

1 A bill to be entitled
 2 An act relating to resale of tickets; amending s.
 3 817.36, F.S.; exempting theme park complex tickets
 4 from provisions relating to ticket resales; creating
 5 s. 817.362, F.S.; providing definitions; limiting the
 6 amount above the original admission price that may be
 7 charged by resellers of theme park complex tickets;
 8 providing an exception; providing construction;
 9 providing for collection of sales tax on such resales;
 10 providing civil penalties for specified violations;
 11 providing an effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Paragraphs (b), (c), and (d) of subsection (1)
 16 and subsection (5) of section 817.36, Florida Statutes, are
 17 amended to read:

18 817.36 Resale of tickets.—

19 (1) A person or entity that offers for resale or resells
 20 any ticket may charge only \$1 above the admission price charged
 21 therefor by the original ticket seller of the ticket for the
 22 following transactions:

23 (b) Multiday or multievent tickets to a park or
 24 entertainment complex or to a concert, entertainment event,
 25 permanent exhibition, or recreational activity within such a

26 | park or complex, excluding theme park complex tickets governed
27 | by s. 817.362(2) ~~including an entertainment/resort complex as~~
28 | ~~defined in s. 561.01(18).~~

29 | (c) Event tickets, excluding theme park complex tickets
30 | governed by s. 817.362(2), originally issued by a charitable
31 | organization exempt from taxation under s. 501(c)(3) of the
32 | Internal Revenue Code for which no more than 3,000 tickets are
33 | issued per performance. The charitable organization must issue
34 | event tickets with the following statement conspicuously printed
35 | on the face or back of the ticket: "Pursuant to s. 817.36,
36 | Florida Statutes, this ticket may not be resold for more than \$1
37 | over the original admission price." This paragraph does not
38 | apply to tickets issued or sold by a third party contractor
39 | ticketing services provider on behalf of a charitable
40 | organization otherwise included in this paragraph unless the
41 | required disclosure is printed on the ticket.

42 | (d) Any tickets, other than the tickets in paragraph (a),
43 | paragraph (b), or paragraph (c), or theme park complex tickets
44 | governed by s. 817.362(2), that are resold or offered through an
45 | Internet website, unless such website is authorized by the
46 | original ticket seller or makes and posts the following
47 | guarantees and disclosures through Internet web pages on which
48 | are visibly posted, or links to web pages on which are posted,
49 | text to which a prospective purchaser is directed before
50 | completion of the resale transaction:

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

54 a. The ticketed event is canceled;

55 b. The purchaser is denied admission to the ticketed
56 event, unless such denial is due to the action or omission of
57 the purchaser;

58 c. The ticket is not delivered to the purchaser in the
59 manner requested and pursuant to any delivery guarantees made by
60 the reseller and such failure results in the purchaser's
61 inability to attend the ticketed event.

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

66 (5) A person who intentionally uses or sells software to
67 circumvent on a ticket seller's Internet website a security
68 measure, an access control system, or any other control or
69 measure that is used to ensure an equitable ticket-buying
70 process is liable to the state for a civil penalty equal to
71 treble the amount for which the ticket or tickets were sold.
72 This subsection does not apply to the resale of theme park
73 complex tickets under s. 817.362(2).

74 Section 2. Section 817.362, Florida Statutes, is created
75 to read:

76 817.362 Resale of theme park complex tickets.-

77 (1) As used in this section, the term:

78 (a) "Software" means computer programs that are primarily
 79 designed or produced for the purpose of interfering with the
 80 operation of any person or entity that sells, over the Internet,
 81 tickets to one or more theme park complexes or to one or more
 82 amusement locations or other facilities located in one or more
 83 theme park complexes.

84 (b) "Theme park complex" means an entertainment/resort
 85 complex as defined in s. 561.01.

86 (2) Any person or entity that offers for resale or resells
 87 any ticket to one or more theme park complexes or to one or more
 88 amusement locations or other facilities located in one or more
 89 theme park complexes may only charge \$1 above the admission
 90 price charged therefor by the original ticket seller. This
 91 subsection does not apply to a person or entity offering for
 92 resale or resale of any ticket if the person or entity is
 93 expressly authorized in writing to offer for resale or resell
 94 the ticket by the original ticket seller or its affiliate.

95 (3) This section does not authorize any individual or
 96 entity to sell or purchase tickets at any price at a theme park
 97 complex or an amusement location or other facility located in a
 98 theme park complex without the prior express written consent of
 99 the theme park complex owner.

100 (4) Any sales tax due for resales under this section shall

101 be remitted to the Department of Revenue in accordance with s.
102 212.04.

103 (5) Any person or entity that knowingly resells a ticket
104 or tickets in violation of this section is liable to the state
105 for a civil penalty equal to treble the amount of the price for
106 which the ticket or tickets were resold.

107 (6) Any person or entity that intentionally uses or sells
108 software to circumvent on a ticket seller's Internet website any
109 security measure, access control system, or other control or
110 measure that is used to ensure an equitable ticket-buying
111 process is liable to the state for a civil penalty equal to
112 treble the amount for which the ticket or tickets were sold.

113 Section 3. This act shall take effect July 1, 2017.