



920060

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/04/2016	.	
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	.	
	.	

The Committee on Appropriations (Garcia) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 1051 - 1191

and insert:

(12) "Student tour operator" means any resident or nonresident person, firm, corporation, or business entity that offers sale, directly or indirectly, at wholesale, prearranged travel, tourist-related services, or tour-guide services for groups within the educational community for schools districts, educators, and students and their families, in exchange for a



920060

11 fee, a commission, or any other valuable consideration.

12 13-(12) "Terrorist state" means any state, country, or
13 nation designated by the United States Department of State as a
14 state sponsor of terrorism.

15 (14)-(13) "Vacation certificate" means any arrangement,
16 plan, program, ~~or~~ vacation package, or advance travel purchase
17 that promotes, discusses, or discloses a destination or
18 itinerary or type of travel, whereby a purchaser ~~for~~
19 consideration paid in advance is entitled to the use of travel,
20 accommodations, or facilities for any number of days, whether
21 certain or uncertain, during the period in which the certificate
22 can be exercised, and no specific date or dates for its use are
23 designated. A vacation certificate does not include prearranged
24 travel ~~or~~, tourist-related services, ~~or tour guide services~~ when
25 a seller of travel remits full payment for the cost of such
26 services to the provider or supplier within 10 business days of
27 the purchaser's initial payment to the seller of travel. The
28 term does not include travel if exact travel dates are selected,
29 guaranteed, and paid for at the time of the purchase.

30 Section 29. Subsections (2) through (8) and present
31 subsection (9) of section 559.928, Florida Statutes, are
32 amended, and a new subsection (9) is added to that section, to
33 read:

34 559.928 Registration.—

35 (2) (a) Registration fees shall be as follows:

36 1. Three hundred dollars per year per registrant certifying
37 its business activities under s. 559.9285(1) (a).

38 2. One thousand dollars per year per registrant certifying
39 its business activities under s. 559.9285(1) (b).



920060

40 3. Twenty-five hundred dollars per year per registrant
41 certifying its business activities under s. 559.9285(1)(c).

42 (b) All amounts collected shall be deposited by the Chief
43 Financial Officer to the credit of the General Inspection Trust
44 Fund of the Department of Agriculture and Consumer Services
45 pursuant to s. 570.20, for the sole purpose of administration of
46 this part.

47 (c) The department shall waive the initial registration fee
48 for an honorably discharged veteran of the United States Armed
49 Forces, the spouse of such a veteran, or a business entity that
50 has a majority ownership held by such a veteran or spouse if the
51 department receives an application, in a format prescribed by
52 the department, within 60 months after the date of the veteran's
53 discharge from any branch of the United States Armed Forces. To
54 qualify for the waiver, a veteran must provide to the department
55 a copy of his or her DD Form 214, as issued by the United States
56 Department of Defense, or another acceptable form of
57 identification as specified by the Department of Veterans'
58 Affairs; the spouse of a veteran must provide to the department
59 a copy of the veteran's DD Form 214, as issued by the United
60 States Department of Defense, or another acceptable form of
61 identification as specified by the Department of Veterans'
62 Affairs, and a copy of a valid marriage license or certificate
63 verifying that he or she was lawfully married to the veteran at
64 the time of discharge; or a business entity must provide to the
65 department proof that a veteran or the spouse of a veteran holds
66 a majority ownership in the business, a copy of the veteran's DD
67 Form 214, as issued by the United States Department of Defense,
68 or another acceptable form of identification as specified by the



920060

69 Department of Veterans' Affairs, and, if applicable, a copy of a
70 valid marriage license or certificate verifying that the spouse
71 of the veteran was lawfully married to the veteran at the time
72 of discharge.

73 (3) Each independent agent shall annually file an
74 application affidavit with the department before ~~prior to~~
75 engaging in business in this state. This application affidavit
76 must include the independent agent's full name, legal business
77 or trade name, mailing address, business address, telephone
78 number, and the name and address of each seller of travel
79 represented by the independent agent. A letter evidencing proof
80 of filing must be issued by the department and must be
81 prominently displayed in the independent agent's primary place
82 of business. Each independent agent must also submit an annual
83 registration fee of \$50. All moneys collected pursuant to the
84 imposition of the fee shall be deposited by the Chief Financial
85 Officer into the General Inspection Trust Fund of the Department
86 of Agriculture and Consumer Services for the sole purpose of
87 administrating this part. As used in this subsection, the term
88 "independent agent" means a person who represents a seller of
89 travel by soliciting persons on its behalf; who has a written
90 contract with a seller of travel which is operating in
91 compliance with this part and any rules adopted thereunder; who
92 does not receive a fee, commission, or other valuable
93 consideration directly from the purchaser for the seller of
94 travel; who does not at any time have any unissued ticket stock
95 or travel documents in his or her possession; and who does not
96 have the ability to issue tickets, vacation certificates, or any
97 other travel document. The term "independent agent" does not



920060

98 include an affiliate of the seller of travel, as that term is
99 used in s. 559.935(3), or the employees of the seller of travel
100 or of such affiliates.

101 (4) A ~~Any~~ person applying for or renewing a local business
102 tax receipt to engage in business as a seller of travel must
103 exhibit a current registration certificate from the department
104 before the local business tax receipt may be issued or reissued.

105 (5) Each contract, advertisement, certificate, or travel
106 document of a seller of travel must include the phrase "... (NAME
107 OF FIRM)... is registered with the State of Florida as a Seller
108 of Travel. Registration No....."

109 ~~(6) Each advertisement of a seller of travel must include~~
110 ~~the phrase "Fla. Seller of Travel Reg. No....."~~

111 ~~(6)(7)~~ A ~~No~~ registration is not ~~shall be~~ valid for any
112 seller of travel transacting business at any place other than
113 that designated in its application, unless the department is
114 first notified in writing in advance of any change of location.
115 A ~~Nor shall the~~ registration is not ~~be~~ valid for an affiliate of
116 the seller of travel who engages in the prearranged travel and
117 tourist business. A registration issued under this part may
118 ~~shall~~ not be assignable, and the seller of travel may ~~shall~~ not
119 be permitted to conduct business under more than one name except
120 as registered. A seller of travel desiring to change its
121 registered name or location or designated agent for service of
122 process at a time other than upon renewal of registration shall
123 notify the department of such change.

124 ~~(7)(8)~~ Applications under this section are ~~shall be~~ subject
125 to ~~the provisions of~~ s. 120.60.

126 ~~(8)(9)~~ The department may deny, ~~or~~ refuse to renew, or



920060

127 revoke the registration of any seller of travel based upon a
128 determination that the seller of travel, or any of its
129 directors, officers, owners, or general partners while acting on
130 behalf of the seller of travel:

131 (a) Has failed to meet the requirements for registration as
132 provided in this part;

133 (b) Has been convicted of a crime involving fraud, theft,
134 embezzlement, dishonest dealing, or any other act of moral
135 turpitude or any other act arising out of conduct as a seller of
136 travel;

137 (c) Has not satisfied a civil fine or penalty arising out
138 of any administrative or enforcement action brought by any
139 governmental agency or private person based upon conduct
140 involving fraud, theft, embezzlement, dishonest dealing, or any
141 violation of this part; or

142 ~~(d) Has pending against her or him any criminal,~~
143 ~~administrative, or enforcement proceedings in any jurisdiction,~~
144 ~~based upon conduct involving fraud, dishonest dealing, or any~~
145 ~~other act of moral turpitude; or~~

146 (d)-(e) Has had a judgment entered against her or him in any
147 action brought by the department or the Department of Legal
148 Affairs pursuant to ss. 501.201-501.213 or this act ~~part~~.

149 (9) The department may deny or refuse to renew the
150 registration of any seller of travel based upon a determination
151 by the department that the seller of travel, or any of the
152 seller's directors, officers, owners, or general partners has
153 pending against him or her while acting on behalf of the seller
154 of travel any criminal, administrative, or enforcement
155 proceedings in any jurisdiction, based upon conduct involving



920060

156 fraud, theft, embezzlement, or dishonest dealing, or any other
157 act of moral turpitude.

158 Section 30. Section 559.9281, Florida Statutes, is created
159 to read:

160 559.9281 Student tour operators.-

161 (1) The Department of Education shall provide and maintain
162 a list of approved educational student tour operators to serve
163 students in primary and secondary schools in all school
164 districts within the state.

165 (2) The Department of Education shall adopt rules to
166 establish the application process and minimum standards for
167 those persons wishing to be approved as student tour operators
168 under this section. At minimum, a student tour operator must be
169 registered and approved by the Department of Agriculture and
170 Consumer Services as a seller of travel under s. 559.928,
171 maintain adequate insurance coverage as determined by the
172 Department of Education, and be current on all state and local
173 business taxes.

174
175 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

176 And the directory clause is amended as follows:

177 Delete lines 996 - 997

178 and insert:

179 Section 28. Subsections (1), (7), (8), (10), and (11) and
180 present subsection (13) of section 559,927, Florida Statutes,
181 are amended, present subsections (12) and (13) of that section
182 are redesignated as subsections (13) and (14), respectively, and
183 a new section (12) is added to that section, to read:

184 ===== T I T L E A M E N D M E N T =====



920060

185 And the title is amended as follows:
186 Delete lines 130 - 131
187 and insert:
188 travel under certain circumstances; creating s.
189 559.9281, F.S.; requiring the Department of Education
190 to provide and maintain a list of approved student
191 tour operators; requiring the department to adopt
192 rules; specifying minimum standards for such
193 operators; amending s. 559.929, F.S.; revising certain
194 security requirements;