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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/13/2010	.	
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The Committee on Finance and Tax (Ring) recommended the following:

Senate Amendment (with title amendment)

Between lines 79 and 80
insert:

Section 2. Present subsections (2) through (6) of section 817.36, Florida Statutes, are renumbered as subsections (3) through (7), respectively, and a new subsection (2) is added to that section, to read:

817.36 Resale of tickets.—

(2) Notwithstanding the limitations on the resale of tickets provided in subsection (1), a ticket seller may not prohibit or restrict the resale or offering for resale of a



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13 ticket by a lawful possessor of such ticket by:

14 (a) Imposing licensure or contractual terms on the initial
15 sale of such ticket, including, but not limited to, terms
16 printed on the back of the ticket which prohibit the resale of
17 the ticket or restrict the price or other terms and conditions
18 under which a ticket may be resold.

19 (b) Requiring the purchaser of a ticket, whether for a
20 single event or for a series or season of events, to agree not
21 to resell the ticket, or to resell the ticket only through a
22 specific channel approved by the ticket seller.

23 (c) Bringing legal action, based on an unlawful prohibition
24 or restriction on the resale of a ticket, against:

25 1. A purchaser who resells or offers to resell a ticket
26 without the permission of the ticket seller, or in violation of
27 a restriction imposed by the ticket seller;

28 2. Persons who facilitate or provide services for the
29 resale of tickets without such permission or in alleged
30 violation of such restriction; or

31 3. The operator of a physical or electronic marketplace in
32 which a ticket is offered for resale without such permission or
33 in alleged violation of such restriction.

34 (d) Imposing a penalty on a ticket purchaser who resells or
35 offers to resell a ticket without permission or in violation of
36 a restriction imposed by the ticket seller, or treating such
37 purchaser in any material way less favorably than a similarly
38 situated purchaser who does not resell or offer to resell a
39 ticket, or who complies with resale restrictions imposed by the
40 ticket seller.

41 (e) Employing technological means for the purpose or with



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42 the foreseeable effect of prohibiting or restricting the resale
43 of tickets, including, but not limited to, issuing tickets in an
44 electronic form that is not readily transferable to a subsequent
45 purchaser, or conditioning entry into a venue on the
46 presentation of a token, such as the original purchaser's credit
47 card or state-issued identification card, which cannot be
48 readily transferred to a subsequent purchaser.

49 (f) Seeking to limit the price, or to impose a minimum or
50 maximum price, at which a ticket may be resold.

51
52 ===== T I T L E A M E N D M E N T =====

53 And the title is amended as follows:

54 Delete line 9

55 and insert:

56 exceptions; amending s. 817.36, F.S.; prohibiting a
57 ticket seller from imposing certain prohibitions or
58 restrictions on the resale of tickets; providing an
59 effective date.