

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 final ticket holders;
 8 prohibiting the original ticket seller from taking
 9 certain actions against a person who purchases or
 10 resells a ticket; preempting regulation of the sale or
 11 resale of tickets to the state; providing an effective
 12 date.

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

15
 16 Section 1. Subsections (1) through (6) of section 817.36,
 17 Florida Statutes, are renumbered as subsections (2) through (7),
 18 respectively, paragraph (d) of present subsection (1) and
 19 present subsection (4) are amended, and subsections (1), (8),
 20 (9), and (10) are added to that section, to read:

21 817.36 Resale of tickets.—

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

26 ~~(2)-(1)~~ A person or entity that offers for resale or
 27 resells any ticket may charge only \$1 above the admission price
 28 charged therefor by the original ticket seller of the ticket for
 29 the following transactions:

30 (d) The following information must be prominently
 31 displayed on the homepage or ticket landing page before the
 32 purchase of any tickets, other than the tickets in paragraph
 33 (a), paragraph (b), or paragraph (c), that are resold or offered
 34 through an Internet website, unless such website is authorized
 35 by the original ticket seller ~~or makes and posts the following~~
 36 ~~guarantees and disclosures through Internet web pages on which~~
 37 ~~are visibly posted, or links to web pages on which are posted,~~
 38 ~~text to which a prospective purchaser is directed before~~
 39 ~~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
 45 event, unless such denial is due to the action or omission of
 46 the 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.

HB 317

2023

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
56 a ticket or tickets in violation of this section is liable to
57 the state for a civil penalty equal to treble the amount of the
58 price for which the ticket or tickets were resold.

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 ticketholder's choosing. The transfer of a
63 ticket to a subsequent ticketholder 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

HB 317

2023

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.