

By Senator Margolis

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

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

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

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

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

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

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

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

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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

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88 state and which originate in Florida, and also engages in any
89 other business dealings or commerce with any terrorist state,

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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 any
107 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
113 (c).

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

116 559.937 Criminal penalties.—Any person or business that

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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.