

1 A bill to be entitled

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

21
22 Be It Enacted by the Legislature of the State of Florida:

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

26 288.857 Security assessment for chartered transportation
27 to terrorist states.--

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

30 (2) LEGISLATIVE INTENT.--The Legislature finds that there
 31 are increased safety concerns associated with transportation
 32 between this state and terrorist states and that travel to
 33 terrorist states raises issues related to security and to the
 34 prevention of and response to possible terrorist acts. The
 35 Legislature further finds that persons or entities who transport
 36 persons to terrorist states may directly impact the economic
 37 stability and public security of this state. Therefore, it is
 38 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, through the
 41 enactment of this section, to impact the official business of
 42 government employees or the duties of any personnel of the
 43 United States Armed Services, nor to regulate academic freedom
 44 or academic program content.

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

46 (a) "Terrorist state" means any state, country, or nation
 47 presently deemed a state sponsor of terrorism by the United
 48 States Department of State. For the purposes of this act, the
 49 Department of Revenue shall be charged with the duty of
 50 documenting those states or nations identified as state sponsors
 51 of terrorism by the United States Department of State, shall
 52 specify in rule those states or nations deemed state sponsors of
 53 terrorism by the United States Department of State, and shall
 54 annually update the list of states or nations designated as
 55 state sponsors of terrorism according to the most current list

56 of state sponsors of terrorism compiled by the United States
 57 Department of State.

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

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 transportation" means travel via charter
 64 aircraft or charter vessel when such aircraft or vessel is hired
 65 for exclusive temporary use by a single traveler or group of
 66 travelers.

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

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

77 (4) SECURITY ASSESSMENT.--

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

82 (b)1. For exercising such privilege, a security assessment
 83 is levied on charter aircraft on each takeoff at the rate of

84 \$100, irrespective of the charter aircraft size, plus an
 85 additional charge of \$0.04 per pound of the aircraft's maximum
 86 takeoff weight as specified by the aircraft manufacturer. Each
 87 such charter company is charged with the responsibility of
 88 keeping adequate books and records that will establish chartered
 89 flights and destinations.

90 2. For charter vessels exercising such privilege, a
 91 security assessment is levied on each assessable transaction or
 92 incident, which assessment is due and payable at the rate of 10
 93 percent on the total consideration received or to be received by
 94 any person for performing such service. Such security
 95 assessment shall be in addition to the total amount of the
 96 consideration for the service, shall be charged by the person
 97 receiving such consideration, and shall be payable by such
 98 person at the time he or she receives such consideration.

99 (c) Such person who or entity that directly transports
 100 persons via charter aircraft or vessel from this state to a
 101 terrorist state shall remit the assessment to the Department of
 102 Revenue in a manner prescribed by the department. The proceeds
 103 of the security assessment, less administrative costs, shall be
 104 transferred by the Department of Revenue into the State Homeland
 105 Security Trust Fund. For the purposes of this section,
 106 "proceeds of the security assessment" means all funds collected
 107 and received by the department hereunder, including interest and
 108 penalties on delinquent assessments. The amount deducted for
 109 the costs of administration must not exceed 3 percent of the
 110 total revenues collected hereunder and may include only those
 111 costs reasonably attributable to the assessment.

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

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

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

- 134 (a) A report specifying:
- 135 1. The number of degree-seeking students and nondegree-
 136 seeking students participating in the trip.
 - 137 2. The number of employees of the university or community
 138 college and the number of persons not employed by the university
 139 or community college participating in the trip.

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

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

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

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

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

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

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

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

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

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