

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Bullard offered the following:

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

4 Remove lines 1335-1338 and insert:

5 Section 59. The regulation of tour-guide services in this
6 state is solely the responsibility of the respective counties.

7 Section 60. 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 61. 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 62. 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 63. 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 64. Except as otherwise expressly provided in this
116 act and except for this section, which shall take effect upon
117 this act becoming a law, this act shall take effect July 1,
118 2011.

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

123 Remove line 116 and insert:

124 circumstances; providing that the regulation of tour-guide
125 services in this state is solely the responsibility of the
126 respective counties; amending s. 559.927, F.S.; revising
127 definitions, to conform; amending s. 559.9285, F.S.; deleting
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128 references to tour-guide services in provisions relating to the
129 certification of businesses; amending s. 559.9335, F.S.;
130 deleting references to tour-guide services in provisions
131 relating to violations; amending s. 559.937, F.S.; deleting
132 references to tour-guide services in provisions relating to
133 criminal penalties; providing effective dates.