

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Rivera offered the following:

2

3 **Amendment**

4 Remove lines 30-148 and insert:

5 (2) LEGISLATIVE INTENT.--The Legislature finds that there
6 are increased safety concerns associated with transportation
7 between this state and terrorist states and that travel to
8 terrorist states raises issues related to security and to the
9 prevention of and response to possible terrorist acts. The
10 Legislature further finds that persons or entities who transport
11 persons to terrorist states may directly impact the economic
12 stability and public security of this state. Therefore, it is
13 the intent of the Legislature to offset costs related to
14 transportation to terrorist states that originates in this
15 state. It is not the intent of the Legislature, through the
16 enactment of this section, to impact the official business of

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17 government employees or the duties of any personnel of the
18 United States Armed Services, nor to regulate academic freedom
19 or academic program content.

20 (3) DEFINITIONS.--As used in this section:

21 (a) "Terrorist state" means any state, country, or nation
22 presently deemed a state sponsor of terrorism by the United
23 States Department of State. For the purposes of this act, the
24 Department of Revenue shall be charged with the duty of
25 documenting those states or nations identified as state sponsors
26 of terrorism by the United States Department of State, shall
27 specify in rule those states or nations deemed state sponsors of
28 terrorism by the United States Department of State, and shall
29 annually update the list of states or nations designated as
30 state sponsors of terrorism according to the most current list
31 of state sponsors of terrorism compiled by the United States
32 Department of State.

33 (b) "Assessable transaction or incident" means payment by
34 a passenger for travel on a charter vessel.

35 (c) "Charter aircraft" means any form of aircraft hired
36 for exclusive temporary use by a single traveler or group of
37 travelers.

38 (d) "Charter transportation" means travel via charter
39 aircraft or charter vessel when such aircraft or vessel is hired
40 for exclusive temporary use by a single traveler or group of
41 travelers.

42 (e) "Charter vessel" means any form of watercraft hired
43 for exclusive temporary use by a single traveler or group of
44 travelers.

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45 (f) "Directly carries or transports" means to conduct a
46 single continuous charter flight or charter vessel voyage that
47 originates from any location in this state and arrives in a
48 terrorist state identified pursuant to paragraph(a). For
49 purposes of this definition, temporary stops of less than 8
50 hours shall not disqualify a charter flight or charter vessel
51 voyage from being considered a continuous flight or voyage.

52 (4) SECURITY ASSESSMENT.--

53 (a) It is the intent of the Legislature that every person
54 or entity who directly transports persons via charter aircraft
55 or charter vessel from this state to a terrorist state is
56 exercising an assessable privilege.

57 (b)1. For exercising such privilege, a security assessment
58 is levied on charter aircraft on each takeoff at the rate of
59 \$100, irrespective of the charter aircraft size, plus \$0.04 per
60 thousand pounds of landed aircraft weight.

61 2. For charter vessels exercising such privilege, a
62 security assessment is levied on each assessable transaction or
63 incident, which assessment is due and payable at the rate of 10
64 percent on the total consideration received or to be received by
65 any person for performing such service.

66 (c) Such security assessment shall be in addition to the
67 total amount of the consideration for the service, shall be
68 charged by the person receiving such consideration, and shall be
69 payable by such person at the time he or she receives such
70 consideration. Such person shall remit the assessment to the
71 Department of Revenue. Payment of the assessment shall be
72 accompanied by a form to be prescribed by the department. The

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73 proceeds of the security assessment, less administrative costs,
74 shall be transferred by the Department of Revenue into the State
75 Homeland Security Trust Fund. For the purposes of this section,
76 "proceeds of the security assessment" means all funds collected
77 and received by the department hereunder, including interest and
78 penalties on delinquent assessments. The amount deducted for
79 the costs of administration must not exceed 3 percent of the
80 total revenues collected hereunder and may include only those
81 costs reasonably attributable to the assessment.

82 (d) This security assessment is in addition to other taxes
83 or assessments, whether levied in the form of excise, license,
84 or privilege taxes, and is in addition to all other fees and
85 taxes levied.

86 (e) The Department of Revenue shall administer, collect,
87 and enforce the security assessment authorized under this
88 section pursuant to the same procedures used in the
89 administration, collection, and enforcement of the general state
90 sales tax imposed under chapter 212, except as provided in this
91 section. The provisions of chapter 212 regarding the authority
92 to audit and make assessments, keeping of books and records, and
93 interest and penalties on delinquent fees apply. The assessment
94 shall not be included in the computation of estimated taxes
95 pursuant to s. 212.11, nor shall the dealer's credit for
96 collecting taxes or fees in s. 212.12 apply to this assessment.

97 (5) MANDATORY TRAVEL INFORMATION.--Any university or
98 community college within the State University System or the
99 Florida Community College System that organizes or directs the
100 organization of a cultural or educational trip utilizing charter

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101 transportation to any terrorist state shall provide the
102 Department of Education, no later than 30 days after the
103 completion of such trip, the following information:

104 (a) A report specifying:

105 1. The number of degree-seeking students and nondegree-
106 seeking students participating in the trip.

107 2. The number of employees of the university or community
108 college and the number of persons not employed by the university
109 or community college participating in the trip.

110 (b) A detailed itinerary of the trip being organized,
111 including hotel and restaurant accommodations, planned
112 excursions, and scheduled meetings with governmental
113 authorities.

114 (c) A complete accounting of all costs associated with the
115 trip and a complete accounting of the use or deposit of all
116 moneys received in payment for the trip.

117 (d) The certificates of incorporation of any entity or
118 entities contracted to organize or facilitate the trip.

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