

## CHAMBER ACTION

1 The Committee on Commerce recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5  
6 A bill to be entitled

7 An act relating to charter travel to terrorist states;  
8 creating s. 288.857, F.S.; creating the "Commerce With  
9 Terrorist States Act"; providing a popular name; providing  
10 legislative intent; providing definitions; providing for  
11 the levy of a security assessment on charter  
12 transportation for trips originating in this state and  
13 arriving in an identified terrorist state; providing for  
14 the rate of the assessment; providing requirements and  
15 procedures with respect thereto; requiring any university  
16 or community college within the State University System or  
17 the Florida Community College System that organizes or  
18 directs the organization of a cultural or educational trip  
19 utilizing charter transportation to any terrorist state to  
20 provide the Department of Education with specified  
21 information; specifying exemptions to the act; providing  
22 for the adoption of rules; providing for the adoption of  
23 emergency rules; providing that emergency rules shall

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24 remain in effect for a specified period; providing  
25 severability; providing an effective date.

26

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

28

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

31 288.857 Security assessment for chartered transportation  
32 to terrorist states.--

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

35 (2) LEGISLATIVE INTENT.--The Legislature finds that there  
36 are increased safety concerns associated with transportation  
37 between this state and terrorist states and that travel to  
38 terrorist states raises issues related to security and to the  
39 prevention of and response to possible terrorist acts. The  
40 Legislature further finds that persons or entities who transport  
41 persons to terrorist states may directly impact the economic  
42 stability and public security of this state. Therefore, it is  
43 the intent of the Legislature to offset costs related to  
44 transportation to terrorist states that originates in this  
45 state. It is not the intent of the Legislature to impact the  
46 official business of government employees or the duties of any  
47 personnel of the United States Armed Services.

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

49 (a) "Terrorist state" means any state, country, or nation  
50 presently deemed a state sponsor of terrorism by the United  
51 States Department of State. For the purposes of this act, the

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52 Department of Revenue shall be charged with the duty of  
53 documenting those states or nations identified as state sponsors  
54 of terrorism by the United States Department of State, shall  
55 specify in rule those states or nations deemed state sponsors of  
56 terrorism by the United States Department of State, and shall  
57 annually update the list of states or nations designated as  
58 state sponsors of terrorism according to the most current list  
59 of state sponsors of terrorism compiled by the United States  
60 Department of State.

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

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

66 (d) "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 (e) "Charter vessel" means any form of watercraft hired  
71 for exclusive temporary use by a single traveler or group of  
72 travelers.

73 (f) "Directly carries or transports" means to conduct a  
74 single continuous charter flight or charter vessel voyage that  
75 originates from any location in this state and arrives in a  
76 terrorist state identified pursuant to paragraph (a). For  
77 purposes of this definition, temporary stops of less than 8  
78 hours shall not disqualify a charter flight or charter vessel  
79 voyage from being considered a continuous flight or voyage.

80           (4) SECURITY ASSESSMENT.—

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

85           (b)1. For exercising such privilege, a security assessment  
 86 is levied on charter aircraft on each takeoff at the rate of  
 87 \$100, irrespective of the charter aircraft size, plus \$0.04 per  
 88 thousand pounds of landed aircraft weight.

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

94           (c) Such security assessment shall be in addition to the  
 95 total amount of the consideration for the service, shall be  
 96 charged by the person receiving such consideration, and shall be  
 97 payable by such person at the time he or she receives such  
 98 consideration. Such person shall remit the assessment to the  
 99 Department of Revenue. Payment of the assessment shall be  
 100 accompanied by a form to be prescribed by the department. The  
 101 proceeds of the security assessment, less administrative costs,  
 102 shall be transferred by the Department of Revenue into the State  
 103 Homeland Security Trust Fund. For the purposes of this section,  
 104 "proceeds of the security assessment" means all funds collected  
 105 and received by the department hereunder, including interest and  
 106 penalties on delinquent assessments. The amount deducted for  
 107 the costs of administration must not exceed 3 percent of the

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108 total revenues collected hereunder and may include only those  
 109 costs reasonably attributable to the assessment.

110 (d) This security assessment is in addition to other taxes  
 111 or assessments, whether levied in the form of excise, license,  
 112 or privilege taxes, and is in addition to all other fees and  
 113 taxes levied.

114 (e) The Department of Revenue shall administer, collect,  
 115 and enforce the security assessment authorized under this  
 116 section pursuant to the same procedures used in the  
 117 administration, collection, and enforcement of the general state  
 118 sales tax imposed under chapter 212, except as provided in this  
 119 section. The provisions of chapter 212 regarding the authority  
 120 to audit and make assessments, keeping of books and records, and  
 121 interest and penalties on delinquent fees apply. The assessment  
 122 shall not be included in the computation of estimated taxes  
 123 pursuant to s. 212.11, nor shall the dealer's credit for  
 124 collecting taxes or fees in s. 212.12 apply to this assessment.

125 (5) MANDATORY TRAVEL INFORMATION.--Any university or  
 126 community college within the State University System or the  
 127 Florida Community College System that organizes or directs the  
 128 organization of a cultural or educational trip utilizing charter  
 129 transportation to any terrorist state shall provide the  
 130 Department of Education, no later than 30 days prior to the  
 131 commencement of such trip, the following information:

132 (a) A passenger list of individuals participating in the  
 133 trip, including the name and address of each individual and the  
 134 enrollment or employment status of each individual in the  
 135 applicable state university or community college.

136        (b) A detailed itinerary of the trip being organized,  
 137 including hotel and restaurant accommodations, planned  
 138 excursions, and scheduled meetings with governmental authorities  
 139 or individuals or organizations not affiliated with the  
 140 government of the host nation.

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

144        (d) The certificates of incorporation of any entity or  
 145 entities contracted to organize or facilitate the trip or the  
 146 names and other pertinent identifying information with respect  
 147 to any third party entity or entities being contracted to  
 148 organize or facilitate the trip.

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

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

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

154        (c) Any person employed with the Federal Government in the  
 155 performance of his or her official duties.

156        (7) RULEMAKING AUTHORITY.--The Department of Education and  
 157 the Department of Revenue may adopt rules necessary to  
 158 administer this section. The Executive Director of the  
 159 Department of Revenue is authorized, and all conditions are  
 160 deemed met, to adopt emergency rules under ss. 120.536(1) and  
 161 120.54(4) to implement this section. Notwithstanding any other  
 162 provision of law, such emergency rules shall remain in effect  
 163 for 6 months after the date of adoption and may be renewed

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164 | during the pendency of procedures to adopt rules addressing the  
165 | subject of the emergency rules.

166 |       Section 2. If any provision of this act or its application  
167 | to any person or circumstance is held invalid, the invalidity  
168 | does not affect other provisions or applications of the act  
169 | which can be given effect without the invalid provision or  
170 | application, and to this end the provisions of this act are  
171 | severable.

172 |       Section 3. This act shall take effect January 1, 2005.