

By Senator Crist

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1 A bill to be entitled
 2 An act relating to the resale of tickets; amending s.
 3 817.36, F.S.; limiting the amount above the original
 4 price for which a ticket to an event sponsored by or
 5 benefiting certain not-for-profit organizations may be
 6 sold; providing penalties; providing an effective
 7 date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

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 11 Section 1. Section 817.36, Florida Statutes, is amended to
 12 read:

13 817.36 Resale of tickets.—

14 (1) A person who offers ~~Whoever shall offer~~ for resale or
 15 resells ~~resell~~ any ticket may ~~only~~ only charge only \$1 above the
 16 admission price charged therefor by the original ticket seller
 17 of the ~~said~~ ticket for the following transactions:

18 (a)(1) ~~Passage or accommodations on any common carrier in~~
 19 ~~this state; however, the provisions of this paragraph subsection~~
 20 does shall not apply to travel agencies that have an established
 21 place of business in this state, which ~~place of business~~ is
 22 required to pay state, county, and city occupational license
 23 taxes.

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

29 (c) Tickets for events sponsored by or benefiting a

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30 charitable organization exempt from taxation under s. 501(c)(3)
31 of the Internal Revenue Code.

32 (d)(3) Any tickets, other than the tickets described in
33 paragraph (a), paragraph (b), or paragraph (c), which
34 subsections (1) and (2), that are resold or offered through an
35 Internet website, unless such website is authorized by the
36 original ticket seller or makes and posts the following
37 guarantees and disclosures through Internet web pages on which
38 are visibly posted, or links to web pages on which are posted,
39 text to which a prospective purchaser is directed before
40 completion of the resale transaction:

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

44 a.1. The ticketed event is canceled;

45 b.2. The purchaser is denied admission to the ticketed
46 event, unless such denial is due to the action or omission of
47 the purchaser; or

48 c.3. The ticket is not delivered to the purchaser in the
49 manner requested and pursuant to any delivery guarantees made by
50 the reseller and such failure results in the purchaser's
51 inability to attend the ticketed event.

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

56 (2)(4) ~~Nothing in~~ This section does not authorize
57 ~~authorizes~~ any individual or entity to sell or purchase tickets
58 at any price on property where an event is being held without

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59 the prior express written consent of the owner of the property.

60 (3) Any not-for-profit organization, as an original ticket
61 issuer or seller of tickets subject to paragraph (1)(c), may
62 prohibit ticket purchases for the purpose of remarketing or
63 reselling, and may require binding contractual agreements with
64 registered ticket resellers for the purpose of purchasing,
65 remarketing, or reselling the event or entertainment tickets.

66 (4)~~(5)~~ Any sales tax due for resales under this section
67 shall be remitted to the Department of Revenue in accordance
68 with s. 212.04.

69 (5) Any individual or entity found to be in violation of
70 this section is liable to the state for a civil penalty equal to
71 treble the amount of the transaction or transactions that were
72 executed in violation of this section.

73 Section 2. This act shall take effect July 1, 2009.