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1 A bill to be entitled
2 An act relating to sellers of travel; amending s. 559.927,
3 F.S.; clarifying the definition of "prearranged travel,
4 tourist-related services, or tour-guide services";
5 amending s. 559.9285, F.S.; clarifying language that
6 categorizes the scope of activities of sellers of travel
7 who are certifying parties; amending s. 559.9335, F.S.;
8 clarifying language that provides that it is a violation
9 of the Florida Sellers of Travel Act to offer to sell to
10 individuals or groups, at wholesale or retail, prearranged
11 travel which originates in Florida and the direct
12 destination of which is any terrorist state, or
13 prearranged tourist-related services or tour-guide
14 services which originate in Florida and that are related
15 to direct travel to any terrorist state or that are for
16 consumption in any terrorist state following travel
17 directly thereto by the purchaser or purchasers of such
18 services, without disclosing such business activities in
19 the required filing of a certification; amending s.
20 559.937, F.S.; clarifying language which provides a
21 criminal penalty for violation of the Florida Sellers of
22 Travel Act by any person or business which violation
23 directly or indirectly pertains to an offer to sell to
24 individuals or groups, at wholesale or retail, prearranged
25 travel which originates in Florida and the direct
26 destination of which is any terrorist state, or
27 prearranged tourist-related services or tour-guide
28 services which originate in Florida and that are related

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29 to direct travel to any terrorist state or that are for
 30 consumption in any terrorist state following travel
 31 directly thereto by the purchaser or purchasers of such
 32 services; reenacting ss. 559.9355(1)(c) and 559.936(3),
 33 F.S., which impose administrative fines and civil
 34 penalties for violations of the Florida Sellers of Travel
 35 Act, for the purpose of incorporating the amendments to s.
 36 559.9335, F.S., in references thereto; providing an
 37 effective date.

38

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

40

41 Section 1. Subsection (7) of section 559.927, Florida
 42 Statutes, is amended to read:

43 559.927 Definitions.—For the purposes of this part, the
 44 term:

45 (7) (a) "Prearranged travel, tourist-related services, or
 46 tour-guide services" includes, but is not limited to, car
 47 rentals, lodging, transfers, and sightseeing tours and all other
 48 such services which are reasonably related to air, sea, rail,
 49 motor coach, or other medium of transportation, or
 50 accommodations for which a purchaser receives a premium or
 51 contracts or pays prior to or after departure.

52 (b) "Prearranged travel, tourist-related services, or
 53 tour-guide services" ~~These terms~~ also includes ~~include:~~

54 1. Services for which a purchaser, whose legal residence
 55 is outside the United States, contracts or pays, prior to
 56 departure, for travel which originates in Florida and the direct

57 destination of which is a terrorist state; and

58 2. Any arrangement by which a purchaser prepays for,
 59 receives a reservation or any other commitment to provide
 60 services prior to departure for, or otherwise arranges for
 61 travel ~~directly to a terrorist state and~~ which originates in
 62 Florida and the direct destination of which is a terrorist
 63 state.

64 Section 2. Subsection (1) and paragraph (d) of subsection
 65 (3) of section 559.9285, Florida Statutes, are amended to read:

66 559.9285 Certification of business activities.—

67 (1) Each certifying party, as defined in s. 559.927(2):

68 (a) Which does not offer for sale, at wholesale or
 69 retail;~~—~~

70 1. ~~Prearranged travel, tourist-related services, or tour-~~
 71 ~~guide services for individuals or groups directly to any~~
 72 ~~terrorist state and~~ which originates ~~originate~~ in Florida and
 73 the direct destination of which is any terrorist state; or

74 2. Prearranged tourist-related services or tour-guide
 75 services which originate in Florida and that are related to
 76 direct travel to any terrorist state or that are for consumption
 77 in any terrorist state following travel directly thereto by the
 78 purchaser or purchasers of such services; or

79 (b) Which only offers for sale to individuals or groups,
 80 at wholesale or retail;~~—only~~

81 1. ~~Prearranged travel, tourist-related services, or tour-~~
 82 ~~guide services for individuals or groups directly to any~~
 83 ~~terrorist state and~~ which originates ~~originate~~ in Florida and
 84 the direct destination of which is any terrorist state; or

85 2. Prearranged tourist-related services or tour-guide
 86 services which originate in Florida and that are related to
 87 direct travel to any terrorist state or that are for consumption
 88 in any terrorist state following travel directly thereto by the
 89 purchaser or purchasers of such services,

90
 91 but engages in no other business dealings or commerce with any
 92 terrorist state; or

93 (c) Which offers for sale to individuals or groups, at
 94 wholesale or retail;;

95 1. Prearranged travel, ~~tourist-related services, or tour-~~
 96 ~~guide services for individuals or groups directly to any~~
 97 ~~terrorist state and~~ originates ~~originate~~ in Florida and
 98 the direct destination of which is any terrorist state; or

99 2. Prearranged tourist-related services or tour-guide
 100 services which originate in Florida and that are related to
 101 direct travel to any terrorist state or that are for consumption
 102 in any terrorist state following travel directly thereto by the
 103 purchaser or purchasers of such services,

104
 105 and also engages in any other business dealings or commerce with
 106 any terrorist state,

107
 108 shall annually certify its business activities by filing a
 109 disclosure statement with the department which accurately
 110 represents the scope of the seller's business activities
 111 according to the criteria provided in paragraph (a), paragraph
 112 (b), or paragraph (c).

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113 (3) The department shall specify by rule the form of each
 114 certification under this section which shall include the
 115 following information:

116 (d) The type of all:

117 1. Prearranged travel which originates in Florida and the
 118 direct destination of which is any terrorist state; or ~~τ~~

119 2. Prearranged tourist-related services~~τ~~ or tour-guide
 120 services which originate in Florida and that are related to
 121 direct travel to any terrorist state or that are for consumption
 122 in any terrorist state following travel directly thereto by the
 123 purchaser or purchasers of such services

124
 125 that the certifying party offers for sale to individuals or
 126 groups ~~traveling directly to any terrorist state and that~~
 127 ~~originate in Florida,~~ and the frequency with which such travel
 128 and services are offered.

129 Section 3. Subsection (22) of section 559.9335, Florida
 130 Statutes, is amended to read:

131 559.9335 Violations.—It is a violation of this part for
 132 any person:

133 (22) To offer to sell to individuals or groups, at
 134 wholesale or retail;~~τ~~

135 (a) Prearranged travel which originates in Florida and the
 136 direct destination of which is any terrorist state; or ~~τ~~

137 (b) Prearranged tourist-related services~~τ~~ or tour-guide
 138 services which originate in Florida and that are related to
 139 direct travel ~~for individuals or groups directly to any~~
 140 terrorist state or that are for consumption in any terrorist

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141 state following travel directly thereto by the purchaser or
 142 purchasers of such services ~~and which originate in Florida,~~

143
 144 without disclosing such business activities in a certification
 145 filed under s. 559.9285(1)(b) or (c).

146 Section 4. Subsection (2) of section 559.937, Florida
 147 Statutes, is amended to read:

148 559.937 Criminal penalties.—Any person or business that
 149 violates this part:

150 (2) Which violation directly or indirectly pertains to an
 151 offer to sell to individuals or groups, at wholesale or retail; ~~τ~~

152 (a) Prearranged travel which originates in Florida and the
 153 direct destination of which is any terrorist state; or τ

154 (b) Prearranged tourist-related services ~~τ~~ or tour-guide
 155 services ~~for individuals or groups directly to any terrorist~~
 156 ~~state and~~ which originate in Florida and that are related to
 157 direct travel to any terrorist state or that are for consumption
 158 in any terrorist state following travel directly thereto by the
 159 purchaser or purchasers of such services,

160
 161 commits a felony of the third degree, punishable as provided in
 162 s. 775.082 or s. 775.083.

163 Section 5. For the purpose of incorporating the amendment
 164 made by this act to section 559.9335, Florida Statutes, in
 165 references thereto, the following sections or subdivisions of
 166 Florida Statutes are reenacted to read:

167 559.9355 Administrative remedies; penalties.—

168 (1) The department may enter an order doing one or more of

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169 | the following if the department finds that a person has violated
170 | or is operating in violation of any of the provisions of this
171 | part or the rules or orders issued thereunder:

172 | (c) Imposing an administrative fine not to exceed \$10,000
173 | for each act or omission in violation of s. 559.9335(22) or
174 | (23).

175 | 559.936 Civil penalties; remedies.—

176 | (3) The department may seek a civil penalty of up to
177 | \$10,000 for each act or omission in violation of s. 559.9335(22)
178 | or (23).

179 | Section 6. This act shall take effect July 1, 2010.