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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/07/2010	.	
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The Committee on Commerce (Oelrich) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (7) is added to section 559.935,  
Florida Statutes, to read:

559.935 Exemptions.—

(7) The exemptions provided in this section shall not apply  
to a seller of travel offering or selling pre-arranged travel,  
tourist-related services, or tour-guide services to any person  
traveling directly from Florida to a terrorist nation.

"Terrorist nation" means any state, country, or nation  
designated by the United States Department of State as a state



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14 sponsor of terrorism.

15 Section 2. This act shall take effect July 1, 2010, and  
16 shall apply to part XI of chapter 559, Florida Statutes, the  
17 Florida Sellers of Travel Act, as it existed prior to July 1,  
18 2008, except that this act shall also apply to any sections of  
19 part XI of chapter 559, Florida Statutes, amended on or after  
20 July 1, 2008, other than sections of part XI of chapter 559,  
21 Florida Statutes, amended or created by chapter 2008-214, Laws  
22 of Florida.

23

24

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

26 And the title is amended as follows:

27 Delete everything before the enacting clause  
28 and insert:

29 A bill to be entitled

30 An act relating to sellers of travel; amending s. 559.935,  
31 F.S.; providing that exemptions do not apply to sellers of  
32 travel of specified services to terrorist nations; providing a  
33 definition; providing an effective date and for application of  
34 the act.

35

36 WHEREAS, on April 14, 2009, the United States District  
37 Court for the Southern District of Florida in *ABC Charters,*  
38 *Inc., et al., v. Charles H. Bronson, in his official capacity as*  
39 *Commissioner of Agriculture* (No. 08-21865-CIV.) reported at 2009  
40 WL 1010435 (S.D.Fla.), 21 Fla. L. Weekly Fed. E 653, entered a  
41 declaratory judgment in favor of plaintiff, ABC Charters, Inc.,  
42 holding that the amendments to the "Florida Sellers of Travel



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43 Act" made by Senate Bill 1310, Chapter 2008-214, Laws of  
44 Florida, are unconstitutional, and

45 WHEREAS, the Federal District Court found that the 2008  
46 Travel Act Amendments are unconstitutional insofar as they are  
47 preempted by federal law and violate the federal government's  
48 foreign affairs power, the Foreign Commerce Clause, and the  
49 Interstate Commerce Clause, and

50 WHEREAS, the Court also permanently enjoined the Florida  
51 Department of Agriculture and Consumer Services from enforcing  
52 the 2008 Travel Act Amendments, but also held that the "Florida  
53 Sellers of Travel Act" otherwise remains unaffected by the  
54 Court's Order, and

55 WHEREAS, the Court confined its order to the injunction  
56 against enforcement of the 2008 legislation which amended the  
57 "Florida Sellers of Travel Act" and gave leave to the Florida  
58 Legislature to act in accordance with the Court's Order in  
59 respect to future proposed amendments to the "Florida Sellers of  
60 Travel Act," and

61 WHEREAS, the Legislature finds that the enforceability of  
62 the "Florida Sellers of Travel Act," as it existed prior to the  
63 enactment of the 2008 Travel Act Amendments, remains a  
64 responsibility of the Department of Agriculture and Consumer  
65 Services, and

66 WHEREAS, the Legislature finds that sellers of travel who  
67 provide services to persons traveling directly from Florida to a  
68 "Terrorist Nation" should, at a minimum, be required to register  
69 with the Florida Department of Agriculture and Consumer Services  
70 and be subject to the same fees and bonding requirements that  
71 are applicable to other sellers of travel, as well as the same



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72 requirements related to the submission of information, the  
73 disclosure of information, and the maintenance of records, and

74 WHEREAS, the Legislature further finds it necessary to  
75 amend the "Florida Sellers of Travel Act" to ensure that sellers  
76 of travel who provide services to persons traveling directly  
77 from Florida to a "Terrorist Nation" are not exempt from having  
78 to meet such requirements under the "Florida Sellers of Travel  
79 Act," as it existed prior to the 2008 Travel Act Amendments, and

80 WHEREAS, the Legislature recognizes that by precluding  
81 sellers of travel who provide services to persons traveling  
82 directly from Florida to a "Terrorist Nation" from claiming an  
83 exemption, such sellers of travel will be effectively denied an  
84 exemption that may be available to other sellers of travel, and  
85 that might otherwise be available to them *but for* the fact that  
86 they provide travel services to persons traveling directly from  
87 Florida to a "Terrorist Nation," and

88 WHEREAS, notwithstanding the aforementioned recognition,  
89 the Legislature further finds that, in order to protect  
90 consumers and to provide a modicum of safety to its citizens, it  
91 is necessary and altogether prudent and rational to distinguish  
92 sellers of travel who provide services to persons traveling  
93 directly from Florida to a "Terrorist Nation" from other sellers  
94 of travel in regard to the availability of exemptions from  
95 registration and that to do so creates a small burden upon them  
96 and does not infringe upon or conflict in any way with federal  
97 policy or regulation of such sellers of travel, NOW, THEREFORE,