

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Bullard offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove line 1750 and insert:

5 Section 75. The regulation of tour-guide services in this  
6 state is solely the responsibility of the respective counties.

7 Section 76. Subsections (7), (8), (10), (11), and (13) of  
8 section 559.927, Florida Statutes, are amended to read:

9 559.927 Definitions.—For the purposes of this part, the  
10 term:

11 (7) "Prearranged travel or, tourist-related services, ~~or~~  
12 ~~tour-guide services~~" includes, but is not limited to, car  
13 rentals, lodging, transfers, ~~and sightseeing tours~~ and all other  
14 such services that ~~which~~ are reasonably related to air, sea,  
15 rail, motor coach, or other medium of transportation, or  
16 accommodations for which a purchaser receives a premium or

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17 contracts or pays prior to or after departure. These terms also  
18 include services for which a purchaser, whose legal residence is  
19 outside the United States, contracts or pays prior to departure,  
20 and any arrangement by which a purchaser prepays for, receives a  
21 reservation or any other commitment to provide services prior to  
22 departure for, or otherwise arranges for travel directly to a  
23 terrorist state and which originates in Florida.

24 (8) "Purchaser" means the purchaser of, or person  
25 otherwise entitled to receive, prearranged travel or, tourist-  
26 related services, ~~or tour-guide services~~, for a fee or  
27 commission, or who has acquired a vacation certificate for  
28 personal use.

29 (10) "Satisfactory consumer complaint history" means no  
30 unresolved complaints regarding prearranged travel or, tourist-  
31 related services, ~~or tour-guide services~~ are on file with the  
32 department. A complaint is unresolved when a seller of travel  
33 does not respond to the department's efforts to mediate the  
34 complaint or a complaint where the department has determined  
35 that a violation of this part has occurred and the complaint has  
36 not been satisfied by the seller of travel.

37 (11) "Seller of travel" means any resident or nonresident  
38 person, firm, corporation, or business entity who offers for  
39 sale, directly or indirectly, at wholesale or retail,  
40 prearranged travel or, tourist-related services, ~~or tour-guide~~  
41 ~~services~~ for individuals or groups, including, but not limited  
42 to, vacation or tour packages, or vacation certificates in  
43 exchange for a fee, commission, or other valuable consideration.  
44 The term includes any business entity offering membership in a  
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45 travel club or travel services for an advance fee or payment,  
46 even if no travel contracts or certificates or vacation or tour  
47 packages are sold by the business entity.

48 (13) "Vacation certificate" means any arrangement, plan,  
49 program, or vacation package that promotes, discusses, or  
50 discloses a destination or itinerary or type of travel, whereby  
51 a purchaser for consideration paid in advance is entitled to the  
52 use of travel, accommodations, or facilities for any number of  
53 days, whether certain or uncertain, during the period in which  
54 the certificate can be exercised, and no specific date or dates  
55 for its use are designated. A vacation certificate does not  
56 include prearranged travel or, tourist-related services, ~~or~~  
57 ~~tour-guide services~~ when a seller of travel remits full payment  
58 for the cost of such services to the provider or supplier within  
59 10 business days of the purchaser's initial payment to the  
60 seller of travel.

61 Section 77. Subsection (1) and paragraph (d) of subsection  
62 (3) of section 559.9285, Florida Statutes, are amended to read:

63 559.9285 Certification of business activities.—

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

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

69 (b) Which offers for sale, at wholesale or retail, only  
70 prearranged travel or, tourist-related services, ~~or tour-guide~~  
71 ~~services~~ for individuals or groups directly to any terrorist

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72 state and which originate in Florida, but engages in no other  
73 business dealings or commerce with any terrorist state; or

74 (c) Which offers for sale, at wholesale or retail,  
75 prearranged travel or, tourist-related services, ~~or tour-guide~~  
76 ~~services~~ for individuals or groups directly to any terrorist  
77 state and which originate in Florida, and also engages in any  
78 other business dealings or commerce with any terrorist state,  
79

80 shall annually certify its business activities by filing a  
81 disclosure statement with the department which accurately  
82 represents the scope of the seller's business activities  
83 according to the criteria provided in paragraph (a), paragraph  
84 (b), or paragraph (c).

85 (3) The department shall specify by rule the form of each  
86 certification under this section which shall include the  
87 following information:

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

93 Section 78. Subsection (22) of section 559.9335, Florida  
94 Statutes, is amended to read:

95 559.9335 Violations.—It is a violation of this part for  
96 any person:

97 (22) To offer to sell, at wholesale or retail, prearranged  
98 travel or, tourist-related services, ~~or tour-guide services~~ for  
99 individuals or groups directly to any terrorist state and which

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100 originate in Florida, without disclosing such business  
101 activities in a certification filed under s. 559.9285(1)(b) or  
102 (c).

103 Section 79. Section 559.937, Florida Statutes, is amended  
104 to read:

105 559.937 Criminal penalties.—Any person or business that  
106 violates this part:

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

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

115 Section 80. This act shall take effect July 1, 2011.

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**T I T L E A M E N D M E N T**

119 Remove line 112 and insert:

120 picture tubes; amending s. 559.927, F.S.; revising  
121 definitions, to conform; amending s. 559.9285, F.S.;  
122 deleting references to tour-guide services in provisions  
123 relating to the certification of businesses; amending s.  
124 559.9335, F.S.; deleting references to tour-guide services  
125 in provisions relating to violations; amending s. 559.937,  
126 F.S.; deleting references to tour-guide services in  
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128 provisions relating to criminal penalties; providing an  
129 effective date.

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