

HB 1091

2011

1 A bill to be entitled
 2 An act relating to the sale of event tickets; creating s.
 3 255.0471, F.S.; providing legislative intent and purpose;
 4 defining terms; requiring the original seller of tickets
 5 to an event held at a publicly owned venue to keep all
 6 receipts from the ticket sales until the event occurs or
 7 to require a person or entity seeking an advance release
 8 of ticket sales to post a surety bond; providing that a
 9 ticket purchaser is entitled to a refund for a canceled
 10 event; providing exceptions; providing an effective date.

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

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 14 Section 1. Section 255.0471, Florida Statutes, is created
 15 to read:

16 255.0471 Refund of receipts for 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 protecting ticket purchasers and
 20 publicly owned facilities from financial loss. The purpose of
 21 this section is to ensure that publicly owned venues are able to
 22 refund receipts from ticket sales if an event is canceled,
 23 regardless of whether tickets are sold by the venue or pursuant
 24 to a contract to distribute or sell tickets on behalf of the
 25 venue.

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

27 (a) "Educational institution" means a school, college, or
 28 university, public or private, which conducts regular classes

29 and courses of study required for accreditation by or membership
 30 in an accrediting agency recognized by the United States
 31 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 issuer of event
 37 tickets pursuant to a contract with the venue, which collects
 38 the purchase price from the ticket purchaser. The term may
 39 include a person or firm that provides distribution services or
 40 ticket 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 which offers
 43 services to the general public. The term includes, but is not
 44 limited to, an auditorium, theater, concert hall, performing
 45 arts center, civic center, convention or exhibition hall,
 46 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, 2011, must:

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

55 (b) Require any person or entity seeking an advance
 56 release of funds from ticket sales to an event to provide a

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57 surety bond to the venue for that event in an amount equal to
58 the greatest amount the person or entity is seeking to have
59 advanced before releasing such funds.

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

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

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

67 (b) For a professional sports event.

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

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

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

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

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

79 Section 2. This act shall take effect July 1, 2011.