuer, original seller, or reseller of the ticket or items and  
138 does not control the pricing of the ticket or items, which may be  
139 resold for more than their original value.

140 (2)~~(4)~~ Nothing in This section does not authorize  
141 ~~authorizes~~ any individual or entity to sell or purchase tickets  
142 at any price on property where an event is being held without the  
143 prior express written consent of the owner of the property.

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144        (3)~~(5)~~ Any sales tax due for resales under this section  
145 shall be remitted to the Department of Revenue in accordance with  
146 s. 212.04.

147        (4) A person who sells a ticket in violation of this  
148 section is liable to the state for a civil penalty equal to three  
149 times the gross amount received by the violator for each ticket  
150 sold in violation of this section, not to exceed \$3,000 per  
151 violation.

152        Section 3. This act shall take effect July 1, 2008.