

HB 1287

2009

1 A bill to be entitled
 2 An act relating to resale of tickets; amending s. 817.36,
 3 F.S.; providing restrictions on the resale of event
 4 tickets by or benefiting a tax-exempt charitable
 5 organization; allowing a charitable organization as an
 6 original ticket issuer or seller to have the choice to
 7 prohibit ticket purchases for resale or to require
 8 contractual agreements with ticket resellers; providing
 9 for a civil penalty equal to treble the amount for which
 10 tickets were sold in violation of s. 817.36, F.S.;;
 11 providing an effective date.

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

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 15 Section 1. Section 817.36, Florida Statutes, is amended to
 16 read:

17 817.36 Resale of tickets.--

18 (1) A person who offers ~~Whoever shall offer~~ for resale or
 19 resells ~~resell~~ any ticket may only charge \$1 above the admission
 20 price charged therefor by the original ticket seller of the said
 21 ticket for the following transactions:

22 (a) (1) ~~(1)~~ Passage or accommodations on any common carrier in
 23 this state. ~~however, the provisions of This paragraph does~~
 24 ~~subsection shall~~ not apply to travel agencies that have an
 25 established place of business in this state, ~~which place of~~
 26 ~~business~~ is required to pay state, county, and city occupational
 27 license taxes.

HB 1287

2009

28 ~~(b)(2)~~ Multiday or multievent tickets to a park or
29 entertainment complex or to a concert, entertainment event,
30 permanent exhibition, or recreational activity within such a
31 park or complex, including an entertainment/resort complex as
32 defined in s. 561.01(18).

33 (c) Tickets for events sponsored by or benefiting a
34 charitable organization exempt from taxation under s. 501(c)(3)
35 of the Internal Revenue Code.

36 ~~(d)(3)~~ Any tickets, other than the tickets in paragraphs
37 (a), (b), and (c) subsections (1) and (2), that are resold or
38 offered through an Internet website, unless such website is
39 authorized by the original ticket seller or makes and posts the
40 following guarantees and disclosures through Internet web pages
41 on which are visibly posted, or links to web pages on which are
42 posted, text to which a prospective purchaser is directed before
43 completion of the resale transaction:

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

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

48 ~~b.2.~~ The purchaser is denied admission to the ticketed
49 event, unless such denial is due to the action or omission of
50 the purchaser;

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

HB 1287

2009

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

59 (2)~~(4)~~ ~~Nothing in~~ This section does not authorize
60 ~~authorizes~~ any individual or entity to sell or purchase tickets
61 at any price on property where an event is being held without
62 the prior express written consent of the owner of the property.

63 (3) Any not-for-profit organization as an original ticket
64 issuer or seller of tickets subject to paragraph (1)(c) shall
65 have the choice to prohibit ticket purchases for the purposes of
66 remarketing or reselling by any other person or firm or to
67 require binding contractual agreements with registered ticket
68 resellers for the purposes of purchasing, remarketing, or
69 reselling the event or entertainment tickets.

70 (4)~~(5)~~ Any sales tax due for resales under this section
71 shall be remitted to the Department of Revenue in accordance
72 with s. 212.04.

73 (5) A person who resells a ticket or tickets in violation
74 of this section is liable to the state for a civil penalty equal
75 to treble the amount for which the ticket or tickets were sold
76 for in violation of this section.

77 Section 2. This act shall take effect July 1, 2009.