

## ASTA to File Brief Against State of Florida

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In response to several new amendments to Florida's Seller of Travel law, ASTA will file an amicus curiae (friend of the court) brief in *ABC Charters v. Bronson*, a case brought against the state of Florida by 16 travel agencies specializing in travel to Cuba.

ASTA, like the plaintiffs, believes the new law violates multiple provisions of the Constitution, including freedom to travel, the right of the federal government to conduct foreign relations and regulate commerce free of state interference.

"As an association dedicated to providing travel agents with an unfettered environment in which to do business, we feel this issue to be of critical importance," said ASTA President and CEO Cheryl Hudak, CTC. "This measure places a disproportionately enormous economic and punitive burden on travel agents and as if this weren't enough, is in direct conflict with multiple constitutional provisions."

In an earlier letter written to Florida Gov. Charlie Crist, urging him to veto the seller of travel law, ASTA wrote:

ASTA believes that the proponents of SB 1310 have substantially overreached by stepping into constitutionally forbidden territory. The bill seeks to separate families across oceans and impinges on fundamental freedoms, including the right to travel, which is the freedom that Florida's economy has thrived on for many decades.

Florida's new law went into effect on July 1 but has been blocked under a temporary restraining order. It significantly increases registration fees, security bonds and potential fines for firms selling trips directly to any nation that has been designated by the State Department as state sponsor of terrorism, namely, Iran, Syria, Cuba, Sudan and North Korea. Under the new law, U.S. travel agents who sell a trip originating in Florida to a Florida consumer to any of these five countries will need to pay an annual registration fee of between \$1,000 and \$2,500 and post a performance bond, ranging from \$100,000 and \$250,000. Additionally, violators will now face a \$10,000 fine for not disclosing travel activities to a designated nation and would face a third-degree felony conviction

Agents must submit an annual certification to Florida in which they must fully disclose all travel-related details pertaining to nations on the terrorism list, including all suppliers and proprietary contacts. For years, travel agencies had been generally exempt from Florida's registration requirements provided they were accredited by the Airlines Reporting Corp. for three consecutive years prior. Under the new amendments to Florida's Seller of Travel Law, agents lose that exemption if they sell travel to at least one of the countries on the State Department's list. A single transaction involving travel to Iran, Syria, Cuba, Sudan or North Korea can constitute a violation.

A hearing to determine whether a preliminary injunction should be granted has been scheduled for Sept. 25 in Miami.

The mission of the American Society of Travel Agents (ASTA) is to facilitate the business of selling travel through effective representation, shared knowledge and the enhancement of professionalism. ASTA seeks a retail travel marketplace that is profitable and growing and a rewarding field in which to work, invest and do business.

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