

By Senator Smith

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1 A bill to be entitled
2 An act relating to the resale of tickets; amending s.
3 817.36, F.S.; defining the term "ticket"; prohibiting
4 an operator of a place of entertainment or the
5 operator's agent from restricting the resale of
6 tickets, denying access to a ticket holder, or using a
7 paperless ticketing system under certain
8 circumstances; providing an exception to the
9 prohibition on using a paperless ticketing system;
10 providing for construction; authorizing an operator or
11 an operator's agent to revoke or restrict tickets
12 under certain circumstances; prohibiting an operator
13 or an operator's agent from selling or conveying
14 tickets to a secondary ticket seller owned or
15 controlled by the operator or the operator's agent;
16 providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Present subsections (1) through (5) of section
21 817.36, Florida Statutes, are redesignated as subsections (2)
22 through (6), respectively, present subsection (6) of that
23 section is amended, and subsections (7) and (8) are added to
24 that section, to read:

25 817.36 Resale of tickets.—

26 (1)~~(6)~~ As used in this section, the term:

27 (a) "Software" means computer programs that are primarily
28 designed or produced for the purpose of interfering with the
29 operation of any person or entity that sells, over the Internet,
30 tickets of admission to a sporting event, theater, musical
31 performance, or place of public entertainment or amusement of
32 any kind.

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33 (b) "Ticket" means a license issued by the operator of a
34 place of entertainment for admission to that place of
35 entertainment at the date and time specified on the ticket,
36 subject to the terms and conditions specified by the operator.

37 (7) Notwithstanding any other provision, an operator of a
38 place of entertainment or the operator's agent is prohibited
39 from:

40 (a) Restricting by any means the resale of tickets included
41 in a subscription or season ticket package as a condition of
42 purchase, as a condition to retain such tickets for the duration
43 of the subscription or season ticket package agreement, or as a
44 condition to retain any contractually agreed upon rights to
45 purchase future subscription or season ticket packages which are
46 otherwise conferred in the subscription or season ticket
47 agreement.

48 (b) Denying access to a ticket holder who possesses a
49 resold subscription or season ticket to a performance or event
50 based solely on the grounds that the ticket has been resold.

51 (c) Using a paperless ticketing system unless the consumer
52 is given an option to purchase paperless tickets that the
53 consumer may transfer at any price, at any time, and without
54 additional fees independent of the operator or operator's agent.
55 However, an operator or an operator's agent may use a paperless
56 ticketing system that does not allow for independent
57 transferability of paperless tickets if the consumer is offered
58 an option at the time of initial sale to purchase the same
59 tickets in some other form that is transferrable independent of
60 the operator or the operator's agent, including, but not limited
61 to, paper tickets or electronic tickets. The price for a ticket

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62 shall be the same regardless of the form or transferability of
63 the ticket. The ability for a ticket to be transferred
64 independently of the operator or the operator's agent may not
65 constitute a special service for the purpose of imposing a
66 service charge under this section.

67
68 This subsection may not be construed to prohibit an operator of
69 a place of entertainment or the operator's agent from
70 maintaining and enforcing any policies regarding conduct or
71 behavior at or in connection with his or her place of
72 entertainment or from restricting the resale of tickets that are
73 offered as part of a targeted promotion, sold at a discounted
74 price, or provided free of charge to specific individuals or
75 groups of individuals because of their status as or membership
76 in a specific community or group, including, but not limited to,
77 persons with disabilities, students, religious or civic
78 organizations, or persons demonstrating economic hardship;
79 however, tickets offered promotionally to the general public are
80 not considered as tickets offered to specific individuals or
81 groups of individuals. Any promotionally discounted or free
82 tickets for which the operator or the operator's agent restricts
83 resale must be clearly marked as such. An operator or the
84 operator's agent may revoke or restrict season tickets or the
85 resale of those tickets for reasons relating to violations of
86 policies at the place of entertainment to the extent the
87 operator or agent may deem necessary for the protection and the
88 safety of patrons or to address fraud or misconduct.

89 (8) An operator or an operator's agent may not sell or
90 convey tickets to any secondary ticket reseller owned or

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91 controlled by the operator or the operator's agent.

92 Section 2. This act shall take effect July 1, 2016.