

By Senator Bogdanoff

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1 A bill to be entitled
2 An act relating to ticket sales; amending s. 817.357,
3 F.S.; defining the term "original ticket seller";
4 requiring an original ticket seller to provide advance
5 public notice of its ticket policies for any event
6 that takes place in a facility that receives any
7 public funding; providing requirements for such
8 notice; requiring an original ticket seller to comply
9 with specified consumer protection standards for any
10 event that takes place in a facility that receives any
11 public funding; requiring each required public notice
12 of event ticket practices to be accompanied by a
13 specified certification; prohibiting specified
14 practices by original ticket sellers; providing that
15 specified violations are a violation of the Florida
16 Deceptive and Unfair Trade Practices Act; providing
17 exceptions; providing applicability; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Section 817.357, Florida Statutes, is amended to
23 read:

24 817.357 Transparency in ticket availability ~~Purchase of~~
25 ~~tickets.~~

26 (1) As used in this section, the term "original ticket
27 seller" means a person other than the operator of an Internet
28 resale marketplace that makes admission tickets available for
29 initial sale, directly or indirectly, to the general public, and

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30 may include the operator of a venue; the sponsor or promoter of
31 an event; a sports team participating in an event or a league
32 whose teams are participant in an event; a theater company,
33 musical group, or similar participant in an event; or an agent
34 of any such person.

35 (2) Whoever knowingly purchases from the original ticket
36 seller a quantity of tickets to an event which exceeds the
37 maximum ticket limit quantity posted by or on behalf of the
38 original ticket seller at the point of original sale or printed
39 on the tickets themselves and intends to resell such tickets
40 violates ss. 501.201-501.213, the Florida Deceptive and Unfair
41 Trade Practices Act. ~~A person or firm is not liable under this~~
42 ~~section with respect to tickets for which that person or firm is~~
43 ~~the original ticket seller. For purposes of this section, the~~
44 ~~term "original ticket seller" means the issuer of such ticket or~~
45 ~~a person or firm who provides distribution services or ticket~~
46 ~~sales services under a contract with such issuer.~~

47 (3) An original ticket seller shall provide advance public
48 notice of its ticket policies for any event that takes place in
49 a facility that receives any public funding. The notice shall be
50 posted conspicuously on the original ticket seller's website and
51 at physical locations where tickets are issued to the public and
52 shall include the following information:

53 (a) Identification of the event, including the date, time,
54 and location.

55 (b) The total number of event tickets to be issued for the
56 event and the number of such tickets for every class, tier, or
57 level of admission offered.

58 (c) The total number of event tickets to the event that

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59 will be made available for purchase by members of the general
60 public as public sale tickets and the number of such tickets for
61 every class, tier, or level of admission offered.

62 (d) The established price for each class, tier, or level of
63 admission offered which will be designated as public sale
64 tickets, including the amount of any premium, service charge, or
65 other fee applicable to the sale of such ticket.

66 (e) Whether the ticket being sold was not made available at
67 the time of the initial public sale.

68 (f) The on-sale date and time.

69 (g) A complete list of the outlets at which such public
70 sale tickets will be made available for sale to the general
71 public on the date and at the time specified, including a list
72 of all Internet websites at which such tickets will be made
73 available.

74 (h) A toll-free telephone number for the handling of
75 customer issues regarding the original sale of the event ticket.

76 (i) The refund policy criteria and process.

77 (4) An original ticket seller shall comply with the
78 following minimum consumer protection standards for any event
79 that takes place in a facility that receives any public funding:

80 (a) Maintain a toll-free telephone number for the handling
81 of customer issues regarding the sale or resale of event
82 tickets.

83 (b) Implement and reasonably publicize a standard refund
84 policy that provides a consumer who purchased an event ticket a
85 full refund if:

86 1. The event is canceled before the scheduled occurrence of
87 the event and is not rescheduled;

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88 2. The event ticket received by the purchaser is
89 counterfeit;

90 3. The event ticket has been canceled by the ticket issuer
91 for nonpayment by the original purchaser or for any reason other
92 than an act or omission of the consumer;

93 4. The event ticket materially and to the detriment of the
94 consumer fails to conform to the description provided by the
95 seller or reseller; or

96 5. The event ticket was not delivered to the consumer prior
97 to the occurrence of the event, unless such failure of delivery
98 was due to any act or omission of the consumer.

99
100 The full refund must include the full price paid by the consumer
101 for the event ticket, together with any fees charged in
102 connection with that purchase, including, but not limited to,
103 convenience fees, processing fees, at home printing charges,
104 shipping and handling charges, or delivery fees. The original
105 ticket seller may condition entitlement to a refund upon timely
106 return of the ticket purchased and may include reasonable
107 safeguards against abuse of the policy.

108 (5) Each public notice of event ticket practices required
109 by this section shall be accompanied by a certification that the
110 original ticket seller is in compliance with all the
111 requirements of this section, that all tickets designated as
112 public sale tickets will in fact be made available for sale to
113 the general public as stated in the notice, and that all the
114 information contained in the notice is true and correct to the
115 best of the knowledge and belief of the party submitting the
116 notice.

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117 (6) Except as otherwise provided in this section, it is
118 unlawful for an original ticket seller to engage in any of the
119 following:

120 (a) Purport to impose license or contractual terms on the
121 initial sale of event tickets, including, but not limited to,
122 terms printed on the back of a physical ticket that prohibit
123 resale of the ticket or that restrict the price or other terms
124 and conditions under which a ticket may be resold or
125 transferred.

126 (b) Require the purchaser of a ticket, whether for a single
127 event or for a series or season of events, to agree not to
128 resell the ticket or to resell the ticket only through a
129 specific channel approved by the ticket issuer.

130 (c) Bring legal action based on an unlawful prohibition or
131 restriction on resale of an event ticket against a purchaser who
132 resells or offers to resell an event ticket without permission
133 of the ticket issuer, or in violation of a restriction
134 purportedly imposed by the ticket issuer; persons who facilitate
135 or provide services for the resale of event tickets without such
136 permission or in alleged violation of such a restriction; or the
137 operator of a physical or electronic marketplace in which a
138 ticket is offered for resale without such permission, or in
139 alleged violation of such a restriction.

140 (d) Impose any penalty on a ticket purchaser who resells or
141 offers to resell an event ticket without permission or in
142 violation of a restriction purportedly imposed by the ticket
143 issuer or treat such a purchaser in any material way less
144 favorably than a similarly situated purchaser who does not
145 resell or offer to resell an event ticket or who complies with

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146 resale restrictions purportedly imposed by the ticket issuer.

147 (e) Employ any means, including technological means, for
148 the purpose or with the foreseeable effect of prohibiting or
149 restricting the resale of event tickets, including, but not
150 limited to, issuing event tickets in a form that is not readily
151 transferrable to a subsequent purchaser or conditioning entry
152 into the venue on presentation of a token such as the original
153 purchaser's credit card or state-issued identification card that
154 cannot be readily transferred to a subsequent purchaser.

155 (f) Seek to limit or restrict the price, or to impose a
156 minimum or maximum price, at which an event ticket may be
157 resold.

158 (7) Any original ticket seller or its agent who sells a
159 ticket without providing proper notice pursuant to subsection
160 (3) or fails to comply with the other requirements in this
161 section violates part II of chapter 501, the Florida Deceptive
162 and Unfair Trade Practices Act.

163 (8) This section does not apply to:

164 (a) A sponsor or promoter of an event intended solely to
165 benefit a charitable endeavor for which all tickets are
166 distributed free of charge.

167 (b) A not-for-profit educational institution, with respect
168 to an athletic event involving athletes or teams of the
169 institution, to the extent that such restrictions apply to
170 tickets initially distributed by the institution to any of the
171 following:

172 1. Students, faculty, staff members, or alumni without
173 charge.

174 2. Members of bona fide booster organizations consisting of

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175 those making substantial financial contributions to the
176 institution.

177 Section 2. This act shall take effect July 1, 2012, and
178 apply to all ticket sales made on or after that date.