

House Combined Bill No. 6003

An act relating to resale of tickets; amending s. 559.9335, F.S.; deleting a provision making the sale or marketing of certain admission tickets at a price in excess of \$1 above the retail admission price charged by the original seller a violation of the Sellers of Travel Act in certain circumstances; creating s. 817.357, F.S.; providing that purchasing tickets in excess of a specified amount with the intent to resell those tickets is a violation of the Florida Deceptive and Unfair Trade Practices Act; providing a definition; amending s. 817.36, F.S.; prohibiting resale of tickets for more than \$1 above the resale admission price charged therefor by the original seller in specified circumstances; providing that the section does not authorize any individual or entity to sell or purchase tickets at any price on property where an event is being held without the prior express written consent of the owner of the property; providing for sales tax collection on ticket resales; providing an effective date.

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

Section 1. Subsections (9) through (25) of section 559.9335, Florida Statutes, are renumbered as subsections (8) through (24), respectively, and subsection (8) of that section is amended to read:

559.9335 Violations.—It is a violation of this part for any person:

~~(8) Knowingly to sell or market admissions tickets to theme or amusement parks, sporting events, concerts, theater productions, or other entertainment events, in excess of \$1 above the retail admission price charged by the original seller of said tickets, unless said tickets are part of a prearranged travel package which includes transportation or accommodations services, are being resold on behalf of the original seller of said tickets, and the seller of travel provides either a Florida seller of travel registration number or an Airlines Reporting Corporation agency code number in each advertisement that is placed in newspapers circulated primarily in Florida. When any original seller of tickets provides a seller of travel with tickets in bulk, the seller of travel shall be deemed to be reselling the tickets on behalf of the original seller.~~

Section 2. Section 817.357, Florida Statutes, is created to read:

817.357 Purchase of tickets.—Whoever knowingly purchases from the original ticket seller a quantity of tickets to an event which exceeds the maximum ticket limit quantity posted by or on behalf of the original ticket seller at the point of original sale or printed on the tickets themselves and intends to resell such tickets violates ss. 501.201-501.213, the Florida Deceptive and Unfair Trade Practices Act. A person or firm is not liable under this section with respect to tickets for which that person or firm is the original ticket seller. For purposes of this section, the term “original ticket seller” means the issuer of such ticket or a person or firm who provides

distribution services or ticket sales services under a contract with such issuer.

Section 3. Section 817.36, Florida Statutes, is amended to read:

817.36 Resale of tickets of ~~common carriers, places of amusement, etc.—~~

(1)(a) Whoever shall offer for resale sale or resell sell any ticket may only charge \$1 above the admission price charged therefor of the original ticket seller of said ticket for the following transactions:

(1) ~~good for~~ Passage or accommodations on any common carrier in this state; however, and request or receive a price in excess of \$1 above the retail price charged therefor by the original seller of said ticket shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) the provisions of this subsection shall not apply to travel agencies that have an established place of business in this state, which place of business is required to pay state, county, and city occupational license taxes.

(2) Multiday or multievent tickets to a park or entertainment complex or to a concert, entertainment event, permanent exhibition, or recreational activity within such a park or complex, including an entertainment/resort complex as defined in s. 561.01(18).

(3) Any tickets, other than the tickets in subsections (1) and (2), that are resold or offered through an Internet website, unless such website is authorized by the original ticket seller or makes and posts the following guarantees and disclosures through Internet web pages on which are visibly posted, or links to web pages on which are posted, text to which a prospective purchaser is directed before completion of the resale transaction:

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

1. The ticketed event is canceled;
2. The purchaser is denied admission to the ticketed event, unless such denial is due to the action or omission of the purchaser;
3. The ticket is not delivered to the purchaser in the manner requested and pursuant to any delivery guarantees made by the reseller and such failure results in the purchaser's inability to attend the ticketed event.

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

(4) Nothing in this section authorizes any individual or entity to sell or purchase tickets at any price on property where an event is being held without the prior express written consent of the owner of the property.

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

~~(2)(a) Whoever shall offer for sale or sell any ticket good for admission to any sporting exhibition, athletic contest, theater, or any exhibition where an admission price is charged and request or receive a price in excess of \$1 above the retail admission price charged therefor by the original seller of said ticket shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(b) The provisions of this subsection shall apply to travel agencies that have an established place of business in this state, which place of business is required to pay state, county, and city occupational license taxes, unless such agencies are registered sellers of travel pursuant to part XI of chapter 559 and adhere to the restriction of selling said tickets as part of the travel packages specified in that part, and such travel agencies are reselling said tickets on behalf of the original sellers of said tickets. When any original seller of tickets provides a travel agency with tickets in bulk, the travel agent shall be deemed to be reselling the tickets on behalf of the original seller.~~

Section 4. This act shall take effect July 1, 2006.

Approved by the Governor June 7, 2006.

Filed in Office Secretary of State June 7, 2006.