

1                                   A bill to be entitled  
 2           An act relating to tour-guide services; providing that the  
 3           regulation of tour-guide services in this state is solely  
 4           the responsibility of the respective counties; amending s.  
 5           559.927, F.S.; revising definitions, to conform; amending  
 6           s. 559.9285, F.S.; deleting references to tour-guide  
 7           services in provisions relating to the certification of  
 8           businesses; amending s. 559.9335, F.S.; deleting  
 9           references to tour-guide services in provisions relating  
 10          to violations; amending s. 559.937, F.S.; deleting  
 11          references to tour-guide services in provisions relating  
 12          to criminal penalties; providing an effective date.

13  
 14   Be It Enacted by the Legislature of the State of Florida:

15  
 16           Section 1. The regulation of tour-guide services in this  
 17 state is solely the responsibility of the respective counties.

18           Section 2. Subsections (7), (8), (10), (11), and (13) of  
 19 section 559.927, Florida Statutes, are amended to read:

20           559.927 Definitions.—For the purposes of this part, the  
 21 term:

22           (7) "Prearranged travel or, tourist-related services, ~~or~~  
 23 ~~tour-guide services~~" includes, but is not limited to, car  
 24 rentals, lodging, transfers, ~~and sightseeing tours~~ and all other  
 25 such services that ~~which~~ are reasonably related to air, sea,  
 26 rail, motor coach, or other medium of transportation, or  
 27 accommodations for which a purchaser receives a premium or  
 28 contracts or pays prior to or after departure. These terms also

HB 1361

2011

29 | include services for which a purchaser, whose legal residence is  
30 | outside the United States, contracts or pays prior to departure,  
31 | and any arrangement by which a purchaser prepays for, receives a  
32 | reservation or any other commitment to provide services prior to  
33 | departure for, or otherwise arranges for travel directly to a  
34 | terrorist state and which originates in Florida.

35 | (8) "Purchaser" means the purchaser of, or person  
36 | otherwise entitled to receive, prearranged travel or tourist-  
37 | related services, ~~or tour-guide services~~, for a fee or  
38 | commission, or who has acquired a vacation certificate for  
39 | personal use.

40 | (10) "Satisfactory consumer complaint history" means no  
41 | unresolved complaints regarding prearranged travel or tourist-  
42 | related services, ~~or tour-guide services~~ are on file with the  
43 | department. A complaint is unresolved when a seller of travel  
44 | does not respond to the department's efforts to mediate the  
45 | complaint or a complaint where the department has determined  
46 | that a violation of this part has occurred and the complaint has  
47 | not been satisfied by the seller of travel.

48 | (11) "Seller of travel" means any resident or nonresident  
49 | person, firm, corporation, or business entity who offers for  
50 | sale, directly or indirectly, at wholesale or retail,  
51 | prearranged travel or tourist-related services, ~~or tour-guide~~  
52 | ~~services~~ for individuals or groups, including, but not limited  
53 | to, vacation or tour packages, or vacation certificates in  
54 | exchange for a fee, commission, or other valuable consideration.  
55 | The term includes any business entity offering membership in a  
56 | travel club or travel services for an advance fee or payment,

57 | even if no travel contracts or certificates or vacation or tour  
 58 | packages are sold by the business entity.

59 |       (13) "Vacation certificate" means any arrangement, plan,  
 60 | program, or vacation package that promotes, discusses, or  
 61 | discloses a destination or itinerary or type of travel, whereby  
 62 | a purchaser for consideration paid in advance is entitled to the  
 63 | use of travel, accommodations, or facilities for any number of  
 64 | days, whether certain or uncertain, during the period in which  
 65 | the certificate can be exercised, and no specific date or dates  
 66 | for its use are designated. A vacation certificate does not  
 67 | include prearranged travel or tourist-related services, ~~or~~  
 68 | ~~tour-guide services~~ when a seller of travel remits full payment  
 69 | for the cost of such services to the provider or supplier within  
 70 | 10 business days of the purchaser's initial payment to the  
 71 | seller of travel.

72 |       Section 3. Subsection (1) and paragraph (d) of subsection  
 73 | (3) of section 559.9285, Florida Statutes, are amended to read:

74 |       559.9285 Certification of business activities.—

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

76 |       (a) Which does not offer for sale, at wholesale or retail,  
 77 | prearranged travel or tourist-related services, ~~or tour-guide~~  
 78 | ~~services~~ for individuals or groups directly to any terrorist  
 79 | state and which originate in Florida;

80 |       (b) Which offers for sale, at wholesale or retail, only  
 81 | prearranged travel or tourist-related services, ~~or tour-guide~~  
 82 | ~~services~~ for individuals or groups directly to any terrorist  
 83 | state and which originate in Florida, but engages in no other  
 84 | business dealings or commerce with any terrorist state; or

85 (c) Which offers for sale, at wholesale or retail,  
 86 prearranged travel or, tourist-related services, ~~or tour-guide~~  
 87 ~~services~~ for individuals or groups directly to any terrorist  
 88 state and which originate in Florida, and also engages in any  
 89 other business dealings or commerce with any terrorist state,  
 90  
 91 shall annually certify its business activities by filing a  
 92 disclosure statement with the department which accurately  
 93 represents the scope of the seller's business activities  
 94 according to the criteria provided in paragraph (a), paragraph  
 95 (b), or paragraph (c).

96 (3) The department shall specify by rule the form of each  
 97 certification under this section which shall include the  
 98 following information:

99 (d) The type of all prearranged travel or, tourist-related  
 100 services, ~~or tour-guide services~~ that the certifying party  
 101 offers for sale to individuals or groups traveling directly to  
 102 any terrorist state and that originate in Florida, and the  
 103 frequency with which such services are offered.

104 Section 4. Subsection (22) of section 559.9335, Florida  
 105 Statutes, is amended to read:

106 559.9335 Violations.—It is a violation of this part for  
 107 any person:

108 (22) To offer to sell, at wholesale or retail, prearranged  
 109 travel or, tourist-related services, ~~or tour-guide services~~ for  
 110 individuals or groups directly to any terrorist state and which  
 111 originate in Florida, without disclosing such business  
 112 activities in a certification filed under s. 559.9285(1)(b) or

HB 1361

2011

113 (c).

114 Section 5. Section 559.937, Florida Statutes, is amended  
 115 to read:

116 559.937 Criminal penalties.—Any person or business that  
 117 violates this part:

118 (1) Commits a misdemeanor of the first degree, punishable  
 119 as provided in s. 775.082 or s. 775.083.

120 (2) Which violation directly or indirectly pertains to an  
 121 offer to sell, at wholesale or retail, prearranged travel or  
 122 tourist-related services, ~~or tour-guide services~~ for individuals  
 123 or groups directly to any terrorist state and which originate in  
 124 Florida, commits a felony of the third degree, punishable as  
 125 provided in s. 775.082 or s. 775.083.

126 Section 6. This act shall take effect July 1, 2011.