

1 A bill to be entitled
2 An act relating to sellers of travel; amending s. 559.935,
3 F.S.; providing that exemptions to pt. XI of ch. 559,
4 F.S., the Florida Sellers of Travel Act, do not apply to
5 sellers of travel offering or selling prearranged travel,
6 tourist-related services, or tour-guide services to any
7 person traveling directly from Florida to a terrorist
8 nation; providing a definition; providing for retroactive
9 and prospective application of the act; providing an
10 effective date.

11
12 WHEREAS, on April 14, 2009, the United States District
13 Court for the Southern District of Florida in *ABC Charters,*
14 *Inc., et al., v. Charles H. Bronson, in his official capacity as*
15 *Commissioner of Agriculture* (No. 08-21865-CIV.), reported at
16 2009 WL 1010435 (S.D.Fla.), 21 Fla. L. Weekly Fed. E 653,
17 entered a declaratory judgment in favor of plaintiff, ABC
18 Charters, Inc., holding that the amendments to the "Florida
19 Sellers of Travel Act" made by Senate Bill 1310, Chapter 2008-
20 214, Laws of Florida, are unconstitutional, and

21 WHEREAS, the Federal District Court found that the 2008
22 Travel Act amendments are unconstitutional insofar as they are
23 preempted by federal law and violate the Federal Government's
24 foreign affairs power, the Foreign Commerce Clause, and the
25 Interstate Commerce Clause, and

26 WHEREAS, the court also permanently enjoined the Florida
27 Department of Agriculture and Consumer Services from enforcing
28 the 2008 Travel Act amendments, but also held that the Florida

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29 Sellers of Travel Act otherwise remains unaffected by the
30 court's order, and

31 WHEREAS, the court confined its order to the injunction
32 against enforcement of the 2008 legislation which amended the
33 Florida Sellers of Travel Act and gave leave to the Florida
34 Legislature to act in accordance with the court's order in
35 respect to future proposed amendments to the Florida Sellers of
36 Travel Act, and

37 WHEREAS, the Legislature finds that the enforceability of
38 the Florida Sellers of Travel Act, as it existed prior to the
39 enactment of the 2008 Travel Act amendments, remains a
40 responsibility of the Department of Agriculture and Consumer
41 Services, and

42 WHEREAS, the Legislature finds that sellers of travel who
43 provide services to persons traveling directly from Florida to a
44 "terrorist nation" should, at a minimum, be required to register
45 with the Florida Department of Agriculture and Consumer Services
46 and be subject to the same fees and bonding requirements that
47 are applicable to other sellers of travel, as well as the same
48 requirements related to the submission of information, the
49 disclosure of information, and the maintenance of records, and

50 WHEREAS, the Legislature further finds it necessary to
51 amend the Florida Sellers of Travel Act to ensure that sellers
52 of travel who provide services to persons traveling directly
53 from Florida to a terrorist nation are not exempt from having to
54 meet such requirements under the Florida Sellers of Travel Act
55 as it existed prior to the passage of the 2008 Travel Act
56 amendments, and

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57 WHEREAS, the Legislature recognizes that by precluding
58 sellers of travel who provide services to persons traveling
59 directly from Florida to a terrorist nation from claiming an
60 exemption, such sellers of travel will be effectively denied an
61 exemption that may be available to other sellers of travel, and
62 that might otherwise be available to them but for the fact that
63 they provide travel services to persons traveling directly from
64 Florida to a terrorist nation, and

65 WHEREAS, notwithstanding the aforementioned recognition,
66 the Legislature further finds that, in order to protect
67 consumers and to provide a modicum of safety to its citizens, it
68 is necessary and altogether prudent and rational to distinguish
69 sellers of travel who provide services to persons traveling
70 directly from Florida to a terrorist nation from other sellers
71 of travel in regard to the availability of exemptions from
72 registration, and that to do so creates a small burden upon them
73 and does not infringe upon or conflict in any way with federal
74 policy or regulation of such sellers of travel, NOW, THEREFORE,

75
76 Be It Enacted by the Legislature of the State of Florida:

77
78 Section 1. Subsection (7) is added to section 559.935,
79 Florida Statutes, to read:

80 559.935 Exemptions.—

81 (7) The exemptions provided in this section do not apply
82 to a seller of travel offering or selling prearranged travel,
83 tourist-related services, or tour-guide services to any person
84 traveling directly from Florida to a terrorist nation.

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85 "Terrorist nation" means any state, country, or nation
86 designated by the United States Department of State as a state
87 sponsor of terrorism.

88 Section 2. This act shall take effect July 1, 2010, and
89 shall apply to part XI of chapter 559, Florida Statutes, the
90 Florida Sellers of Travel Act, as it existed prior to July 1,
91 2008, except that this act shall also apply to any sections of
92 part XI of chapter 559, Florida Statutes, amended or created on
93 or after July 1, 2008, other than sections of part XI of chapter
94 559, Florida Statutes, amended or created by chapter 2008-214,
95 Laws of Florida.