

By the Committee on Commerce; and Senators Bennett and Lynn

577-03099-10

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1 A bill to be entitled
2 An act relating to the sale of event tickets; creating
3 s. 817.358, F.S.; providing legislative intent and
4 purpose; defining terms; requiring the original seller
5 of tickets to an event held at a publically owned
6 venue to keep all receipts from the ticket sales until
7 the event occurs and return the charges to the
8 purchaser under certain circumstances; providing
9 exceptions; 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 817.358, Florida Statutes, is created to
14 read:

15 817.358 Sale of event tickets; refund of receipts for
16 canceled events.—

17 (1) It is the intent of the Legislature that the state
18 remain consumer friendly for residents and visitors who attend
19 events in this state by assuring ticket purchasers and venues
20 that they will be protected from financial loss. The purpose of
21 this section is to ensure that publically owned venues retain
22 the capacity to refund all receipts from ticket sales upon the
23 cancellation of an event regardless of whether tickets are sold
24 by the venue or pursuant to a contract to distribute or sell
25 tickets on behalf of the venue.

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

27 (a) "Educational institution" means a school, college, or
28 university, whether public, private, or religious, which
29 conducts regular classes and courses of study required for

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30 accreditation by or membership in an accrediting agency
31 recognized by the United States Department of Education.

32 (b) "Event" means a sporting exhibition, athletic contest,
33 musical or theatrical performance, public entertainment or
34 amusement of any kind, or any other exhibition for which an
35 admission price is charged.

36 (c) "Original seller" means a venue or the issuer of event
37 tickets pursuant to a contract with the venue which collects the
38 purchase price from the ticket purchaser. The term may include a
39 person or firm that provides distribution services or ticket
40 sales services pursuant to a contract with the venue.

41 (d) "Venue" means a facility owned by the state, a county,
42 a municipality, or other governmental entity created by law
43 which offers services to the general public. The term includes,
44 but is not limited to, an auditorium, theater, concert hall,
45 performing arts center, civic center, convention or exhibition
46 hall, stadium, arena, coliseum, amphitheater, or publicly owned
47 recreational facility.

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

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

56 (b) Require any person or entity seeking advance release of
57 funds from ticket sales to an event to provide a surety bond to
58 the venue for that event in an amount equal to the greatest

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59 amount the person or entity is seeking to have advanced before
60 releasing any such funds.

61 (4) If an event is canceled, the ticket purchaser is
62 entitled to a refund of all receipts from the sale of the
63 ticket, including the admission price and any taxes, surcharges,
64 and service charges.

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

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

68 (b) For a professional sports event.

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

71 (d) For a motorsports event as defined in s. 288.1171 or s.
72 549.10.

73 (e) For an event promoted exclusively by an educational
74 institution.

75 (f) For a postseason collegiate sporting exhibition or
76 athletic contest sanctioned by the National Collegiate Athletic
77 Association.

78 (g) For a pugilistic exhibition regulated under chapter
79 548.

80 Section 2. This act shall take effect July 1, 2010.