

HB 993

2008

1 A bill to be entitled
2 An act relating to airline travel; requiring that, upon
3 the cancellation or delay of a flight by more than 1 hour,
4 the airline honor the purchaser's ticket at a later date
5 or reimburse the purchaser the cost of the ticket and pay
6 the purchaser an amount equal to the airline's flight-
7 change penalty fee; providing for certain specified
8 exceptions for canceled or delayed flights; defining the
9 term "terrorist threat"; providing for additional
10 remedies; providing for an award of damages, costs, and
11 attorney's fees; providing that an airline violating the
12 act more than once within a calendar year commits a
13 misdemeanor of the second degree; providing penalties;
14 providing that there is no expiration date for an airline
15 ticket issued anywhere in the world for an airline flight
16 originating in this state; requiring an airline to accept
17 a nonrefundable ticket under certain circumstances;
18 authorizing on airline to charge a transfer fee; providing
19 an exception; requiring airlines to notify passengers when
20 a previously delayed or canceled flight is reinstated;
21 providing penalties for the failure to do so; requiring
22 airlines to provide specific amenities to on-board
23 passengers whose flights are delayed more than 3 hours;
24 requiring airlines to provide specific notice of
25 passengers' rights; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
28

29 Section 1. (1) An airline that cancels a flight or delays
30 a flight by more than 1 hour must honor a purchaser's ticket at
31 a later date or reimburse the purchaser the cost of the ticket
32 and pay the purchaser an amount equal to the airline's flight-
33 change penalty fee. The reimbursement for the ticket and payment
34 of the flight-change fee is in addition to any other remedy the
35 ticket purchaser may have against the airline.

36 (2) Subsection (1) does not apply if the flight delay or
37 cancellation is caused by:

38 (a) Inclement weather;

39 (b) An immediate terrorist threat;

40 (c) International conditions that are not related to
41 terrorism, including riots, civil unrest, embargoes, or war; or

42 (d) A condition outside the control of the airline.

43 (3) The term "terrorist threat" means a threat of a
44 violent act or threat of an act that is dangerous to human life,
45 that is a violation of the criminal laws of this state or of the
46 United States, and that is intended to:

47 (a) Intimidate, injure, or coerce a civilian population;

48 (b) Influence the policy of a government by intimidation
49 or coercion; or

50 (c) Affect the conduct of a government through destruction
51 of property, assassination, murder, kidnapping, or aircraft
52 piracy.

53 (4) In addition to any other penalties or remedies
54 provided by law, a person aggrieved by a knowing and willful
55 violation of this section may bring a civil action against the

56 airline for the recovery of actual and consequential damages,
57 court costs, and reasonable attorney's fees.

58 (5) An airline that violates this section more than one
59 time within a calendar year commits a misdemeanor of the second
60 degree, punishable as provided in s. 775.082 or s. 775.083,
61 Florida Statutes.

62 Section 2. (1) There is no expiration date for an airline
63 ticket issued anywhere in the world for an airline flight
64 originating in this state.

65 (2) If the airline ticket is nonrefundable and the ticket
66 purchaser is unable to use the ticket, the airline must allow
67 the ticket to be transferred to another person. The airline may
68 charge the purchaser a processing fee of 25 percent of the
69 original ticket price or \$50, whichever is less. A ticket
70 purchaser may not transfer a ticket if the ticket purchaser
71 missed the flight due to his or her fault.

72 Section 3. If a flight that is delayed subsequently
73 reverts to the original schedule and the airline does not notify
74 the passengers of the status change, the airline shall reimburse
75 the ticket price, plus an amount equal to the airline's flight-
76 change fee, to any passenger who does not receive notice of the
77 reinstated flight.

78 Section 4. (1) If airline passengers are delayed more
79 than 3 hours prior to takeoff after boarding an aircraft, the
80 carrier shall provide the passengers with:

81 (a) Electric generation service to provide temporary power
82 for air conditioning and lights;

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83 (b) Waste removal service for the on-board restroom
84 holding tanks; and

85 (c) Adequate food, water, and other refreshments.

86 (2) Carriers shall provide consumer complaint contact
87 information on documents provided to passengers or signs posted
88 at service desks and other appropriate areas in its respective
89 areas of airports. The notice shall contain the following
90 information:

91 (a) The telephone number, electronic mail address, and
92 mailing address of the Aviation Consumer Protection Division of
93 the Office of Aviation Enforcement of the United States
94 Department of Transportation; and

95 (b) An explanation of the rights of airline passengers
96 provided by this act.

97 Section 5. This act shall take effect July 1, 2008.