Florida Senate - 2007

By Senator Bennett

21-351-07

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1	A bill to be entitled
2	An act relating to airline travel; requiring
3	that, upon the cancellation or delay of a
4	flight by more than 1 hour, the airline honor
5	the purchaser's ticket at a later date or
6	reimburse the purchaser the cost of the ticket
7	and pay the purchaser an amount equal to the
8	airline's flight-change penalty fee; providing
9	for certain specified exceptions for canceled
10	or delayed flights; defining the term
11	"terrorist threat"; providing for additional
12	remedies; providing for an award of damages,
13	costs, and attorney's fees; providing that an
14	airline violating the act more than once within
15	a calendar year commits a misdemeanor of the
16	second degree; providing penalties; providing
17	that there is no expiration date for an airline
18	ticket issued anywhere in the world for an
19	airline flight originating in this state;
20	requiring an airline to accept a nonrefundable
21	ticket under certain circumstances; authorizing
22	on airline to charge a transfer fee; providing
23	an exception; providing an effective date.
24	
25	Be It Enacted by the Legislature of the State of Florida:
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27	Section 1. <u>(1) If an airline cancels a flight or</u>
28	delays a flight by more than 1 hour, the airline must honor
29	the purchaser's ticket at a later date or reimburse the
30	purchaser the cost of the ticket and pay the purchaser an
31	amount equal to the airline's flight-change penalty fee. The

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1 reimbursement for the ticket and payment of the flight-change 2 fee is in addition to any other remedy the ticket purchaser may have against the airline. 3 4 (2) Subsection (1) does not apply if the flight delay 5 or cancellation is caused by: б (a) Inclement weather; 7 (b) An immediate terrorist threat; 8 (c) International conditions that are not related to terrorism, including riots, civil unrest, embargoes, or war; 9 10 or (d) A condition outside the control of the airline. 11 12 (3) The term "terrorist threat" means a threat of a 13 violent act or threat of an act that is dangerous to human life, that is a violation of the criminal laws of this state 14 or of the United States, and that is intended to: 15 (a) Intimidate, injure, or coerce a civilian 16 17 population; 18 (b) Influence the policy of a government by intimidation or coercion; or 19 (c) Affect the conduct of a government through 20 21 destruction of property, assassination, murder, kidnapping, or 22 aircraft piracy. 23 (4) In addition to any other penalties or remedies provided by law, a person aggrieved by a knowing and willful 2.4 violation of this section may bring a civil action in a court 25 of competent jurisdiction against the airline for the recovery 26 27 of actual and consequential damages, court costs, and 2.8 reasonable attorney's fees. (5) An airline that violates this section two or more 29 30 times within a calendar year commits a misdemeanor of the 31

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1 second degree, punishable as provided in s. 775.082 or s. 2 775.083. 3 Section 2. (1) There is no expiration date for an 4 airline ticket issued anywhere in the world for an airline 5 flight originating in this state. 6 (2) If the airline ticket is nonrefundable and the 7 ticket purchaser is unable to use the ticket, the airline must 8 allow the ticket to be transferred to another person. The airline may charge the purchaser a processing fee of 25 9 10 percent of the original price of the ticket or \$50, whichever is less. A ticket purchaser may not transfer a ticket if the 11 12 ticket purchaser missed the flight due to the fault of the 13 <u>purchaser.</u> Section 3. This act shall take effect July 1, 2007. 14 15 16 17 SENATE SUMMARY 18 Provides that if an airline cancels a flight or delays a flight by more than 1 hour, the airline must honor the purchaser's ticket at a later date or reimburse the 19 purchaser the cost of the ticket and pay the purchaser an amount equal to the airline's flight-change penalty fee. 20 Provides for certain specified exceptions for canceled or 21 delayed flights. Provides that if an airline violates the act more than once within a calendar year, it commits a misdemeanor of the second degree. Provides that there is no expiration date for an airline ticket issued anywhere 22 23 in the world for an airline flight originating in this state. Requires an airline to accept a nonrefundable ticket under certain circumstances. Permits the airline 2.4 to charge a transfer fee. 25 26 27 28 29 30 31

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