

<b>Tab 1</b>	<b>CS/SB 1120</b> by <b>BI, Abruzzo</b> ; (Similar to CS/H 0875) Motor Vehicle Service Agreement Companies
<b>Tab 2</b>	<b>SB 1344</b> by <b>Smith</b> ; (Similar to CS/H 1127) Resale of Tickets
<b>Tab 3</b>	<b>CS/SB 1386</b> by <b>BI, Richter</b> ; (Similar to CS/H 1303) Life Insurers

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**COMMERCE AND TOURISM**  
**Senator Detert, Chair**  
**Senator Thompson, Vice Chair**

**MEETING DATE:** Monday, February 8, 2016  
**TIME:** 4:00—6:00 p.m.  
**PLACE:** Toni Jennings Committee Room, 110 Senate Office Building

**MEMBERS:** Senator Detert, Chair; Senator Thompson, Vice Chair; Senators Bean, Hutson, Latvala, Richter, and Ring

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 1120</b> Banking and Insurance / Abruzzo (Similar CS/H 875)	Motor Vehicle Service Agreement Companies; Revising and providing definitions, etc.  BI     01/26/2016 Fav/CS CM     02/08/2016 Favorable RC	Favorable Yeas 4 Nays 0
2	<b>SB 1344</b> Smith (Similar CS/H 1127)	Resale of Tickets; Prohibiting an operator of a place of entertainment or the operator's agent from restricting the resale of tickets, denying access to a ticket holder, or using a paperless ticketing system under certain circumstances; prohibiting an operator or an operator's agent from selling or conveying tickets to a secondary ticket seller owned or controlled by the operator or the operator's agent, etc.  CM     02/08/2016 Temporarily Postponed ATD FP	Temporarily Postponed
3	<b>CS/SB 1386</b> Banking and Insurance / Richter (Similar CS/H 1303)	Life Insurers; Revising amounts of coverage of certain life insurance policies that may be sold by specified persons; revising the version of the Annual Consumer Price Index used as a basis for calculating certain annual percentage increases in specified policies, etc.  BI     01/26/2016 Fav/CS CM     02/08/2016 Favorable RC	Favorable Yeas 4 Nays 0
4	Presentation by John Webb, President, Florida Sports Foundation, on the foundation's programs.		Presented

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
-----	------------------------------------	-----------------	------------------

**Senate Confirmation Hearing:** A public hearing will be held for consideration of the below-named executive appointment to the office indicated.

**Board of Directors, Enterprise Florida, Inc.**

5	Biter, Jesse M. (Sarasota)	09/30/2018	Recommend Confirm Yeas 4 Nays 0
---	----------------------------	------------	------------------------------------

**COMMITTEE MEETING EXPANDED AGENDA**

Commerce and Tourism

Monday, February 8, 2016, 4:00—6:00 p.m.

---

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Other Related Meeting Documents		

---

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

---

BILL: CS/SB 1120

INTRODUCER: Banking and Insurance Committee and Senator Abruzzo

SUBJECT: Motor Vehicle Service Agreement Companies

DATE: February 5, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matiyow</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1120 allows the following two new motor vehicle service agreement warranties:

- Replacement of tires or wheels on a motor vehicle that were damaged as a result of encountering a road hazard; and
- Replacement of a motor vehicle key or key fob.

The bill also amends current statute to clarify that motor vehicle service agreement warranties for paintless dent-removal cover damages caused by any harm, not just hail damage.

The bill further clarifies that an “additive product” does not include a product applied to the exterior or interior surface of a motor vehicle to protect the appearance of the motor vehicle.

The provisions of this bill take effect on July 1, 2016.

**II. Present Situation:**

**Warranty Associations**

Warranty associations, which include motor vehicle service agreement companies,<sup>1</sup> home

---

<sup>1</sup> Section 634.011, F.S.

warranty associations,<sup>2</sup> and service warranty associations,<sup>3</sup> are governed under ch. 634 of the Florida Insurance Code. Service warranties, also known as “extended warranties,” are contracts between a company and consumer that are designed to protect the consumer from certain losses due to failure or improper functioning of a mechanical or other component of the warranted object, e.g., car, air conditioner, or large appliance.<sup>4</sup> Service warranties are not considered traditional insurance products.<sup>5</sup> Therefore, warranty associations are not required to submit their rates for approval by the Office of Insurance Regulation (OIR) like traditional insurance companies.<sup>6</sup>

Service warranty associations are generally regulated by the OIR, but are exempt from all other provisions of the Florida Insurance Code unless otherwise specified.<sup>7</sup> The OIR’s regulatory authority includes, among other duties, the licensure of warranty associations,<sup>8</sup> disapproval of noncompliant service agreement forms,<sup>9</sup> annual review of a warranty association’s statistical reports,<sup>10</sup> investigation of consumer complaints made against a warranty association,<sup>11</sup> and observation of a warranty association’s compliance with monetary reserve requirements.<sup>12</sup>

### **Motor Vehicle Service Agreements**

Motor vehicle service agreements indemnify the service agreement holder (owner) of the motor vehicle listed on the service agreement from losses caused by the failure or improper function of any mechanical or other component part arising out of the ownership, operation, and use of the motor vehicle.<sup>13</sup> The three specific types of motor vehicle service agreements included under the definition of a motor vehicle service agreement are:

- Agreements that provide for coverage issued in conjunction with an additive product<sup>14</sup> that is applied to the motor vehicle;<sup>15</sup>
- Agreements that provide for payment of vehicle protection expenses, contingent upon the use of a vehicle protection product (product or system designed to prevent theft, or assist in recovery of the motor vehicle);<sup>16</sup> and

---

<sup>2</sup> Section 634.301, F.S.

<sup>3</sup> Section 634.401, F.S.

<sup>4</sup> Florida Department of Financial Services, *Motor Vehicle Service Agreements Overview*, available at <http://www.myfloridacfo.com/Division/Consumers/UnderstandingCoverage/MotorVehicleServiceAgreementsOverview.htm> (last accessed Feb. 5, 2016).

<sup>5</sup> Section 634.023, F.S. Kenneth E. Spahn, *Service Warranty Associations: Regulating Service Contracts as “Insurance” Under Florida’s Chapter 634*, 25 Stetson Law Rev. 597, 614-615, available at <http://www.stetson.edu/law/lawreview/media/service-warranty-associations-regulating-service-contracts-as-insurance-under-floridas-chapter-634-25-3.pdf> (last accessed Feb. 5, 2016).

<sup>6</sup> Section 634.121(11), F.S.

<sup>7</sup> Sections 634.023, 634.3025, and 634.4025, F.S.

<sup>8</sup> Sections 634.041 and 634.061-634.081, F.S.

<sup>9</sup> Section 634.1213, F.S.

<sup>10</sup> Section 634.137, F.S.

<sup>11</sup> Section 634.141(2)(c), F.S.

<sup>12</sup> Section 634.141(2)(d), F.S.

<sup>13</sup> Section 634.011(8), F.S.

<sup>14</sup> Section 634.011(2), F.S., defines an “additive product” as “any fuel supplement, oil supplement, or any other supplement product added to a motor vehicle for the purpose of increasing or enhancing the performance or improving the longevity of such motor vehicle.”

<sup>15</sup> Section 634.011(8)(a), F.S.

<sup>16</sup> Section 634.011(8)(b), F.S.

- Agreements that indemnify the consumer for paintless dent-removal services by companies whose primary business is such service.<sup>17</sup>

### **Warranties under the Uniform Commercial Code**

Extended warranty motor vehicle service agreements are distinct from the basic manufacturer's warranty traditionally offered by motor vehicle manufacturers. A basic motor vehicle warranty is generally provided for in Florida's Uniform Commercial Code,<sup>18</sup> which defines a warranty as any writing or promise made by the vehicle manufacturer which relates to the nature of the material or workmanship of the vehicle, and affirms or promises that such material or workmanship is free of defects.<sup>19</sup>

Basic warranties are not considered insurance for several reasons, namely because they are a product given to the consumer for no extra cost, and because warranties only cover defects that are under the manufacturers' control, whereas insurance or service agreements are separate contracts that indemnify consumers against harm or loss unrelated to defects found in the vehicle.<sup>20</sup> As a result, basic warranties are regulated by the Florida Attorney General's Office,<sup>21</sup> and the Federal Trade Commission.<sup>22</sup>

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 634.011, F.S., to allow motor vehicle service agreements to warrant two new services:

- The replacement of tires or wheels on a motor vehicle damaged as a result of encountering a "road hazard." The bill defines "road hazard" as a danger that is encountered while operating a motor vehicle, which includes but is not limited to, potholes, rocks, wood debris, metal parts, glass, plastic, curbs, and composite scraps. A "road hazard" specifically does not include any damage caused by collision with another vehicle, vandalism, or other causes usually covered under the comprehensive or collision coverages provided by an automobile physical damage policy; and
- The replacement of a motor vehicle key or key fob if the key or key fob is inoperable, lost, or stolen.

The bill also:

- Amends the definition of "additive product" to exclude products applied to the exterior or interior surface of a motor vehicle to protect the appearance of the motor vehicle; and

---

<sup>17</sup> Section 634.011(8)(c), Florida Statutes.

<sup>18</sup> See ch. 681, F.S., "Motor Vehicle Warranty Enforcement Act."

<sup>19</sup> Section 681.102(22), F.S.

<sup>20</sup> Kenneth E. Spahn, *Service Warranty Associations: Regulating Service Contracts as "Insurance" Under Florida's Chapter 634*, 25 Stetson Law Rev. 597, 610-614, available at <http://www.stetson.edu/law/lawreview/media/service-warranty-associations-regulating-service-contracts-as-insurance-under-floridas-chapter-634-25-3.pdf> (last accessed Feb. 5, 2016).

<sup>21</sup> Section 681.102(6), F.S.

<sup>22</sup> 15 U.S.C. §2302; United States Federal Trade Commission, *Consumer Information: Warranties*, available at <http://www.consumer.ftc.gov/articles/0252-warranties> (last accessed Feb. 5, 2016).

- Removes “hail damage” from the definition of “paintless dent-removal” to clarify that a motor vehicle service warranty for paintless dent-removal may be performed on any dent, ding, or crease, whether or not the cause was hail damage.

**Section 2** of the bill provides an effective date of July 1, 2016.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will enable service warranty associations to offer service warranties for the replacement of tires or wheels that are damaged as a result of encountering a road hazard, for removal of dents by the process of paintless dent-removal, and for replacement of a motor vehicle key or key fob. This may enable consumers to more easily purchase such service warranties, which may prove economically beneficial to certain consumers.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 634.011 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Banking and Insurance on January 26, 2016:**

- Removes lines 96-97 regarding other services approved by the Commissioner of Insurance.
- Clarifies the definition of “Road Hazard” does not include any damage caused by collision with another vehicle, vandalism, or other causes usually covered under the comprehensive or collision coverages provided by an automobile physical damage policy.

- B. **Amendments:**

None.



By the Committee on Banking and Insurance; and Senator Abruzzo

597-02613-16

20161120c1

1                                   A bill to be entitled  
 2       An act relating to motor vehicle service agreement  
 3       companies; amending s. 634.011, F.S.; revising and  
 4       providing definitions; providing an effective date.  
 5  
 6 Be It Enacted by the Legislature of the State of Florida:  
 7  
 8       Section 1. Subsections (14) through (17) of section  
 9       634.011, Florida Statutes, are renumbered as subsections (15)  
 10       through (18), respectively, subsections (2) and (8) of that  
 11       section are amended, and a new subsection (14) is added to that  
 12       section, to read:  
 13       634.011 Definitions.—As used in this part, the term:  
 14       (2) "Additive product" means any fuel supplement, oil  
 15       supplement, or any other supplement product added to a motor  
 16       vehicle for the purpose of increasing or enhancing the  
 17       performance or improving the longevity of such motor vehicle.  
 18       The term "additive product" does not include a product applied  
 19       to the exterior or interior surface of a motor vehicle to  
 20       protect the appearance of the motor vehicle.  
 21       (8) "Motor vehicle service agreement" or "service  
 22       agreement" means any contract or agreement indemnifying the  
 23       service agreement holder for the motor vehicle listed on the  
 24       service agreement and arising out of the ownership, operation,  
 25       and use of the motor vehicle against loss caused by failure of  
 26       any mechanical or other component part, or any mechanical or  
 27       other component part that does not function as it was originally  
 28       intended; however, nothing in this part shall prohibit or affect  
 29       the giving, free of charge, of the usual performance guarantees  
 30       by manufacturers or dealers in connection with the sale of motor  
 31       vehicles. Transactions exempt under s. 624.125 are expressly  
 32       excluded from this definition and are exempt from the provisions

Page 1 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

597-02613-16

20161120c1

33 of this part. The term "motor vehicle service agreement"  
 34 includes any contract or agreement that provides:  
 35       (a) For the coverage or protection defined in this  
 36       subsection and which is issued or provided in conjunction with  
 37       an additive product applied to the motor vehicle that is the  
 38       subject of such contract or agreement;  
 39       (b) For payment of vehicle protection expenses.  
 40       1.a. "Vehicle protection expenses" means a preestablished  
 41       flat amount payable for the loss of or damage to a vehicle or  
 42       expenses incurred by the service agreement holder for loss or  
 43       damage to a covered vehicle, including, but not limited to,  
 44       applicable deductibles under a motor vehicle insurance policy;  
 45       temporary vehicle rental expenses; expenses for a replacement  
 46       vehicle that is at least the same year, make, and model of the  
 47       stolen motor vehicle; sales taxes or registration fees for a  
 48       replacement vehicle that is at least the same year, make, and  
 49       model of the stolen vehicle; or other incidental expenses  
 50       specified in the agreement.  
 51       b. "Vehicle protection product" means a product or system  
 52       installed or applied to a motor vehicle or designed to prevent  
 53       the theft of the motor vehicle or assist in the recovery of the  
 54       stolen motor vehicle.  
 55       2. Vehicle protection expenses shall be payable in the  
 56       event of loss or damage to the vehicle as a result of the  
 57       failure of the vehicle protection product to prevent the theft  
 58       of the motor vehicle or to assist in the recovery of the stolen  
 59       motor vehicle. Vehicle protection expenses covered under the  
 60       agreement shall be clearly stated in the service agreement form,  
 61       unless the agreement provides for the payment of a

Page 2 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

597-02613-16 20161120c1

62 preestablished flat amount, in which case the service agreement  
63 form shall clearly identify such amount.

64 3. Motor vehicle service agreements providing for the  
65 payment of vehicle protection expenses shall either:

66 a. Reimburse a service agreement holder for the following  
67 expenses, at a minimum: deductibles applicable to comprehensive  
68 coverage under the service agreement holder's motor vehicle  
69 insurance policy; temporary vehicle rental expenses; sales taxes  
70 and registration fees on a replacement vehicle that is at least  
71 the same year, make, and model of the stolen motor vehicle; and  
72 the difference between the benefits paid to the service  
73 agreement holder for the stolen vehicle under the service  
74 agreement holder's comprehensive coverage and the actual cost of  
75 a replacement vehicle that is at least the same year, make, and  
76 model of the stolen motor vehicle; or

77 b. Pay a preestablished flat amount to the service  
78 agreement holder.

79  
80 Payments shall not duplicate any benefits or expenses paid to  
81 the service agreement holder by the insurer providing  
82 comprehensive coverage under a motor vehicle insurance policy  
83 covering the stolen motor vehicle; however, the payment of  
84 vehicle protection expenses at a preestablished flat amount of  
85 \$5,000 or less does not duplicate any benefits or expenses  
86 payable under any comprehensive motor vehicle insurance policy;  
87 ~~or~~

88 ~~(c) For repair or replacement of tires or wheels on a~~  
89 ~~motor vehicle damaged as a result of encountering a road hazard;~~

90 (d) For removal of dents, dings, or creases on a motor

597-02613-16 20161120c1

91 vehicle that may be repaired using the process of paintless dent  
92 removal without affecting the existing paint finish and without  
93 using replacement body panels or sanding, bonding, or painting;  
94 or

95 (e) For replacement of a motor vehicle key or key fob if  
96 the key or key fob is inoperable, lost, or stolen ~~For the~~  
97 ~~payment for paintless dent-removal services provided by a~~  
98 ~~company whose primary business is providing such services.~~

99 ~~2. "Paintless dent-removal" means the process of removing~~  
100 ~~dents, dings, and creases, including hail damage, from a vehicle~~  
101 ~~without affecting the existing paint finish, but does not~~  
102 ~~include services that involve the replacement of vehicle body~~  
103 ~~panels or sanding, bonding, or painting.~~

104 (14) "Road hazard" means a danger that is encountered while  
105 operating a motor vehicle. The term includes, but is not limited  
106 to, potholes, rocks, debris, metal parts, glass, plastic, curbs,  
107 and composite scraps. The term does not include any damage  
108 caused by collision with another vehicle, vandalism, or other  
109 causes usually covered under the comprehensive or collision  
110 coverages provided by an automobile physical damage policy.

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Finance and Tax, *Vice Chair*  
Appropriations Subcommittee on Health and Human Services  
Communications, Energy, and Public Utilities  
Community Affairs  
Fiscal Policy  
Regulated Industries

### JOINT COMMITTEE:

Joint Legislative Auditing Committee, *Alternating Chair*

**SENATOR JOSEPH ABRUZZO**  
**Minority Whip**  
25th District

January 26<sup>th</sup>, 2016

**The Honorable Nancy C. Detert**  
326 Senate Office Building  
404 S. Monroe Street  
Tallahassee, FL 32399

Dear Chairwoman Detert:

I respectfully request Senate Bill 1120, Motor Vehicle Service Agreement Companies, be considered for placement on the Commerce and Tourism committee agenda. This piece of legislation authorizes coverage under motor vehicle service agreements for specific damages caused by road hazards and additional coverage for key-fobs.

Please feel free to contact me if I can provide you with any additional information. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "JA".

Joseph Abruzzo

Cc: Todd McKay, *Staff Director*

#### REPLY TO:

- 12300 Forest Hill Boulevard, Suite 200, Wellington, Florida 33414-5785 (561) 791-4774 FAX: (888) 284-6495
- 110 Dr. Martin Luther King, Jr. Boulevard, Belle Glade, Florida 33430-3900 (561) 829-1410
- 222 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

---

BILL: SB 1344

INTRODUCER: Senator Smith

SUBJECT: Resale of Tickets

DATE: February 5, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Little	McKay	CM	<b>Pre-meeting</b>
2.			ATD	
3.			FP	

---

**I. Summary:**

SB 1344 amends provisions of law that govern ticket resales in Florida. The bill bars operators of a place of entertainment and operator's agents from restricting the resale of tickets under certain circumstances, by prohibiting them from doing any of the following:

- Restricting the resale of tickets included in a subscription or season ticket package as a condition of purchase, as a condition of the right to retain tickets for the duration of the subscription or season, or as a condition to purchase future subscription or season ticket packages;
- Denying access to an individual who possesses a resold subscription or season ticket to an event based solely on the grounds that the ticket has been resold;
- Using a paperless ticketing system, unless the paperless ticket may be transferred by the consumer without fee or restriction, or the consumer is given an option to purchase tickets in another transferable form, such as a paper or electronic ticket, at the time of purchase; or
- Selling or conveying tickets to any secondary ticket reseller owned or controlled by the operator or the operator's agent.

The bill also provides that the consumer must be able to transfer the ticket independently of the operator or the operator's agent and the price of the ticket shall be the same regardless of the form or transferability of the ticket. The ability to transfer a ticket does not constitute a service charge.

The bill does not prohibit policies related to behavior or conduct at a place of entertainment, nor does it prohibit restrictions on the resale of tickets offered as part of a targeted promotion, sold at a discounted price, or provided free of charge to specified individuals.

## II. Present Situation:

A “ticket” is defined as “a slip of paper containing a certificate” entitling the holder to some right or privilege.<sup>1</sup> It is generally held that “in the absence of statute, a mere license to witness the performance, which the owner of proprietor may revoke at will, either before or after admission of the ticket holder, and it is immaterial whether the ticket is one for general admission, or for particular seats, or to a designated portion of the place of amusement.”<sup>2</sup> Admission tickets are generally considered revocable licenses.<sup>3</sup> As such, a ticket can be revoked by the proprietor at any time.<sup>4</sup> When the proprietor “revokes or denies the holder’s admission to a performance, the holder has a cause of action for breach of contract.”<sup>5</sup> There has been some case law to suggest that under certain circumstances, season tickets can be regarded as a property right.<sup>6</sup> Generally, there is little regulation on the initial sale of tickets by the original ticket issuers. While traditionally tickets have been sold by venues or promoters, or resold by scalpers outside of venues where the events are taking place, online sales have come to dominate the ticket sale industry. Some examples of online ticket sellers include Tickets.com,<sup>7</sup> Ticketmaster,<sup>8</sup> StubHub,<sup>9</sup> and eBay.<sup>10</sup> Some ticket sellers will also “hold-back” tickets from primary sale.<sup>11</sup>

### Resale of Tickets in Florida

Current Florida law provides that any person or entity offering a resale of a ticket may only charge \$1 over the admission price charged by the original ticket seller for the following transactions:

- Tickets sold for passage or accommodation on any common carrier in Florida;<sup>12</sup>
- Multiday or multi-event tickets to a park or entertainment complex, or a concert, entertainment event, permanent exhibition, or recreational activity within a park or complex, including an entertainment/resort complex;<sup>13</sup>

<sup>1</sup> Black’s Law Dictionary, *What is TICKET*, available at <http://thelawdictionary.org/ticket/> (last visited Feb. 2, 2016).

<sup>2</sup> 27A Am. Jur. 2d Entertainment and Sports Law s. 42.

<sup>3</sup> *Jacksonville Bulls Football, Ltd. v. Blatt*, 535 So. 2d 626 (Fla. 3d DCA 1988).

<sup>4</sup> *Id* at 629.

<sup>5</sup> *Id* at 630. (citing *Marrone v. Washington Jockey Club*, 227 U.S. 633 (1913); *Burnham v. Flynn*, 189 N.Y. 180 (App. Ct. N.Y. 1907); *Boswell v. Barnum & Bailey*, 135 Tenn. 35 (Tenn. 1916)).

<sup>6</sup> *Grossman v. Boston Red Sox Baseball Club Ltd. P’ship. (In re Platt)*, 292 B.R. 12, 17 (US Bankr. Ct. for the Dist. Of Mass. 2003).

<sup>7</sup> Tickets.com, *About Us*, available at <http://www.tickets.com/about-us/> (last visited Feb. 2, 2016).

<sup>8</sup> Ticketmaster.com, *Who We Are*, available at [http://www.ticketmaster.com/about/about-us.html?tm\\_link=tm\\_i\\_abouttm](http://www.ticketmaster.com/about/about-us.html?tm_link=tm_i_abouttm) (last visited Feb. 2, 2016). Ticketmaster also owns *LiveNation*, which allows people to sell their TM+ event tickets through this website. Live Nation.com, *Frequently Asked Questions*, available at [http://concerts.livenation.com/h/help.html?tm\\_link=help\\_nav\\_4\\_top10](http://concerts.livenation.com/h/help.html?tm_link=help_nav_4_top10) (last visited Feb. 2, 2016).

<sup>9</sup> “StubHub is an eBay company.” StubHub.com, *Overview*, available at <http://www.stubhub.com/about-us/> (last visited Feb. 2, 2016).

<sup>10</sup> eBay.com, *Even Ticket Resale Policy*, available at <http://pages.ebay.com/help/policies/event-tickets.html> (last visited Feb. 2, 2016).

<sup>11</sup> Scott Simon, *Note: If You Can’t Beat ‘Em, Join ‘Em: Implications for New York’s Scalping Law in Light of Recent Developments in the Ticket Business*, 72 *Fordham L. Rev.* 1171, 1181.

<sup>12</sup> Section 817.36(1)(a), F.S. However, this provision does not apply to travel agencies that have an established place of business in this state and are required to pay state, county, and city occupational license taxes.

<sup>13</sup> Section 817.36(1)(b), F.S.

- Tickets for events for which 3,000 or fewer tickets are issued by a 501(c)(3) charitable organization;<sup>14</sup> and
- Tickets resold or offered through an Internet website unless authorized by the original ticket seller or when the website makes and posts the following certain guarantees and disclosures:
  - A full refund guarantee, including any servicing, handling, or processing fees, when the ticketed event is canceled, the purchaser is denied admission to the event through no fault of his or her own, or the ticket is not delivered in the requested manner and in accordance with any delivery guarantee made by the reseller and such failure results in the purchaser's inability to attend the ticketed event.
  - Disclosure that the website is not the issuer, original seller, or reseller of the ticket and does not control the pricing of the ticket.<sup>15</sup>

Any ticket outside the four categories listed above may be sold at any amount over the original admissions price. Any sales tax due on resold tickets is to be remitted to the Florida Department of Revenue, in accordance with s. 212.04, F.S.<sup>16</sup>

Section 817.36(4), F.S., imposes a civil penalty on an individual or entity who knowingly resells a ticket or tickets in violation of this section equal to three times the amount of the price of the ticket or tickets that were resold. An individual or entity that uses or sells software to circumvent security measures used to ensure equitable ticket-buying on a ticket seller's website is subject to a civil penalty, paid to the state, equal to three times the amount of the price of the ticket or tickets sold.<sup>17</sup>

### **Regulation of Fraudulent Ticket Sales**

Pursuant to s. 817.361, F.S., it is a second degree misdemeanor<sup>18</sup> to offer for sale, sell, or transfer, with or without consideration, any nontransferable multiuse ticket<sup>19</sup> that has been used at least once for admission. A second or subsequent violation of this section results in a third degree felony.<sup>20</sup>

---

<sup>14</sup> Section 817.36(1)(c), F.S. However, the ticket must be printed with the following statement: "Pursuant to s. 817.36, Florida Statutes, this ticket may not be resold for more than \$1 over the original admission price." This provision does not apply to tickets issued or sold by a third-party contractor ticketing service on behalf of a charitable organization, unless the required disclosure is printed on the ticket.

<sup>15</sup> Section 817.36(1)(d), F.S.

<sup>16</sup> Section 817.36(3), F.S. Section 212.04, F.S., imposes a tax on sale of admissions and also provides exceptions to this rule.

<sup>17</sup> Section 817.36(5), F.S.

<sup>18</sup> Section 775.082(4)(b), F.S., provides that a misdemeanor of the second degree is punishable by a term of imprisonment not exceeding 60 days. Section 775.083(1)(e), F.S., provides that a person convicted of a misdemeanor of the second degree is subject to a fine not to exceed \$500.

<sup>19</sup> A multiuse ticket is a ticket that is designed for admission to more than one theme park complex or to more than one amusement location in a theme park complex, or for admission for more than 1 day or more than once in the same day to one or more such locations or facilities in a theme park complex.

<sup>20</sup> Section 775.082(3)(e), F.S., provides that a felony of the third degree is punishable by a term of imprisonment not exceeding 5 years. Section 775.083(1)(c), F.S., provides that a person convicted of a felony of the third degree is subject to a fine not to exceed \$5,000. Section 775.082, F.S., provides for enhanced penalties for habitual offenders.

Pursuant to s. 817.355, F.S., it is a first degree misdemeanor<sup>21</sup> to counterfeit, forge, alter, or possess a ticket with the intent to defraud a facility.

Pursuant to s. 817.357, F.S., it is a violation of the Florida Deceptive and Unfair Trade Practices Act<sup>22</sup> to knowingly purchase a quantity of tickets exceeding the maximum ticket limit with the intent to resell the tickets. This section does not apply to the original ticket seller.<sup>23</sup>

### III. Effect of Proposed Changes:

The bill amends s. 817.36, F.S., governing the resale of tickets in this state, by regulating the restrictions that may be placed on tickets by an operator of a place of entertainment or the operator's agent. The bill defines "ticket" as a license issued by the operator of a place of entertainment for admission to that place of entertainment at the date and time specified on the ticket, subject to the terms and conditions specified by the operator.

The bill prohibits an operator of a place of entertainment or the operator's agent from doing any of the following:

- Restricting the resale of tickets included in a subscription or season ticket package as a condition of purchase, as a condition of the right to retain tickets for the duration of the subscription or season, or as a condition to purchase future subscription or season ticket packages;
- Denying access to an individual who possesses a resold subscription or season ticket to an event based solely on the grounds that the ticket has been resold; or
- Using a paperless ticketing system unless the paperless ticket may be transferred by the consumer without fee or restriction or the consumer is given an option to purchase tickets in another transferable form, such as a paper or electronic ticket, at the time of purchase.

The bill also requires that the consumer must be able to transfer the ticket independently of the operator or the operator's agent and the price of the ticket must be the same regardless of the form or transferability of the ticket. The ability to transfer a ticket does not constitute a service charge.

The bill does not prohibit an operator or an operator's agent from maintaining and enforcing policies related to conduct and behavior at the place of entertainment, including, but not limited to, policies necessary for the protection and safety of patrons or policies that address fraud or misconduct. The bill does not prohibit an operator or an operator's agent from restricting the resale of tickets that are sold as part of a targeted promotion, sold at a discount price, or provided free of charge to specific individuals or groups.

---

<sup>21</sup> Section 775.082(4)(a), F.S., provides that a misdemeanor of the first degree is punishable by a term of imprisonment not to exceed 1 year. Section 775.083(1)(d), F.S., provides that a person convicted of a misdemeanor of the first degree is subject to a fine not to exceed \$1,000.

<sup>22</sup> Sections 501.201-501.213, F.S.

<sup>23</sup> "Original ticket seller" means the issuer of the ticket or a person or firm who provides distribution services or ticket sales services under a contract with such issuer.

The bill also prohibits an operator or an operator's agent from selling or conveying tickets to any secondary ticket reseller owned or controlled by the operator or the operator's agent.

The bill takes effect on July 1, 2016.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill does not define a "place of entertainment," which may cause confusion as to which businesses are subject to the provisions under the bill.

Line 68 of the bill provides that the new subsection (7) created by the bill "may not be construed to prohibit" other specified activities by an operator or operator's agent. The provision could be reworded to state that the new subsection "does not prohibit" those other specified activities, to more directly state the law.



**VIII. Statutes Affected:**

This bill substantially amends section 817.36 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

---

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

---

By Senator Smith

31-01310-16

20161344\_\_

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.

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

18 Section 1. Present subsections (1) through (5) of section  
 19 817.36, Florida Statutes, are redesignated as subsections (2)  
 20 through (6), respectively, present subsection (6) of that  
 21 section is amended, and subsections (7) and (8) are added to  
 22 that section, to read:

23 817.36 Resale of tickets.—

24 (1)~~(6)~~ As used in this section, the term:

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

31-01310-16

20161344\_\_

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

31-01310-16 20161344\_\_

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

Page 3 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

31-01310-16 20161344\_\_

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

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

Page 4 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

---

BILL: CS/SB 1386

INTRODUCER: Banking and Insurance Committee and Senator Richter

SUBJECT: Life Insurers

DATE: February 5, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matiyow</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Little</u>	<u>McKay</u>	<u>CM</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

Licensed insurance agents are currently authorized to sell insurance policies for the coverage of funeral related expenses, as long as the policies do not exceed \$12,500, plus an annual percentage increase based on the Annual Consumer Price Index (CPI) compiled by the United States Department of Labor for the year 2003.

CS/SB 1386 increases the allowable amount of coverage for insurance policies related to funeral expenses to \$21,000, plus an annual increase based on the CPI, beginning with the 2016 CPI.

The bill is effective upon becoming law.

**II. Present Situation:**

In Florida, the Florida Funeral, Cemetery, and Consumer Services Act (act) protects death care industry consumers purchasing burial related services, merchandise, and preneed burial rights.<sup>1</sup> Burial services are those “offered or provided in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains or cremated remains.”<sup>2</sup> Burial merchandise includes personal property sold in connection with the burial such as caskets, urns, monuments, floral arrangements, acknowledgement cards, and register books.<sup>3</sup>

---

<sup>1</sup> See ch. 497, F.S.

<sup>2</sup> Section 497.005(8), F.S.

<sup>3</sup> Section 497.005(6), F.S.

Consumers are able to make arrangements for burial services and merchandise through a preneed contract.<sup>4</sup> The act requires funeral establishments, cemetery companies, direct disposal establishments, and monument establishments, and their agents, to obtain a valid preneed license prior to providing services pursuant to a preneed contract.<sup>5</sup> Preneed contracts detail the goods and services to be provided, the costs of the services, and the funding method of the services. A preneed contract must be secured by one of three methods: 1) a trust account; 2) a letter of credit; or 3) an individual insurance policy.

The sales of individual insurance policies obtained to secure preneed contracts are regulated under ch. 626, F.S. Licensed insurance agents are authorized to sell policies of insurance to cover the expenses of final disposition or burial of an insured.<sup>6</sup> A funeral director, direct disposer, or an employee of a funeral establishment may also obtain an insurance agent license for the limited purpose of selling life insurance policies in conjunction with the prearrangement of funeral services or merchandise.<sup>7</sup>

Current law authorizes such licensed insurance agents to sell insurance policies for the coverage of burial related expenses, as long as the policies do not exceed \$12,500 per person, plus an annual percentage increase based on the Annual Consumer Price Index (CPI) compiled by the United States Department of Labor for the year 2003.<sup>8</sup> When taking into account the consumer price index from 2003 through 2015, the current cap for an insurance policy covering a preneed contract would be approximately \$16,000. It is unclear whether a formal mechanism exists by which the Office of Insurance Regulation monitors any CPI increase to the cap. The relevant administrative rule refers back to s. 626.785, F.S., and does not specify a CPI-indexed amount.<sup>9</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 626.785, F.S., to increase the allowable amount of coverage an insurance agent is able to sell for insurance policies covering burial related expenses. The bill increases the policy coverage maximum to \$21,000, plus an annual increase based on the CPI, beginning with the 2016 CPI. The bill will allow individuals, securing preneed contracts by means of insurance policies, to obtain a greater amount of coverage for burial services and merchandise.

**Section 2** provides that the bill is effective upon becoming law.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

---

<sup>4</sup> A preneed contract refers to “any arrangement or method of which the provider of funeral merchandise or services has actual knowledge, whereby any person agrees to furnish funeral merchandise or service in the future.” Section 497.005(56), F.S.

<sup>5</sup> Section 497.52, F.S.

<sup>6</sup> Section 626.785(1)(d), F.S.

<sup>7</sup> Section 626.785(3), F.S.

<sup>8</sup> Section 626.785(3), F.S.

<sup>9</sup> See Rule 69O-148.001, F.A.C.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals securing preneed contracts by means of insurance policies will be able to cover greater costs of burial services and merchandise.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 626.785 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Banking and Insurance on January 26, 2016:**

- Replaces the limit of \$22,500 with \$21,000 and also includes this new limit in subsection (1)(d).
- Changes the CPI date from 2003 to 2016.

B. Amendments:

None.

By the Committee on Banking and Insurance; and Senator Richter

597-02616-16

20161386c1

1 A bill to be entitled  
 2 An act relating to life insurers; amending s. 626.785,  
 3 F.S.; revising amounts of coverage of certain life  
 4 insurance policies that may be sold by specified  
 5 persons; revising the version of the Annual Consumer  
 6 Price Index used as a basis for calculating certain  
 7 annual percentage increases in specified policies;  
 8 providing an effective date.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

11  
 12 Section 1. Paragraph (d) of subsection (1) and subsection  
 13 (3) of section 626.785, Florida Statutes, are amended to read:

14 626.785 Qualifications for license.—

15 (1) The department shall not grant or issue a license as  
 16 life agent to any individual found by it to be untrustworthy or  
 17 incompetent, or who does not meet the following qualifications:

18 (d) Must not be a funeral director or direct disposer, or  
 19 an employee or representative thereof, or have an office in, or  
 20 in connection with, a funeral establishment, except that a  
 21 funeral establishment may contract with a life insurance agent  
 22 to sell a preneed contract as defined in s. 497.005.

23 Notwithstanding other provisions of this chapter, such insurance  
 24 agent may sell limited policies of insurance covering the  
 25 expense of final disposition or burial of an insured in the  
 26 amount of \$21,000 ~~\$12,500~~, plus an annual percentage increase  
 27 based on the Annual Consumer Price Index compiled by the United  
 28 States Department of Labor, beginning with the Annual Consumer  
 29 Price Index announced by the United States Department of Labor  
 30 for the year 2016 ~~2003~~.

31 (3) Notwithstanding any other provisions of this chapter, a  
 32 funeral director, a direct disposer, or an employee of a funeral

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

597-02616-16

20161386c1

33 establishment that holds a certificate of authority pursuant to  
 34 s. 497.452 may obtain an agent's license to sell only policies  
 35 of life insurance covering the expense of a prearrangement for  
 36 funeral services or merchandise so as to provide funds at the  
 37 time the services and merchandise are needed. The face amount of  
 38 insurance covered by any such policy shall not exceed \$21,000  
 39 ~~\$12,500~~, plus an annual percentage increase based on the Annual  
 40 Consumer Price Index compiled by the United States Department of  
 41 Labor, beginning with the Annual Consumer Price Index announced  
 42 by the United States Department of Labor for 2016 ~~2003~~.

43 Section 2. This act shall take effect upon becoming a law.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Ethics and Elections, *Chair*  
Banking and Insurance, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Health  
and Human Services  
Commerce and Tourism  
Regulated Industries  
Rules

### SENATOR GARRETT RICHTER

*President Pro Tempore*  
23rd District

January 26, 2016

The Honorable Nancy Detert, Chair  
Senate Commerce and Tourism  
310 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chair Detert:

CS/Senate Bill 1386, relating to Life Insurers, has been referred to the Committee on Commerce and Tourism. I would appreciate the placing of this bill on the committee's agenda at your earliest convenience.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Garrett Richter".

Garrett Richter

cc: Todd McKay, Staff Director

REPLY TO:

- 3299 E. Tamiami Trail, Suite 203, Naples, Florida 34112-4961 (239) 417-6205
- 404 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023
- 25 Homestead Road North, Suite 42 B, Lehigh Acres, Florida 33936 (239) 338-2777

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore





# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Ethics and Elections, *Chair*  
Banking and Insurance, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Health  
and Human Services  
Commerce and Tourism  
Regulated Industries  
Rules

## SENATOR GARRETT RICHTER

*President Pro Tempore*  
23rd District

February 5, 2016

The Honorable Nancy Detert, Chair  
Senate Commerce and Tourism  
310 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chair Detert:

Thank you for placing CS/Senate Bill 1386, relating to Life Insurers, on your agenda. Unfortunately I will not be able to present this bill, and am requesting that Michael Nacheff, my aide, be allowed to present the bill in my absence.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Garrett Richter".

Garrett Richter

cc: Todd McKay, Staff Director

REPLY TO:

- 3299 E. Tamiami Trail, Suite 203, Naples, Florida 34112-4961 (239) 417-6205
- 404 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023
- 25 Homestead Road North, Suite 42 B, Lehigh Acres, Florida 33936 (239) 338-2777

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



# FLORIDA SPORTS

F O U N D A T I O N

# FSF Funding

## Specialty License Plates



# Sports Industry Economic Impact Studies

Florida Sports Foundation is responsible for the economic impact studies for the sports industry including: Golf, Fishing and Boating, Major League Baseball Spring Training, and the overall Sports Industry.



# \$44 Billion Industry

**Florida Sports Foundation's 2013-2014 Economic Impact Survey of Sports indicates Florida Sports and Recreation spending is responsible for \$44.4 billion in total economic impact, or roughly 3.5% of Florida's Gross State Product.**

**In 2013-2014, Sports Events and Recreation activities attracted more than 13.3 million out-of-state visitors to the state of Florida.**

**Sports and Recreation activities throughout the state of Florida support over 431,812 jobs.**



# Grant Programs

## Major Grants

Events that generate more than \$5 Million in out-of-state economic impact.

## Regional Grants

Events that generate more than \$500,000 in out-of-state economic impact and at least 600 out-of-state bed nights.

## Small Market Grants

Small Market Grants were implemented to assist Florida's small market Communities, or communities with low hotel inventory.

## Sports Industry Conference Assistance (SICA)

SICA Grants are designed to bring decisions makers to the state of Florida, to assist in generating viable sales leads.

### All Grant Programs require:

- Community Support/Matching Funds
- Post-event report including proof of out-of-state participants & visitors, out-of-state economic impact and hotel room nights to be funded.

# Grant Programs

The Florida Sports Foundation's Grant Programs assist communities and host organizations in attracting sporting events, which bring out-of-state visitors and generate significant economic impact for the state of Florida.

In Fiscal Year 2014-15, the Florida Sports Foundation's grant program awarded:

**127** grants

**\$606 million** in economic impact for the state

**660,000** out-of-state visitors

In the first two quarters of this FY, the Florida Sports Foundation's grant program has awarded:

**61** grants to 21 Regions throughout the state of Florida

It is projected that **\$50 million** in sales tax and tourist taxes will be created from grant-funded events in last FY.



# Grant Program Effectiveness



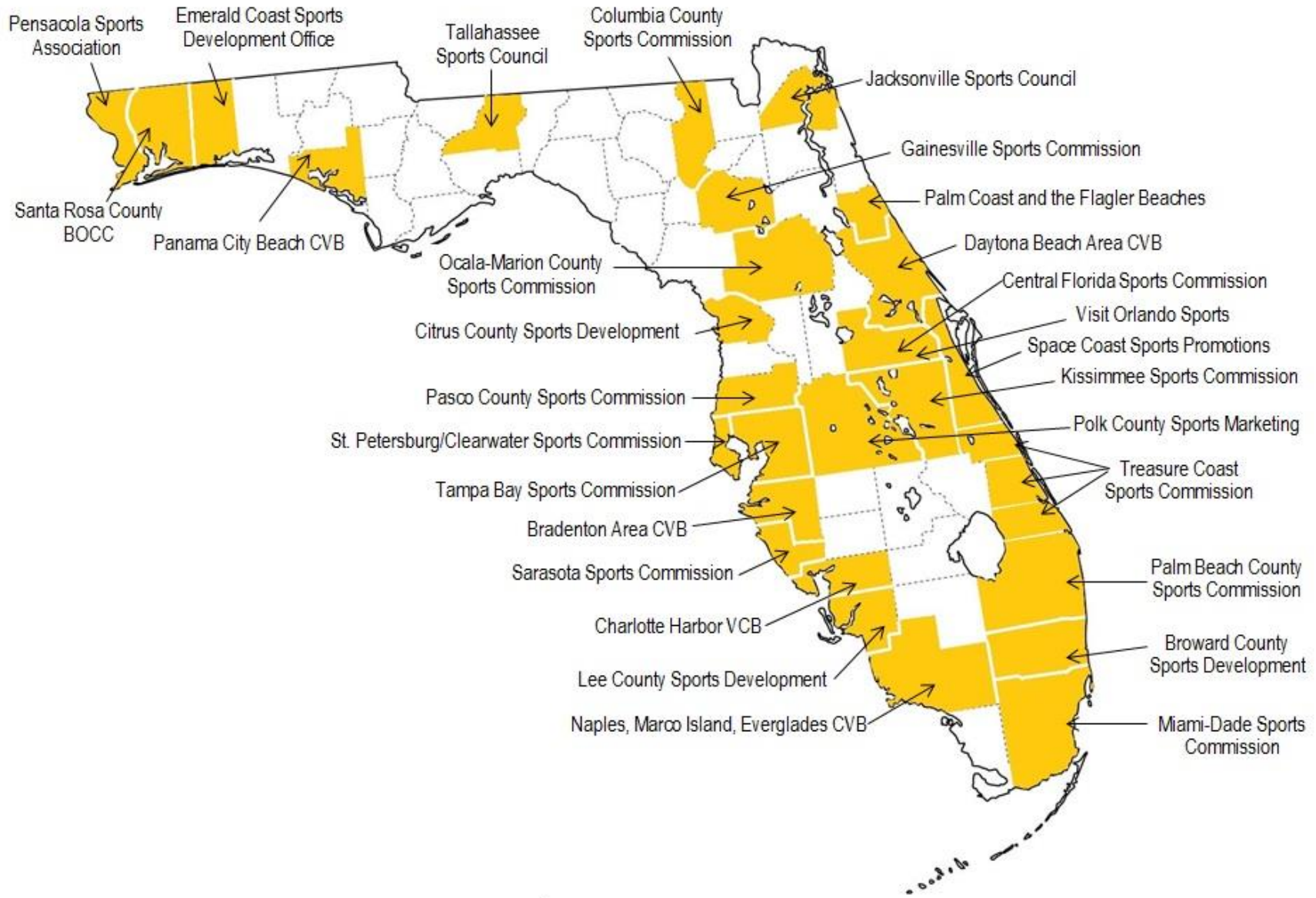
Office of  
Economic & Demographic Research  
ECONOMIC & DEMOGRAPHIC RESEARCH

**\$1 : \$5.61 ROI**





# Florida's Sports Commissions



# Annual Sports Summit



# Florida Senior Games

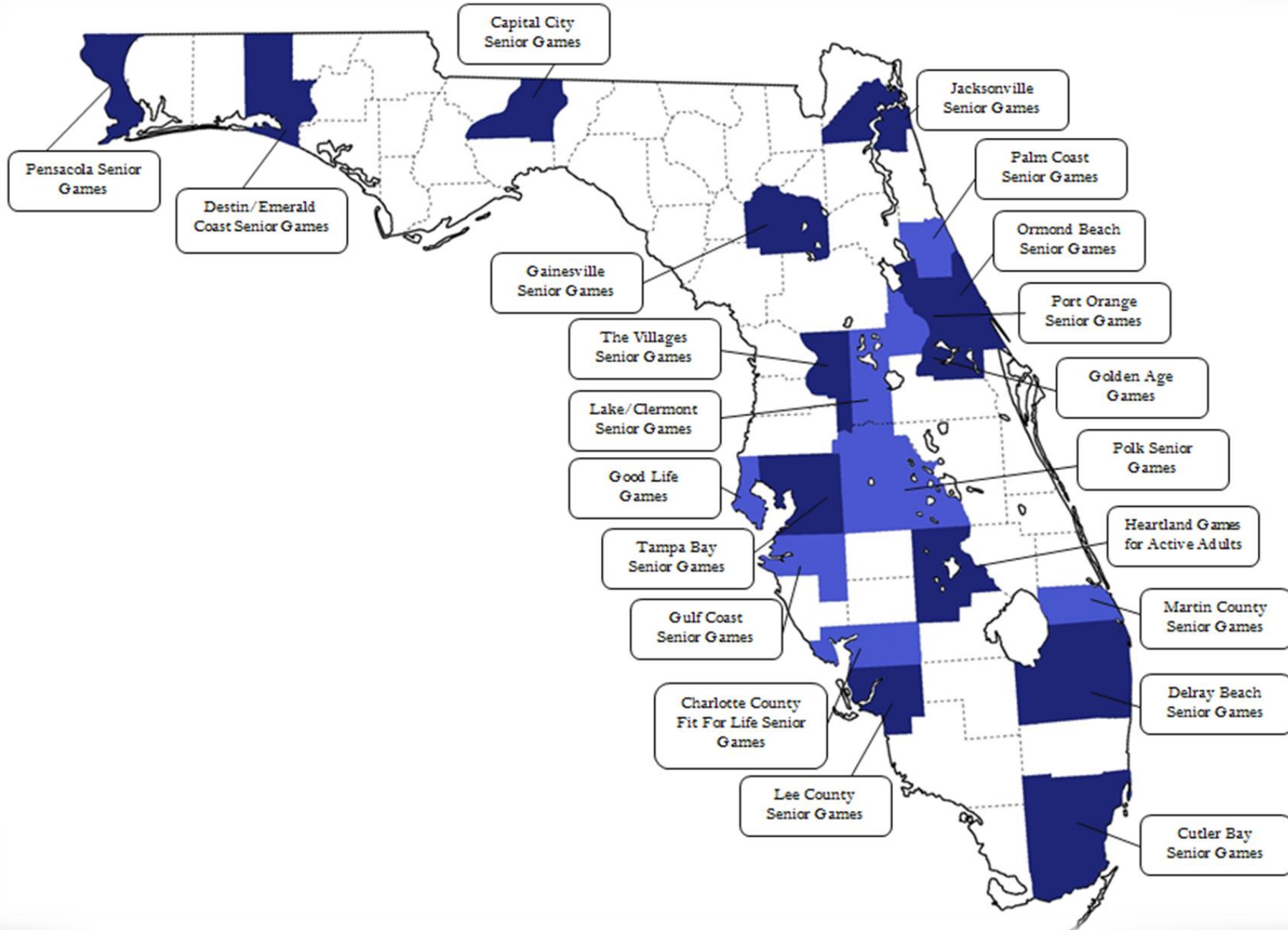
For 25 years, the Florida Senior Games has served as a world-class, Olympic-style international sporting event for athletes 50 years and older, hosting over 24 different sports.



The Senior Games are dedicated to fitness and wellness, symbolizing Florida's emphasis on promoting healthy aging through sport.



# Senior Games Regional Qualifiers



# Sunshine State Games

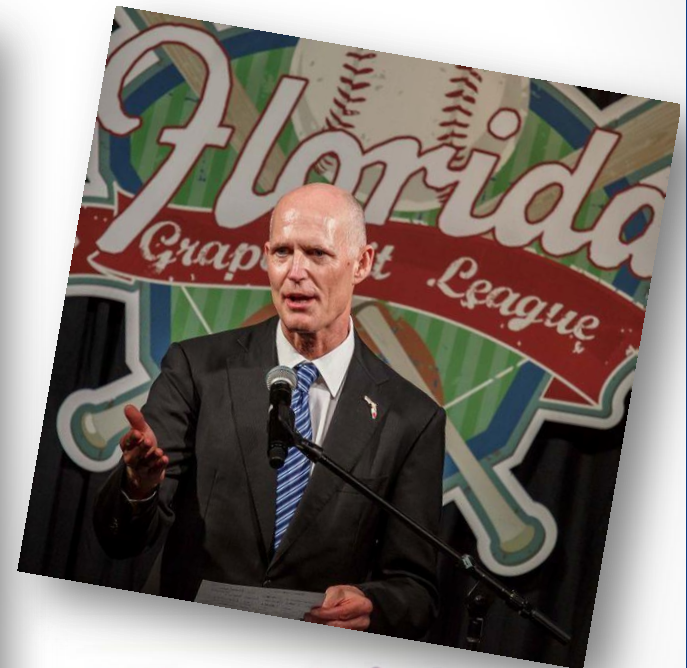
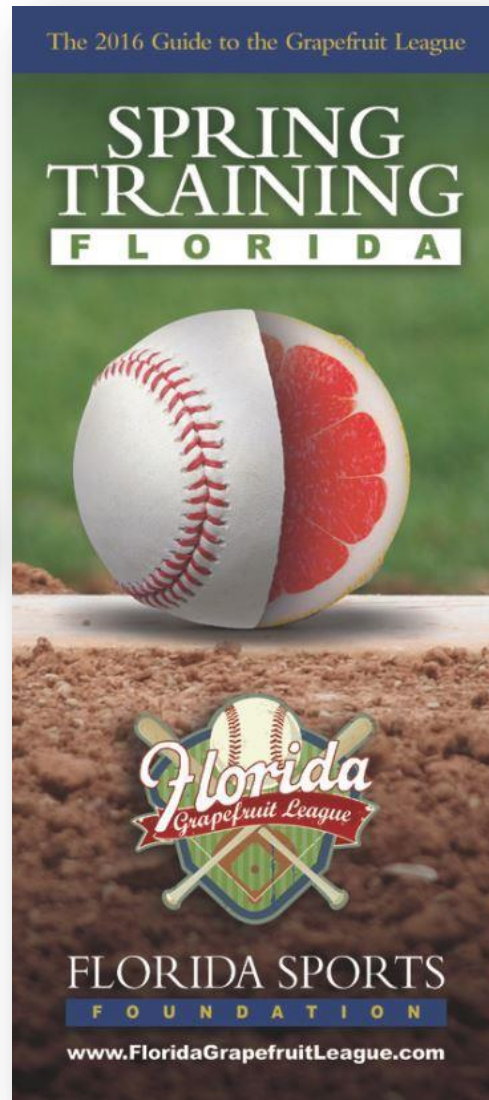


Florida's Sunshine State Games is the longest standing multi-sport festival in the U.S. serving amateur athletes for 36 years. The Sunshine State Games offers diverse sports competitions with 28 sports to participate in.

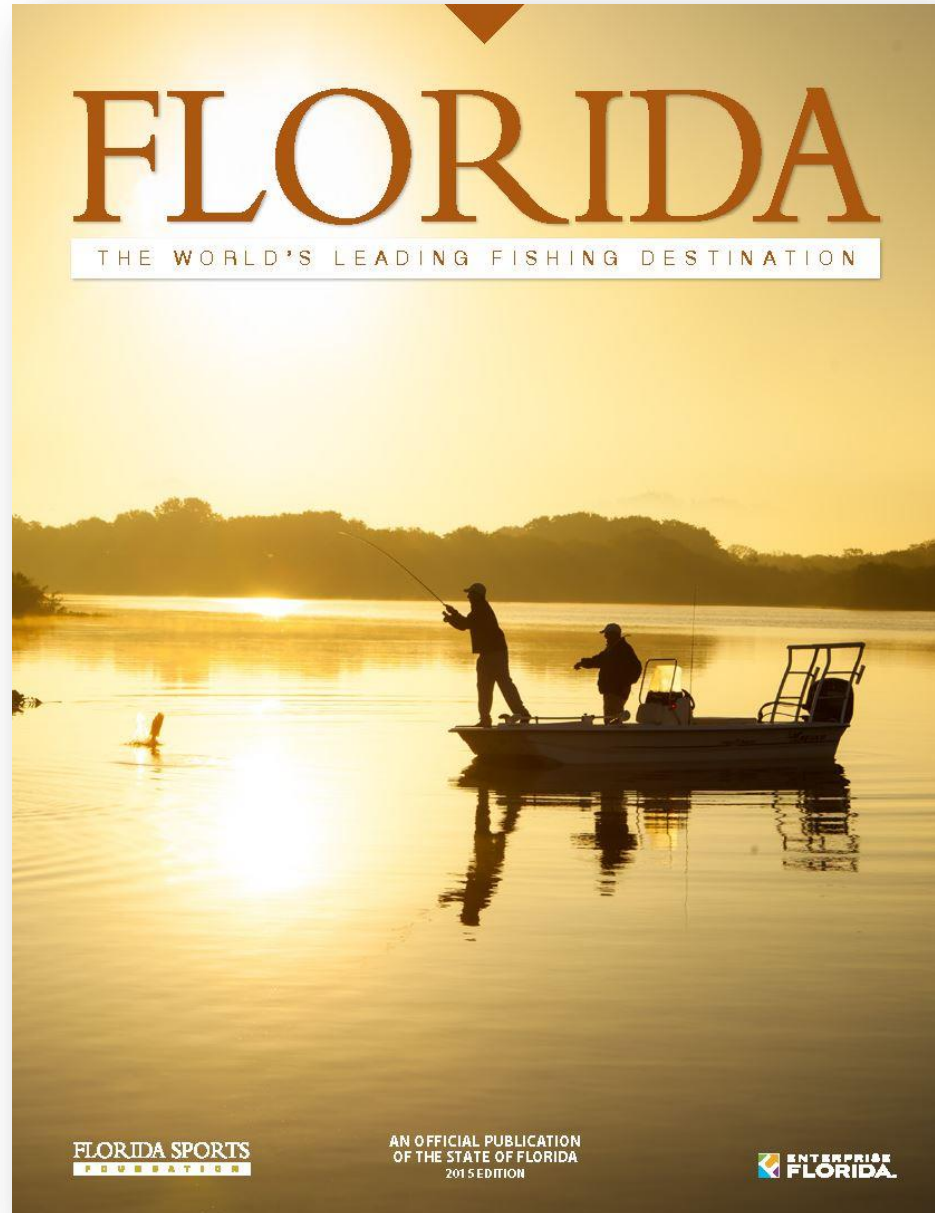


# Florida Grapefruit League

## MLB Spring Training



# Florida Fishing Guide



FLORIDA SPORTS  
FOUNDATION

AN OFFICIAL PUBLICATION  
OF THE STATE OF FLORIDA  
2015 EDITION

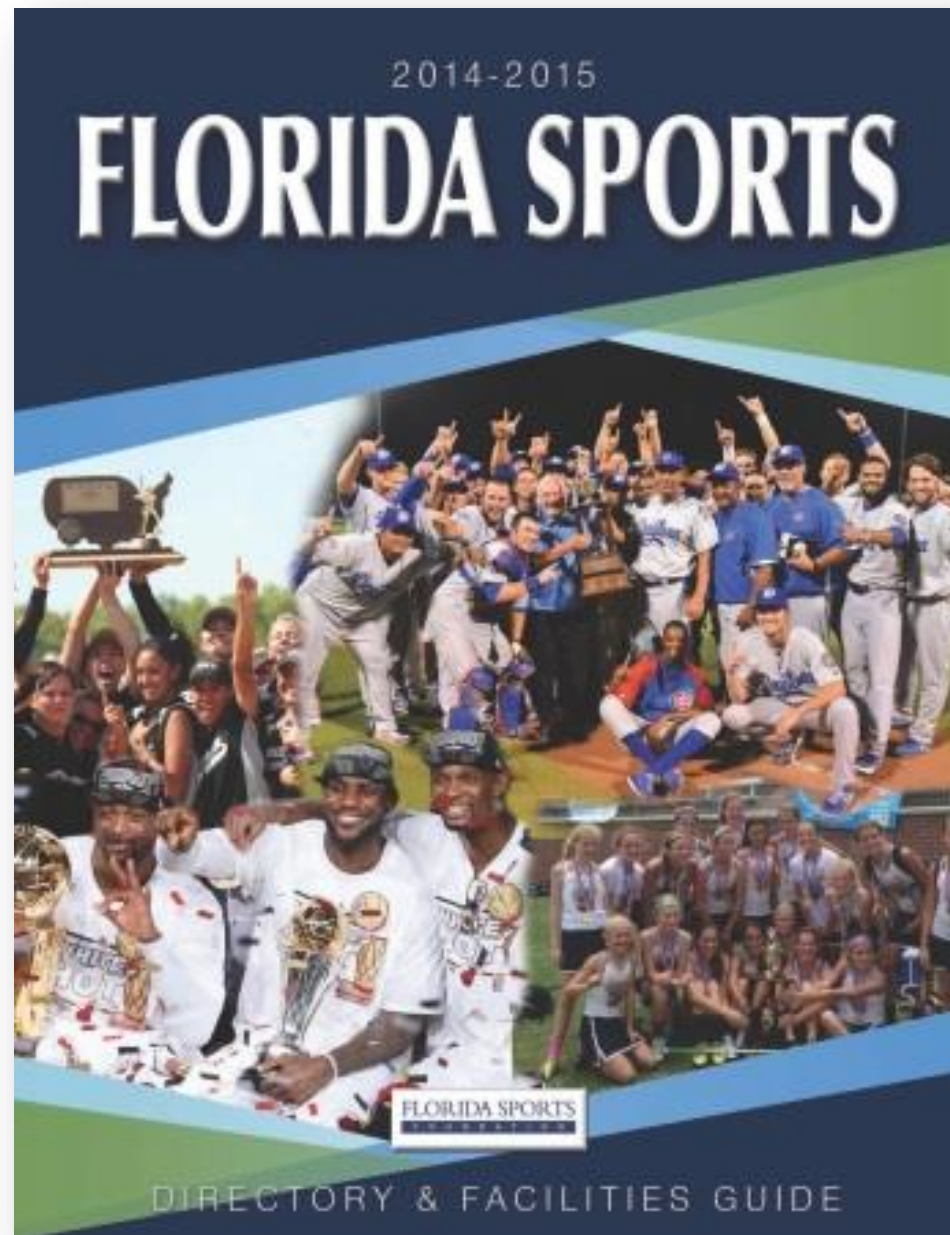
ENTERPRISE  
FLORIDA

# Florida Golf Guide





# Sports Directory & Facilities Guide





## **John Webb, President**

**101 N. Monroe Street, Suite 1000**

**Tallahassee, FL 32301**

**[jwebb@flsports.com](mailto:jwebb@flsports.com)**

**850-488-8347**





**RICK SCOTT**  
GOVERNOR

RECEIVED  
DEPARTMENT OF STATE  
2015 JUN 17 AM 11:52  
DIVISION OF ELECTIONS  
TALLAHASSEE, FL

June 15, 2015

Secretary Kenneth W. Detzner  
Department of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 288.901, Florida Statutes:

Mr. Jesse M. Biter  
1233 N. Gulfstream Ave  
PH-1  
Sarasota, Florida 34236

as a member of the Board of Directors, Enterprise Florida, Inc., subject to confirmation by the Senate. This appointment is effective June 12, 2015, for a term ending September 30, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/cw

# OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

15 JUL -2 AM 9:43

STATE OF FLORIDA

County of Sarasota

DIVISION OF ELECTIONS  
SECRETARY OF STATE

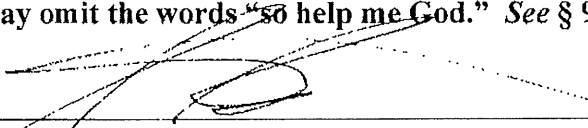
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board of Directors, Enterprise Florida, Inc.

(Title of Office)

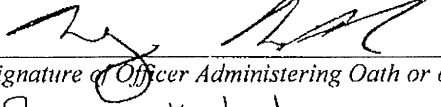
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

  
Signature

Sworn to and subscribed before me this 29 day of June, 2015.

**RAY BENJAMIN KIEKEL**  
Notary Public, State of Florida  
My Comm. Expires April 27, 2019  
No. FF 224840

  
Signature of Officer Administering Oath or of Notary Public

Ray Kiel  
Print, Type or Stamp Commissioned Name of Notary Public

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

## ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address:  Home  Office

1233 N. Gulfstream Avenue, #1

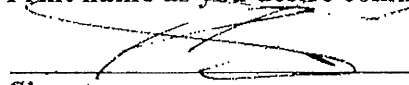
Street or Post Office Box

Sarasota, Florida 34236

City, State, Zip Code

Jesse Biter

Print name as you desire commission issued

  
Signature

### CERTIFICATION

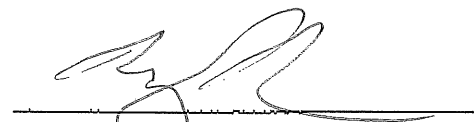
#### STATE OF FLORIDA, COUNTY OF

Before me, the undersigned Notary Public of Florida, personally appeared \_\_\_\_\_, who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.



Signature of Applicant-Affiant

Sworn to and subscribed before me  
this 28<sup>th</sup> day of Sept, 2015.



Signature of Notary Public-State of Florida

**RAY BENJAMIN KIEKEL**  
Notary Public, State of Florida  
My Comm. Expires April 27, 2019  
No. FF 224849

Ray Kiekkel

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 09/27/2019

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

(seal)



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Community Affairs  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Commerce and Tourism- Vice Chair  
Transportation  
Ethics and Elections

### JOINT COMMITTEE:

Joint Administrative Procedures Committee

**SENATOR GERALDINE F. THOMPSON**  
12th District

February 2, 2016

The Honorable Senator Detert  
416 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chair Detert:

I respectfully request an excused absence from the February 8, 2016 meeting of the Committee on Commerce and Tourism.

Sincerely,

A handwritten signature in cursive script that reads "Geraldine F. Thompson".

Senator Geraldine F. Thompson, D-12

REPLY TO:

- 511 W. South Street, Suite 204, Orlando, Florida 32805
- 210 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Commerce and Tourism, *Chair*  
Education Pre-K - 12, *Vice Chair*  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Banking and Insurance  
Children, Families, and Elder Affairs

### JOINT COMMITTEE:

Joint Administrative Procedures Committee

**SENATOR NANCY C. DETERT**

28th District

February 8, 2016

The Honorable Andy Gardiner  
President of the Florida Senate  
409 The Capitol  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Dear Mr. Chair:

I respectfully request that I be granted an excused absence from the Senate Commerce Committee meeting today. I was presenting a bill in another committee and by the time I got back to my meeting, the meeting had adjourned.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, reading "Nancy C. Detert".

Nancy C. Detert

NCD/ca

cc: Debbie Brown, Secretary of the Senate  
Todd McKay, Staff Director, Senate Commerce Committee

### REPLY TO:

- 417 Commercial Court, Suite D, Venice, Florida 34292 (941) 480-3547 FAX: (941) 480-3549
- 416 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5028

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Ethics and Elections, *Chair*  
Banking and Insurance, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Health  
and Human Services  
Commerce and Tourism  
Regulated Industries  
Rules

## SENATOR GARRETT RICHTER

*President Pro Tempore*  
23rd District

February 5, 2016

The Honorable Nancy Detert, Chair  
Committee on Commerce and Tourism  
310 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Madam Chair:

I respectfully ask to be excused from the Commerce and Tourism meeting scheduled for Monday February 8th, 2016.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Garrett S. Richter".

Garrett S. Richter

cc: Todd McKay, Staff Director  
Patty Blackburn, Administrative Assistant

REPLY TO:

- 3299 E. Tamiami Trail, Suite 203, Naples, Florida 34112-4961 (239) 417-6205
- 404 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

ANDY GARDINER  
President of the Senate

GARRETT RICHTER  
President Pro Tempore



# CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Commerce and Tourism Committee

Judge:

Started: 2/8/2016 4:04:00 PM

Ends: 2/8/2016 4:20:07 PM Length: 00:16:08

4:03:58 PM Order  
4:04:07 PM Order  
4:04:07 PM Roll  
4:04:09 PM Quorum Present  
4:04:36 PM Senators Thompson and Richter excused  
4:04:42 PM CS/SB 1120 Senator Abruzzo  
4:05:19 PM Questions  
4:05:22 PM Senator Bean  
4:05:42 PM Senator Ring  
4:06:28 PM Appearance  
4:06:31 PM Tim Meenan - Motor Vehicle Aucillary Products Assoc  
4:06:43 PM Debate  
4:06:45 PM Close  
4:06:48 PM Roll Call CS/SB 1120  
4:06:57 PM CS/SB 1120 Reported Favorably  
4:07:16 PM CS/SB 1386 Senator Richter  
4:07:32 PM Presentation by John Webb - President of FL Sports Foundation  
4:17:06 PM Questions  
4:17:21 PM CS/SB 1386 Senator Richter  
4:17:33 PM Richter's Legislative Aide, Michael Nachef  
4:17:53 PM Questions  
4:18:28 PM Appearance  
4:18:34 PM Debate  
4:18:37 PM Close  
4:18:45 PM Roll Call CS/SB 1386  
4:18:54 PM CS/SB 1386 Reported Favorably  
4:19:14 PM Appointment  
4:19:18 PM Board of Directors Enterprise FL - Jesse Biter (Sarasota)  
4:19:38 PM Senator Bean Recommends Confirmation  
4:19:42 PM Roll Call  
4:19:52 PM Confirmation Recommended Favorably  
4:20:00 PM Meeting Adjourned