

By the Committee on Judiciary; and Senator Crist

590-05732-09

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1 A bill to be entitled
2 An act relating to the resale of tickets; amending s.
3 817.36, F.S.; limiting the amount above the original
4 price for which a ticket to an event sponsored by or
5 benefiting certain charitable organizations may be
6 sold; requiring certain binding contractual agreements
7 between charitable organizations and registered ticket
8 resellers for certain purposes; providing penalties;
9 providing an effective date.

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

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13 Section 1. Section 817.36, Florida Statutes, is amended to
14 read:

15 817.36 Resale of tickets.—

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

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

26 (b)(2) Multiday or multievent tickets to a park or
27 entertainment complex or to a concert, entertainment event,
28 permanent exhibition, or recreational activity within such a
29 park or complex, including an entertainment/resort complex as

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30 defined in s. 561.01(18).

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

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

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

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

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

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

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

58 (2)~~(4)~~ Nothing in This section does not authorize

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59 ~~authorizes~~ any individual or entity to sell or purchase tickets
60 at any price on property where an event is being held without
61 the prior express written consent of the owner of the property.

62 (3) Any charitable organization exempt from taxation under
63 s. 501(c)(3) of the Internal Revenue Code, as an original ticket
64 issuer or seller of tickets subject to paragraph (1)(c), may
65 prohibit ticket purchases for the purpose of remarketing or
66 reselling, and may require binding contractual agreements with
67 registered ticket resellers for the purpose of purchasing,
68 remarketing, or reselling the event or entertainment tickets.

69 ~~(4)-(5)~~ Any sales tax due for resales under this section
70 shall be remitted to the Department of Revenue in accordance
71 with s. 212.04.

72 (5) Any individual or entity found to be in violation of
73 this section is liable to the state for a civil penalty equal to
74 treble the amount of the transaction or transactions that were
75 executed in violation of this section.

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