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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/17/2010	.	
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The Committee on Commerce (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 817.358, Florida Statutes, is created to
read:

817.358 Sale of event tickets; refund of receipts for
canceled events.-

(1) It is the intent of the Legislature that the state
remain consumer friendly for residents and visitors who attend
events in this state by assuring ticket purchasers and venues
that they will be protected from financial loss. The purpose of
this section is to ensure that publically owned venues retain



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14 the capacity to refund all receipts from ticket sales upon the
15 cancellation of an event regardless of whether tickets are sold
16 by the venue or pursuant to a contract to distribute or sell
17 tickets on behalf of the venue.

18 (2) As used in this section, the term:

19 (a) "Educational institution" means a school, college, or
20 university, whether public, private, or religious, which
21 conducts regular classes and courses of study required for
22 accreditation by or membership in an accrediting agency
23 recognized by the United States Department of Education.

24 (b) "Event" means a sporting exhibition, athletic contest,
25 musical or theatrical performance, public entertainment or
26 amusement of any kind, or any other exhibition for which an
27 admission price is charged.

28 (c) "Original seller" means a venue or the issuer of event
29 tickets pursuant to a contract with the venue which collects the
30 purchase price from the ticket purchaser. The term may include a
31 person or firm that provides distribution services or ticket
32 sales services pursuant to a contract with the venue.

33 (d) "Venue" means a facility owned by the state, a county,
34 a municipality, or other governmental entity created by law
35 which offers services to the general public. The term includes,
36 but is not limited to, an auditorium, theater, concert hall,
37 performing arts center, civic center, convention or exhibition
38 hall, stadium, arena, coliseum, amphitheater, or publicly owned
39 recreational facility.

40 (3) An original seller of a ticket for admission to an
41 event occurring at a venue on or after July 1, 2010, must
42 protect consumers by one of the following methods:



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43 (a) Keep all receipts from the sale of the ticket,
44 including the admission price and any taxes, surcharges, and
45 service charges, until the event occurs. The original seller or
46 its agents is not required to deposit into an escrow account or
47 segregate the receipts coming from the sale of the tickets.

48 (b) Require any person or entity seeking advance release of
49 funds from ticket sales to an event to provide a surety bond to
50 the venue for that event in an amount equal to the greatest
51 amount the person or entity is seeking to have advanced before
52 releasing any such funds.

53 (4) If an event is canceled, the ticket purchaser is
54 entitled to a refund of all receipts from the sale of the
55 ticket, including the admission price and any taxes, surcharges,
56 and service charges.

57 (5) This section does not apply to a ticket:

58 (a) That has the word "nonrefundable" conspicuously printed
59 on the face of the ticket.

60 (b) For a professional sports event.

61 (c) For an amateur sports event sanctioned by the Amateur
62 Athletic Union of the USA, Inc.

63 (d) For a motorsports event as defined in s. 288.1171 or s.
64 549.10.

65 (e) For an event promoted exclusively by an educational
66 institution.

67 (f) For a postseason collegiate sporting exhibition or
68 athletic contest sanctioned by the National Collegiate Athletic
69 Association.

70 (g) For a pugilistic exhibition regulated under chapter
71 548.



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72 Section 2. Subsection (3) of section 212.04, Florida
73 Statutes, is amended to read:

74 212.04 Admissions tax; rate, procedure, enforcement.—

75 (3) ~~Such~~ Taxes on admissions shall be paid and remitted at
76 the same time and in the same manner as ~~provided for~~ remitting
77 taxes on sales of tangible personal property, ~~as hereinafter~~
78 ~~provided~~. Notwithstanding any other provision of this chapter,
79 the tax on admission to an event at venues that include, but are
80 not limited to, a concert hall, arena, coliseum, amphitheater,
81 convention hall, exhibition hall, auditorium, stadium, theater,
82 arena, civic center, performing arts center, or publicly owned
83 recreational facility shall be collected at the time of payment
84 for the admission but is not due to the department until the
85 first day of the month following the actual date of the event
86 for which the admission is sold and becomes delinquent on the
87 21st day of that month.

88 Section 3. This act shall take effect July 1, 2010.

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90
91 ===== T I T L E A M E N D M E N T =====

92 And the title is amended as follows:

93 Delete everything before the enacting clause
94 and insert:

95 A bill to be entitled

96 An act relating to the sale of event tickets; creating
97 s. 817.358, F.S.; providing legislative intent and
98 purpose; defining terms; requiring the original seller
99 of tickets to an event held at a publically owned
100 venue to keep all receipts from the ticket sales until



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101 the event occurs and return the charges to the
102 purchaser under certain circumstances; providing
103 exceptions; amending s. 212.04, F.S.; specifying
104 additional venues that are required to pay and remit
105 admissions taxes at a certain time; providing an
106 effective date.