

By Senator Margolis

35-01334A-15

20151196__

1 A bill to be entitled
2 An act relating to sellers of travel; amending s.
3 559.927, F.S.; removing references to the terms
4 "tourist-related services" and "tour-guide services"
5 from definitions relating to sellers of travel;
6 amending s. 559.935, F.S.; providing that the
7 regulation of sellers of travel by the state does not
8 apply to persons engaged solely in the sale of tour-
9 guide services; amending ss. 559.9285, 559.9335, and
10 559.937, F.S.; conforming provisions to changes made
11 by the act; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsections (7), (8), (10), (11), and (13) of
16 section 559.927, Florida Statutes, are amended to read:

17 559.927 Definitions.—For the purposes of this part, the
18 term:

19 (7) "~~Prearranged travel, tourist-related services, or tour-~~
20 ~~guide services~~" includes, but is not limited to, car rentals,
21 lodging, transfers, ~~and sightseeing tours~~ and all other such
22 services which are reasonably related to air, sea, rail, motor
23 coach, or other medium of transportation, or accommodations for
24 which a purchaser receives a premium or contracts or pays prior
25 to or after departure. These terms also include services for
26 which a purchaser, whose legal residence is outside the United
27 States, contracts or pays prior to departure, and any
28 arrangement by which a purchaser prepays for, receives a
29 reservation or any other commitment to provide services prior to

35-01334A-15

20151196__

30 departure for, or otherwise arranges for travel directly to a
31 terrorist state and which originates in Florida.

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

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

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

55 (13) "Vacation certificate" means any arrangement, plan,
56 program, or vacation package that promotes, discusses, or
57 discloses a destination or itinerary or type of travel which,
58 ~~whereby a purchaser~~ for consideration paid in advance, entitles

35-01334A-15

20151196__

59 the purchaser ~~is entitled~~ to the use of travel, accommodations,
60 or facilities for any number of days, whether certain or
61 uncertain, during the period in which the certificate can be
62 exercised. A vacation certificate may not designate a, ~~and no~~
63 specific date or dates for its use ~~are designated~~. A vacation
64 certificate does not include prearranged travel if, ~~tourist-~~
65 ~~related services, or tour-guide services~~ when a seller of travel
66 remits full payment for the cost of such services to the
67 provider or supplier within 10 business days of the purchaser's
68 initial payment to the seller of travel.

69 Section 2. Subsection (1) of section 559.935, Florida
70 Statutes, is amended to read:

71 559.935 Exemptions.—

72 (1) This part does not apply to:

73 (a) A bona fide employee of a seller of travel who is
74 engaged solely in the business of her or his employer.†

75 (b) Any direct common carrier of passengers or property
76 regulated by an agency of the Federal Government or employees of
77 such carrier when engaged solely in the transportation business
78 of the carrier as identified in the carrier's certificate.†

79 (c) An intrastate common carrier of passengers or property
80 selling only transportation as defined in the applicable state
81 or local registration or certification, or employees of such
82 carrier when engaged solely in the transportation business of
83 the carrier.†

84 (d) Hotels, motels, or other places of public accommodation
85 selling public accommodations, or employees of such hotels,
86 motels, or other places of public accommodation, when engaged
87 solely in making arrangements for lodging, accommodations, or

35-01334A-15

20151196__

88 sightseeing tours within the state, or taking reservations for
89 the traveler with times, dates, locations, and accommodations
90 certain at the time the reservations are made, provided that
91 hotels and motels registered with the Department of Business and
92 Professional Regulation pursuant to chapter 509 are excluded
93 from the provisions of this chapter.†

94 (e) Persons involved solely in the rental, leasing, or sale
95 of residential property.†

96 (f) Persons involved solely in the rental, leasing, or sale
97 of transportation vehicles.†

98 (g) Persons who make travel arrangements for themselves;
99 for their employees or agents; for distributors, franchisees, or
100 dealers of the persons' products or services; for entities which
101 are financially related to the persons; or for the employees or
102 agents of the distributor, franchisee, or dealer or financially
103 related entity.†

104 (h) A developer of a timeshare plan or an exchange company
105 approved by the Division of Florida Condominiums, Timeshares,
106 and Mobile Homes pursuant to chapter 721, but only to the extent
107 that the developer or exchange company engages in conduct
108 regulated under chapter 721.†~~or~~

109 (i) Persons or entities engaged solely in offering diving
110 services, including classes and sales or rentals of equipment,
111 when engaged in making any prearranged travel-related or
112 tourist-related services in conjunction with a primarily dive-
113 related event.

114 (j) Persons involved solely in the sale of tour-guide
115 services.

116 Section 3. Subsection (1) and paragraph (d) of subsection

35-01334A-15

20151196__

117 (3) of section 559.9285, Florida Statutes, are amended to read:

118 559.9285 Certification of business activities.—

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

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

124 (b) Which offers for sale, at wholesale or retail, only
125 prearranged travel, ~~tourist-related services, or tour-guide~~
126 ~~services~~ for individuals or groups directly to any terrorist
127 state and which originate in Florida, but engages in no other
128 business dealings or commerce with any terrorist state; or

129 (c) Which offers for sale, at wholesale or retail,
130 prearranged travel, ~~tourist-related services, or tour-guide~~
131 ~~services~~ for individuals or groups directly to any terrorist
132 state and which originate in Florida, and also engages in any
133 other business dealings or commerce with any terrorist state,

134
135 shall annually certify its business activities by filing a
136 disclosure statement with the department which accurately
137 represents the scope of the seller's business activities
138 according to the criteria provided in paragraph (a), paragraph
139 (b), or paragraph (c).

140 (3) The department shall specify by rule the form of each
141 certification under this section which shall include the
142 following information:

143 (d) The type of all prearranged travel, ~~tourist-related~~
144 ~~services, or tour-guide services~~ that the certifying party
145 offers for sale to individuals or groups traveling directly to

35-01334A-15

20151196__

146 any terrorist state and that originate in Florida, and the
147 frequency with which such services are offered.

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

150 559.9335 Violations.—It is a violation of this part for any
151 person:

152 (22) To offer to sell, at wholesale or retail, prearranged
153 ~~travel, tourist-related services, or tour-guide services~~ for
154 individuals or groups directly to any terrorist state and which
155 originate in Florida, without disclosing such business
156 activities in a certification filed under s. 559.9285(1)(b) or
157 (c).

158 Section 5. Subsection (2) of section 559.937, Florida
159 Statutes, is amended to read:

160 559.937 Criminal penalties.—Any person or business that
161 violates this part:

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

168 Section 6. This act shall take effect July 1, 2015.