



441324

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/16/2015	.	
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The Committee on Appropriations (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 113 and 114

insert:

Section 1. Section 849.095, Florida Statutes, is created to read:

849.095 Ticket distribution programs exempted from chapter.—

(1) The Legislature recognizes that operators of nationally televised sporting events often experience a public demand for



441324

11 tickets to attend or participate in the events which far exceeds  
12 their supply. As a result, the general public's opportunity to  
13 purchase tickets at face value is often severely limited. Random  
14 drawings are often used by these event operators to give the  
15 chance to purchase tickets to those who wish to attend or  
16 participate in a sporting event. Courts have held that this  
17 mechanism is a reasonable and fair method to distribute tickets  
18 that are in limited supply, as opposed to a first-come, first-  
19 serve system; that the mechanism does not constitute the award  
20 of a prize; and that requiring entrants to pay an administrative  
21 fee to enter such drawings is not a violation of antigambling  
22 laws.

23 (2) As used in this section, the term:

24 (a) "Department" means the Department of Agriculture and  
25 Consumer Services.

26 (b) "Sporting event" means any athletic event:

27 1. For which a television program is shown nationally via  
28 any cable, satellite, or broadcast television network; and

29 2. Which has a demonstrated public demand for tickets which  
30 exceeds the supply of tickets.

31 (c) "Ticket distribution program" means a random drawing by  
32 which each entrant pays an administrative fee, not to exceed \$35  
33 per separate entry, for a nontransferable opportunity to win the  
34 right to purchase, at face value, one or more nontransferable  
35 tickets to attend or participate in a sporting event.

36 (3) Nothing contained in this chapter shall be applicable  
37 to participation in or the conduct of a ticket distribution  
38 program in accordance with this section, provided, however, that  
39 a sporting event operator conducts no more than one ticket



441324

40 distribution program during any 12-month period.

41 (4) The department may adopt rules to administer this  
42 section.

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44 ===== T I T L E A M E N D M E N T =====

45 And the title is amended as follows:

46 Delete line 2

47 and insert:

48 An act relating to the Department of Agriculture and  
49 Consumer Services; creating s. 849.095, F.S.;  
50 providing legislative findings; defining terms;  
51 exempting ticket distribution programs from Florida  
52 gambling prohibitions; providing guidelines for ticket  
53 distribution programs; providing that violations are  
54 deceptive and unfair trade practices; authorizing the  
55 department to adopt rules; amending s.