

1 A bill to be entitled
 2 An act relating to resale of tickets; amending s. 817.36,
 3 F.S.; revising terminology; increasing the maximum amount
 4 above retail price for which specified tickets may be
 5 resold without violating statute; providing an exception
 6 to the criminal penalty for resale of certain admission
 7 tickets for resales made through a credit card or other
 8 electronic payment mechanism that offers reimbursement for
 9 fraud, misrepresentation, or nonperformance; amending s.
 10 559.9335, F.S.; providing that such a resale does not
 11 constitute a regulatory violation for a licensed seller of
 12 travel; providing an effective date.

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

15
 16 Section 1. Section 817.36, Florida Statutes, is amended to
 17 read:

18 817.36 Resale of tickets of common carriers, places of
 19 amusement, etc.--

20 (1)(a) Whoever shall offer for sale or sell any ticket
 21 good for passage or accommodations on any common carrier in this
 22 state and request or receive a price in excess of 25 percent ~~\$1~~
 23 above the retail price charged therefor by the original seller
 24 of said ticket commits ~~shall be guilty of~~ a misdemeanor of the
 25 second degree, punishable as provided in s. 775.082 or s.
 26 775.083.

27 (b) The provisions of paragraph (a) ~~this subsection~~ shall
 28 not apply to travel agencies that have an established place of

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29 business in this state, which place of business is required to
30 pay state, county, and city occupational license taxes.

31 (2)(a) Whoever shall offer for sale or sell any ticket
32 good for admission to any sporting exhibition, athletic contest,
33 theater, or any exhibition where an admission price is charged
34 and request or receive a price in excess of 25 percent ~~\$1~~ above
35 the retail admission price charged therefor by the original
36 seller of said ticket commits ~~shall be guilty of~~ a misdemeanor
37 of the second degree, punishable as provided in s. 775.082 or s.
38 775.083.

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

51 (c) The provisions of paragraph (a) shall not apply to any
52 transaction in which the ticket is purchased through an
53 electronic medium using a credit card or other electronic
54 payment mechanism that offers full reimbursement for fraud,
55 misrepresentation, or nonperformance unless the ticket is for
56 admission to a theme park or entertainment complex as defined in

57 s. 509.013 or to a permanent exhibition or recreational activity
 58 within such a theme park or entertainment complex.

59 (d) Nothing in this subsection shall affect the
 60 application of chapter 212 to any person with respect to the
 61 sale or resale of any ticket.

62 Section 2. Subsection (8) of section 559.9335, Florida
 63 Statutes, is amended to read:

64 559.9335 Violations.--It is a violation of this part for
 65 any person:

66 (8) Knowingly to sell or market admissions tickets to
 67 theme or amusement parks, sporting events, concerts, theater
 68 productions, or other entertainment events, in excess of 25
 69 percent ~~\$1~~ above the retail admission price charged by the
 70 original seller of said tickets, unless said tickets are part of
 71 a prearranged travel package which includes transportation or
 72 accommodations services, are being resold on behalf of the
 73 original seller of said tickets, and the seller of travel
 74 provides either a Florida seller of travel registration number
 75 or an Airlines Reporting Corporation agency code number in each
 76 advertisement that is placed in newspapers circulated primarily
 77 in Florida. When any original seller of tickets provides a
 78 seller of travel with tickets in bulk, the seller of travel
 79 shall be deemed to be reselling the tickets on behalf of the
 80 original seller. A resale of tickets permitted under s.
 81 817.36(2)(c) shall not constitute a violation of this
 82 subsection.

83 Section 3. This act shall take effect upon becoming a law.