

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.  
.
.



1 Representative Rivera offered the following:

2

3 **Amendment**

4 Remove lines 30-148 and insert:

5

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

652581

Amendment No. (for drafter's use only)

17 official business of government employees or the duties of any  
18 personnel of the United States Armed Services.

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

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

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

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

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

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

652581

Amendment No. (for drafter's use only)

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

51 (4) SECURITY ASSESSMENT.--

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

56 (b)1. For exercising such privilege, a security assessment  
57 is levied on charter aircraft on each takeoff at the rate of  
58 \$100, irrespective of the charter aircraft size, plus an  
59 additional charge of \$0.04 per pound of the aircraft's maximum  
60 takeoff weight as specified by the aircraft manufacturer. Each  
61 such charter company is charged with the responsibility of  
62 keeping adequate books and records that will establish chartered  
63 flights and destinations.

64 2. For charter vessels exercising such privilege, a  
65 security assessment is levied on each assessable transaction or  
66 incident, which assessment is due and payable at the rate of 10  
67 percent on the total consideration received or to be received by  
68 any person for performing such service. Such security  
69 assessment shall be in addition to the total amount of the  
70 consideration for the service, shall be charged by the person

Amendment No. (for drafter's use only)

71 receiving such consideration, and shall be payable by such  
72 person at the time he or she receives such consideration.

73 (c) Such person who or entity that directly transports  
74 persons via charter aircraft or vessel from this state to a  
75 terrorist state shall remit the assessment to the Department of  
76 Revenue in a manner prescribed by the department. The proceeds  
77 of the security assessment, less administrative costs, shall be  
78 transferred by the Department of Revenue into the State Homeland  
79 Security Trust Fund. For the purposes of this section,  
80 "proceeds of the security assessment" means all funds collected  
81 and received by the department hereunder, including interest and  
82 penalties on delinquent assessments. The amount deducted for  
83 the costs of administration must not exceed 3 percent of the  
84 total revenues collected hereunder and may include only those  
85 costs reasonably attributable to the assessment.

86 (d) This security assessment is in addition to other taxes  
87 or assessments, whether levied in the form of excise, license,  
88 or privilege taxes, and is in addition to all other fees and  
89 taxes levied.

90 (e) The Department of Revenue shall administer, collect,  
91 and enforce the security assessment authorized under this  
92 section pursuant to the same procedures used in the  
93 administration, collection, and enforcement of the general state  
94 sales tax imposed under chapter 212, except as provided in this  
95 section. The provisions of chapter 212 regarding the authority  
96 to audit and make assessments, keeping of books and records, and  
97 interest and penalties on delinquent assessments apply. The  
98 assessment shall not be included in the computation of estimated

652581

Amendment No. (for drafter's use only)

99 taxes pursuant to s. 212.11, nor shall the dealer's credit for  
100 collecting taxes or fees in s. 212.12 apply to this assessment.

101 (5) MANDATORY TRAVEL INFORMATION.--Any university or  
102 community college within the State University System or the  
103 Florida Community College System that organizes or directs the  
104 organization of a cultural or educational trip utilizing charter  
105 transportation to any terrorist state shall provide the  
106 Department of Education, no later than 30 days after the  
107 completion of such trip, the following information:

108 (a) A report specifying:

109 1. The number of degree-seeking students and nondegree-  
110 seeking students participating in the trip.

111 2. The number of employees of the university or community  
112 college and the number of persons not employed by the university  
113 or community college participating in the trip.

114 (b) A detailed itinerary of the trip being organized,  
115 including hotel and restaurant accommodations, planned  
116 excursions, and scheduled meetings with governmental authorities  
117 or individuals or organizations not affiliated with the  
118 government of the host nation.

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

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