

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Regulatory Affairs
2 Committee

3 Representative Beshears offered the following:

4
5 **Amendment (with title amendment)**

6 Between lines 941 and 942, insert:

7 Section 23. Section 849.095, Florida Statutes, is created
8 to read:

9 849.095 Ticket distribution programs exempted from chapter

10 .-

11 (1) It is recognized by the Legislature that operators of
12 nationally televised sporting events often experience a public
13 demand for tickets to attend or participate in the event that
14 far exceeds their supply. As a result, the ability for the
15 general public to have the opportunity to purchase tickets at
16 face value is often severely limited. Random drawings are often
17 used by these event operators to award the ability to purchase

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18 tickets to those who wish to attend or participate in the
19 sporting event. Courts have held that this mechanism is a
20 reasonable and fair method, as opposed to a 'first come, first
21 serve' system, to distribute tickets that are in limited supply,
22 does not constitute the award of a prize, and that requiring
23 entrants to pay an administrative fee to enter such drawing is
24 not a violation of anti-gambling laws.

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

26 (a) "Ticket distribution program" means a random drawing by
27 which each entrant pays an administrative fee, not to exceed
28 thirty-five dollars per each separate entry, for a non-
29 transferable opportunity to win the right to purchase, at face
30 value, one or more non-transferable tickets to attend or
31 participate in a sporting event.

32 (b) "Sporting event" means any athletic event (i) for which
33 a television program is shown nationally via any cable,
34 satellite, or broadcast television network, and (ii) has a
35 demonstrated public demand for tickets that exceeds the supply
36 of such tickets.

37 (c) "Department" means the Department of Agriculture and
38 Consumer Services.

39 (3) Nothing contained in this chapter shall be applicable
40 to participation in or the conduct of a ticket distribution
41 program conducted in accordance with this section; provided,
42 however, that an event operator may conduct no more than one
43 ticket distribution program during any twelve-month period.

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44 (4) A violation of this section, or soliciting another to
45 commit an act that violates this section, constitutes a
46 deceptive and unfair trade practice actionable under the Florida
47 Deceptive and Unfair Trade Practices Act actionable by the
48 Department.

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

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Remove line 114 and insert:

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weapon or firearm licenses; creating s. 849.095, F.S.; defining

54

and exempting ticket distribution programs from Florida gambling

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prohibitions; providing guidelines for ticket distribution

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programs; providing an effective