

By Senator Bracy

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1                   A bill to be entitled  
2       An act relating to theme park complex tickets;  
3       amending s. 817.36, F.S.; excluding theme park complex  
4       tickets from specified regulations; creating s.  
5       817.362, F.S.; defining terms; prohibiting a person  
6       from reselling tickets to one or more theme park  
7       complexes or amusement locations in a theme park  
8       complex or related facility for more than \$1 above the  
9       admission price; exempting a person or entity  
10      expressly authorized in writing by the original ticket  
11      seller or its affiliate to offer such tickets for  
12      resale; providing that the act does not authorize a  
13      person or entity to sell or purchase tickets at any  
14      price at a complex without specified consent;  
15      requiring sales taxes due for resales to be remitted  
16      to the Department of Revenue; providing penalties;  
17      providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21       Section 1. Paragraphs (b), (c), and (d) of subsection (1)  
22      and subsection (5) of section 817.36, Florida Statutes, are  
23      amended to read:

24       817.36 Resale of tickets.—

25       (1) A person or entity that offers for resale or resells  
26      any ticket may charge only \$1 above the admission price charged  
27      therefor by the original ~~ticket~~ seller of the ticket for the  
28      following transactions:

29       (b) Multiday or multievent tickets to a park or

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30 entertainment complex or to a concert, entertainment event,  
31 permanent exhibition, or recreational activity within such a  
32 park or complex, but excluding tickets governed by s. 817.362  
33 ~~including an entertainment/resort complex as defined in s.~~  
34 ~~561.01(18).~~

35 (c) Event tickets, not including those governed by s.  
36 817.362, originally issued by a charitable organization exempt  
37 from taxation under s. 501(c)(3) of the Internal Revenue Code  
38 for which no more than 3,000 tickets are issued per performance.  
39 The charitable organization must issue event tickets with the  
40 following statement conspicuously printed on the face or back of  
41 the ticket: "Pursuant to s. 817.36, Florida Statutes, this  
42 ticket may not be resold for more than \$1 over the original  
43 admission price." This paragraph does not apply to tickets  
44 issued or sold by a third party contractor ticketing services  
45 provider on behalf of a charitable organization otherwise  
46 included in this paragraph unless the required disclosure is  
47 printed on the ticket.

48 (d) Any tickets, other than the tickets in paragraph (a),  
49 paragraph (b), or paragraph (c), governed by s. 817.362, which  
50 ~~that~~ are resold or offered through an Internet website, unless  
51 such website is authorized by the original ticket seller or  
52 makes and posts the following guarantees and disclosures through  
53 Internet web pages on which are visibly posted, or links to web  
54 pages on which are posted, text to which a prospective purchaser  
55 is directed before completion of the resale transaction:

56 1. The website operator guarantees a full refund of the  
57 amount paid for the ticket including any servicing, handling, or  
58 processing fees, if such fees are not disclosed, when:

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- 59           a. The ticketed event is canceled;
- 60           b. The purchaser is denied admission to the ticketed event,  
61 unless such denial is due to the action or omission of the  
62 purchaser;
- 63           c. The ticket is not delivered to the purchaser in the  
64 manner requested and pursuant to any delivery guarantees made by  
65 the reseller and such failure results in the purchaser's  
66 inability to attend the ticketed event.

67           2. The website operator discloses that it is not the  
68 issuer, original seller, or reseller of the ticket or items and  
69 does not control the pricing of the ticket or items, which may  
70 be resold for more than their original value.

71           (5) A person who intentionally uses or sells software to  
72 circumvent on a ticket seller's Internet website a security  
73 measure, an access control system, or any other control or  
74 measure that is used to ensure an equitable ticket-buying  
75 process is liable to the state for a civil penalty equal to  
76 treble the amount for which the ticket or tickets were sold.  
77 This subsection does not apply to the sale of tickets governed  
78 by s. 817.362.

79           Section 2. Section 817.362, Florida Statutes, is created to  
80 read:

81           817.362 Resale of theme park complex tickets.—

82           (1) As used in this section, the term:

83           (a) "Software" means computer programs that are primarily  
84 designed or produced for the purpose of interfering with the  
85 operation of any person or entity that sells, over the Internet,  
86 tickets to one or more theme park complexes or to one or more  
87 amusement locations in a theme park complex or related facility.

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88 (b) "Theme park complex" means an entertainment/resort  
89 complex as defined in s. 561.01(18).

90 (2) A person or entity that offers for resale or resells  
91 any ticket to one or more theme park complexes or to one or more  
92 amusement locations in a theme park complex or related facility  
93 may charge only \$1 more than the admission price charged  
94 therefor by the original seller of the ticket. This subsection  
95 does not apply to the offer for resale or resale of any ticket  
96 by a person or entity expressly authorized in writing to resell  
97 the ticket by the original seller of the ticket or its  
98 affiliate.

99 (3) This section does not authorize any individual or  
100 entity to sell or purchase tickets at any price at a theme park  
101 complex without the prior express written consent of the owner  
102 of the property.

103 (4) Any sales tax due for resales under this section shall  
104 be remitted to the Department of Revenue in accordance with s.  
105 212.04.

106 (5) A person who knowingly resells a ticket or tickets in  
107 violation of this section is liable to the state for a civil  
108 penalty equal to treble the amount of the price for which the  
109 ticket or tickets were resold.

110 (6) A person who intentionally uses or sells software to  
111 circumvent on a ticket seller's website a security measure, an  
112 access control system, or any other control or measure used to  
113 ensure an equitable ticket-buying process is liable to the state  
114 for a civil penalty equal to treble the amount for which the  
115 ticket or tickets were sold.

116 Section 3. This act shall take effect July 1, 2017.