

By Senator Baker

20-01826-10

20102516\_\_

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

20-01826-10

20102516\_\_

30 in Florida and that are related to direct travel to  
31 any terrorist state or that are for consumption in any  
32 terrorist state following travel directly thereto by  
33 the purchaser or purchasers of such services;  
34 reenacting ss. 559.9355(1)(c) and 559.936(3), F.S.,  
35 which impose administrative fines and civil penalties  
36 for violations of the Florida Sellers of Travel Act,  
37 respectively, for the purpose of incorporating the  
38 amendments to s. 559.9335, F.S., in references  
39 thereto; providing an effective date.  
40

41 Be It Enacted by the Legislature of the State of Florida:  
42

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

45 559.927 Definitions.—For the purposes of this part, the  
46 term:

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

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

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

20-01826-10

20102516\_\_

59 of which is a terrorist state; and

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

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

68 559.9285 Certification of business activities.—

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

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

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

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

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

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

86 2. Prearranged tourist-related services or tour-guide  
87 services that originate in Florida and that are related to

20-01826-10

20102516\_\_

88 direct travel to any terrorist state or that are for consumption  
89 in any terrorist state following travel directly thereto by the  
90 purchaser or purchasers of the services,

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

94 (c) Which offers for sale to individuals or groups, at  
95 wholesale or retail;7

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

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

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

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

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

20-01826-10

20102516\_\_

117 (d) The type of all:

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

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

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

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

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

134 (22) To offer to sell to individuals or groups, at  
135 wholesale or retail:

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

138 (b) Prearranged tourist-related services, or tour-guide  
139 services that originate in Florida and that are related to  
140 direct travel for individuals or groups directly to any  
141 terrorist state or that are for consumption in any terrorist  
142 state following travel directly thereto by the purchaser or  
143 purchasers of such services ~~and which originate in Florida,~~

144  
145 without disclosing such business activities in a certification

20-01826-10

20102516\_\_

146 filed under s. 559.9285(1)(b) or (c).

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

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

151 (2) Which violation directly or indirectly pertains to an  
152 offer to sell to individuals or groups, at wholesale or retail;7

153 (a) Prearranged travel that originates in Florida and the  
154 direct destination of which is any terrorist state; or7

155 (b) Prearranged tourist-related services7 or tour-guide  
156 services that for individuals or groups directly to any  
157 terrorist state and which originate in Florida and that are  
158 related to direct travel to any terrorist state or that are for  
159 consumption in any terrorist state following travel directly  
160 thereto by the purchaser or purchasers of such services,

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

164 Section 5. For the purpose of incorporating the amendment  
165 made by this act to section 559.9335, Florida Statutes, in a  
166 reference thereto, paragraph (c) of subsection (1) of section  
167 559.9355, Florida Statutes, is reenacted to read:

168 559.9355 Administrative remedies; penalties.—

169 (1) The department may enter an order doing one or more of  
170 the following if the department finds that a person has violated  
171 or is operating in violation of any of the provisions of this  
172 part or the rules or orders issued thereunder:

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

20-01826-10

20102516\_\_

175 (23).

176 Section 6. For the purpose of incorporating the amendment  
177 made by this act to section 559.9335, Florida Statutes, in a  
178 reference thereto, subsection (3) of section 559.936, Florida  
179 Statutes, is reenacted to read:

180 559.936 Civil penalties; remedies.—

181 (3) The department may seek a civil penalty of up to  
182 \$10,000 for each act or omission in violation of s. 559.9335(22)  
183 or (23).

184 Section 7. This act shall take effect July 1, 2010.