

By the Committee on Commerce and Tourism; and Senator Bradley

577-02501-23

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1 A bill to be entitled
2 An act relating to resale of tickets; amending s.
3 817.36, F.S.; providing a definition; providing
4 requirements for websites of ticket resellers;
5 providing for the donation, transfer, and resale of
6 certain tickets; authorizing the original seller to
7 request certain information from subsequent ticket
8 holders; prohibiting the original ticket seller from
9 taking certain actions against a person who purchases
10 or resells a ticket; preempting regulation of the sale
11 or resale of tickets to the state; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Present subsections (1) through (6) of section
17 817.36, Florida Statutes, are redesignated as subsections (2)
18 through (7), respectively, paragraph (d) of present subsection
19 (1) and present subsection (4) are amended, and a new subsection
20 (1) and subsections (8), (9), and (10) are added to that
21 section, to read:

22 817.36 Resale of tickets.—

23 (1) As used in this section, the terms "original ticket
24 seller" and "original seller" mean the issuer of such ticket or
25 a person or firm that provides distribution services or ticket
26 sales services under a contract with such issuer.

27 (2)~~(1)~~ A person or entity that offers for resale or resells
28 any ticket may charge only \$1 above the admission price charged
29 therefor by the original ticket seller of the ticket for the

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30 following transactions:

31 (d) Any tickets, other than the tickets in paragraph (a),
32 paragraph (b), or paragraph (c), that are resold or offered
33 through an Internet website, unless such website is authorized
34 by the original ticket seller or makes and posts the following
35 guarantees and disclosures prominently on the homepage or ticket
36 landing page before the purchase of any tickets ~~through Internet~~
37 ~~web pages on which are visibly posted, or links to web pages on~~
38 ~~which are posted, text to which a prospective purchaser is~~
39 ~~directed before completion of the resale transaction:~~

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

43 a. The ticketed event is canceled;

44 b. The purchaser is denied admission to the ticketed event,
45 unless such denial is due to the action or omission of the
46 purchaser;

47 c. The ticket is not delivered to the purchaser in the
48 manner requested and pursuant to any delivery guarantees made by
49 the reseller and such failure results in the purchaser's
50 inability to attend the ticketed event.

51 2. The website operator discloses that it is not the
52 issuer, venue, original seller, or reseller of the ticket or
53 items and does not control the pricing of the ticket or items,
54 which may be resold for more than their original value.

55 ~~(5)~~~~(4)~~ A person or website operator who knowingly resells a
56 ticket or tickets in violation of this section is liable to the
57 state for a civil penalty equal to treble the amount of the
58 price for which the ticket or tickets were resold.

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59 (8) Any tickets, other than the tickets in paragraph
60 (2) (a), paragraph (2) (b), or paragraph (2) (c), may be donated,
61 transferred, or resold via any method, or on any ticket
62 marketplace, of the ticket holder's choosing. The transfer of a
63 ticket to a subsequent ticket holder shall not inhibit the
64 original seller's ability to request the legal name, e-mail
65 address, or telephone number from a subsequent ticket holder for
66 the sole purpose of venue security, provided the information
67 requested is not more detailed or extensive than that collected
68 at the original point of sale. The collection of data from a
69 subsequent ticket holder shall not be used to inhibit the
70 gifting, donation, transfer, or resale of a ticket.

71 (9) The original ticket seller may not penalize,
72 discriminate against, or deny access to an event to a person who
73 purchases or resells a ticket in a manner authorized by this
74 section.

75 (10) Regulation of the sale or resale of tickets is
76 preempted to the state. A county, municipal, or other local
77 ordinance or other regulation may not impose requirements,
78 restrictions, or conditions upon the sale or resale of tickets.

79 Section 2. This act shall take effect July 1, 2023.