

A bill to be entitled

An act relating to charter travel to terrorist states; creating s. 288.857, F.S.; creating the "Commerce With Terrorist States Act"; providing a popular name; providing legislative intent; providing definitions; providing for the levy of a security assessment on charter transportation for trips originating in this state and arriving in an identified terrorist state; providing for the rate of the assessment; providing requirements and procedures with respect thereto; requiring any university or community college within the State University System or the Florida Community College System that organizes or directs the organization of a cultural or educational trip utilizing charter transportation to any terrorist state to provide the Department of Education and the Department of Law Enforcement with specified information; specifying exemptions to the act; providing for the adoption of rules; providing severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 288.857, Florida Statutes, is created to read:

288.857 Security assessment for chartered transportation to terrorist states.--

(1) POPULAR NAME.--This act may be known by the popular name the "Commerce with Terrorist States Act."

(2) LEGISLATIVE INTENT.--

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30       (a) The Legislature finds that there are increased safety  
 31 concerns and costs associated with transportation between this  
 32 state and terrorist states and that travel to terrorist states  
 33 generates significant expenditures related to security issues  
 34 and to the prevention of and response to possible terrorist  
 35 acts. The Legislature further finds that persons or entities who  
 36 transport persons to terrorist states may directly impact the  
 37 economic stability and public security of this state. Therefore,  
 38 it is the intent of the Legislature to offset costs related to  
 39 transportation to terrorist states that originates in this  
 40 state. It is not the intent of the Legislature to impact the  
 41 official business of government employees or the duties of any  
 42 personnel of the United States Armed Services.

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

44       (a) "Terrorist state" means any state, country, or nation  
 45 presently deemed a state sponsor of terrorism by the United  
 46 States Department of State. For the purposes of this act, the  
 47 Department of Revenue shall be charged with the duty of  
 48 documenting those states or nations identified as terrorist  
 49 states by the United States Department of State, shall specify  
 50 in rule those states or nations deemed terrorist states by the  
 51 State of Florida, and shall periodically update the list of  
 52 countries recognized by the state as terrorist states.

53       (b) "Directly carries or transports" means to conduct a  
 54 single continuous charter flight or charter vessel voyage that  
 55 originates from any location in this state and arrives in a  
 56 terrorist state identified pursuant to paragraph (a). For  
 57 purposes of this definition, temporary stops of less than 8

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58 hours shall not disqualify a charter flight or charter vessel  
 59 voyage from being considered a continuous flight or voyage.

60 (c) "Charter aircraft" means any form of aircraft hired  
 61 for exclusive temporary use by a single traveler or group of  
 62 travelers.

63 (d) "Charter vessel" means any form of watercraft hired  
 64 for exclusive temporary use by a single traveler or group of  
 65 travelers.

66 (e) "Charter transportation" means travel via charter  
 67 aircraft or charter vessel when such aircraft or vessel is hired  
 68 for exclusive temporary use by a single traveler or group of  
 69 travelers.

70 (4) SECURITY ASSESSMENT.--

71 (a) It is the intent of the Legislature that every person  
 72 or entity who directly transports persons via charter plane or  
 73 charter boat from this state to a terrorist state is exercising  
 74 an assessable privilege.

75 (b) For exercising such privilege, a security assessment  
 76 is levied on each assessable transaction or incident, which  
 77 assessment is due and payable at the rate of 10 percent on the  
 78 total consideration received or to be received by any person for  
 79 performing such service.

80 (c) Such security assessment shall be in addition to the  
 81 total amount of the consideration for the service, shall be  
 82 charged by the person receiving such consideration, and shall be  
 83 payable by such person at the time he or she receives such  
 84 consideration. Such person shall remit the assessment to the  
 85 Department of Revenue. The department shall deposit such funds  
 86 in the State Homeland Security Trust Fund.

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

91 (e) This security assessment shall be due and payable  
 92 according to the brackets set forth in s. 212.12.

93 (5) MANDATORY TRAVEL INFORMATION.--Any university or  
 94 community college within the State University System or the  
 95 Florida Community College System that organizes or directs the  
 96 organization of a cultural or educational trip utilizing charter  
 97 transportation to any terrorist state, as defined in this act,  
 98 shall provide the Department of Education and the Department of  
 99 Law Enforcement, no later than 50 days prior to the commencement  
 100 of such trip, the following information:

101 (a) A passenger list of individuals participating in the  
 102 trip, including the name and address of each individual and the  
 103 enrollment or employment status of each individual in the  
 104 applicable state university or community college.

105 (b) A detailed itinerary of the trip being organized,  
 106 including hotel and restaurant accommodations, planned  
 107 excursions, and scheduled meetings with governmental authorities  
 108 or individuals or organizations not affiliated with the  
 109 government of the host nation.

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

113 (d) The certificates of incorporation of any entity or  
 114 entities contracted to organize or facilitate the trip or the  
 115 names and other pertinent identifying information with respect

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116 to any third party entity or entities being contracted to  
 117 organize or facilitate the trip.

118 (6) EXEMPTIONS.--The provisions of this act shall not  
 119 apply to:

120 (a) Any person operating by contract with a federal  
 121 authority or an authority of the State of Florida.

122 (b) Any person in performance of active military duty.

123 (10) RULEMAKING AUTHORITY.--The Department of Business  
 124 and Professional Regulation, the Department of Education, and  
 125 the Department of Revenue may adopt rules necessary to  
 126 administer this section.

127 Section 2. If any provision of this act or its application  
 128 to any person or circumstance is held invalid, the invalidity  
 129 does not affect other provisions or applications of the act  
 130 which can be given effect without the invalid provision or  
 131 application, and to this end the provisions of this act are  
 132 severable.

133 Section 3. This act shall take effect July 1, 2004.