

CS/SB 742 – Ticket Sales

Amends s. 817.36, F.S., creating three **unranked, 3rd degree felonies**, but also allowing the discretion to instead choose a fine of up to \$10,000, or both. The first felony/fine is in violation of a person selling or reselling a ticket more than \$1 over the original face value of a ticket issued by a charitable organization.

The second felony/fine involves the violation of a person selling or using technology that functions to bypass portions of the ticket-buying process or disguises the identity of the purchaser in order to purchase a quantity of tickets in excess of authorized limits. Additionally, each ticket purchase, sale, or violation constitutes a separate offense.

The third felony/fine is for a person, resale website, software application for a mobile device, or digital platform making any representation of affiliation or endorsement, whether explicit or implied, with a venue or artist by the use of the name of a venue, artist, or team trademark or service mark in any way without the express written consent of the venue, artist, or intellectual property owner.

All other ticket resales in violation of this section would be a 2nd degree misdemeanor.

Per OSCA, in FY 13-14, 2 offenders were charged under s. 817.36, F.S., with 2 offenders having a fine and court costs. However, none of these offenders were charged with selling a ticket for more than \$1 that was issued by a charitable organization. Furthermore, none of these offenders were charged with selling/using software to circumvent a ticket seller's website.

In FY 13-14, the incarceration rate for an unranked, 3rd degree felony was 9.7%.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: Senate