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LEGISLATIVE ACTION

Senate

House

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Floor: 2/AD/3R

04/30/2009 03:00 PM

Senator Crist moved the following:

Senate Amendment (with title amendment)

Between lines 204 and 205

insert:

Section 4. Section 817.36, Florida Statutes, is amended to read:

817.36 Resale of tickets.—

(1) A person or entity that offers ~~whoever shall offer~~ for resale or resells ~~resell~~ any ticket may ~~only~~ charge only \$1 above the admission price charged therefor by the original ticket seller of the ~~said~~ ticket for the following transactions:



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13 (a) ~~(1)~~ Passage or accommodations on any common carrier in
14 this state. ~~;~~ However, ~~the provisions of this paragraph does~~
15 ~~subsection shall~~ not apply to travel agencies that have an
16 established place of business in this state, ~~which place of~~
17 ~~business~~ is required to pay state, county, and city occupational
18 license taxes.

19 (b) ~~(2)~~ Multiday or multievent tickets to a park or
20 entertainment complex or to a concert, entertainment event,
21 permanent exhibition, or recreational activity within such a
22 park or complex, including an entertainment/resort complex as
23 defined in s. 561.01(18).

24 (c) Event tickets originally issued by a charitable
25 organization exempt from taxation under s. 501(c)(3) of the
26 Internal Revenue Code for which no more than 3,000 tickets are
27 issued per performance. The charitable organization must issue
28 event tickets with the following statement conspicuously printed
29 on the face or back of the ticket: "Pursuant to s. 817.36,
30 Florida Statutes, this ticket may not be resold for more than \$1
31 over the original admission price." This paragraph does not
32 apply to tickets issued or sold by a third party contractor
33 ticketing services provider on behalf of a charitable
34 organization otherwise included in this paragraph unless the
35 required disclosure is printed on the ticket.

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



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42 pages on which are posted, text to which a prospective purchaser
43 is directed before 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, or
46 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.

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

66 (4) A person who knowingly resells a ticket or tickets in
67 violation of this section is liable to the state for a civil
68 penalty equal to treble the amount of the price for which the
69 ticket or tickets were resold.

70 (5) A person who intentionally uses or sells software to



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71 circumvent on a ticket seller's Internet website a security
72 measure, an access control system, or any other control or
73 measure that is used to ensure an equitable ticket-buying
74 process is liable to the state for a civil penalty equal to
75 treble the amount for which the ticket or tickets were sold.

76 (6) As used in this section, the term "software" means
77 computer programs that are primarily designed or produced for
78 the purpose of interfering with the operation of any person or
79 entity that sells, over the Internet, tickets of admission to a
80 sporting event, theater, musical performance, or place of public
81 entertainment or amusement of any kind.

82
83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Delete line 31

86 and insert:

87 organization's funds; amending s. 817.36, F.S.; limiting the
88 amount above the original price for which an event ticket issued
89 by charitable organizations at certain venues may be sold;
90 providing for notice to be included on the ticket; providing an
91 exception; providing for a civil penalty equal to treble the
92 amount for which tickets were sold in violation of the law;
93 prohibiting the use of computer software to circumvent a ticket
94 seller's website security measures, access control systems, or
95 other controls or measures used to ensure an equitable ticket-
96 buying process; providing penalties; defining the term
97 "software"; providing an effective date.