

By Senator Diaz de la Portilla

36-1741-04

See HB

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

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

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

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

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

3 (2) LEGISLATIVE INTENT.--

4 (a) The Legislature finds that there are increased
5 safety concerns and costs associated with transportation
6 between this state and terrorist states and that travel to
7 terrorist states generates significant expenditures related to
8 security issues and to the prevention of and response to
9 possible terrorist acts. The Legislature further finds that
10 persons or entities who transport persons to terrorist states
11 may directly impact the economic stability and public security
12 of this state. Therefore, it is the intent of the Legislature
13 to offset costs related to transportation to terrorist states
14 that originates in this state. It is not the intent of the
15 Legislature to impact the official business of government
16 employees or the duties of any personnel of the United States
17 Armed Services.

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

19 (a) "Terrorist state" means any state, country, or
20 nation presently deemed a state sponsor of terrorism by the
21 United States Department of State. For the purposes of this
22 act, the Department of Revenue shall be charged with the duty
23 of documenting those states or nations identified as terrorist
24 states by the United States Department of State, shall specify
25 in rule those states or nations deemed terrorist states by the
26 State of Florida, and shall periodically update the list of
27 countries recognized by the state as terrorist states.

28 (b) "Directly carries or transports" means to conduct
29 a single continuous charter flight or charter vessel voyage
30 that originates from any location in this state and arrives in
31 a terrorist state identified pursuant to paragraph (a). For

1 purposes of this definition, temporary stops of less than 8
2 hours shall not disqualify a charter flight or charter vessel
3 voyage from being considered a continuous flight or voyage.

4 (c) "Charter aircraft" means any form of aircraft
5 hired for exclusive temporary use by a single traveler or
6 group of travelers.

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

10 (e) "Charter transportation" means travel via charter
11 aircraft or charter vessel when such aircraft or vessel is
12 hired for exclusive temporary use by a single traveler or
13 group of travelers.

14 (4) SECURITY ASSESSMENT.--

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

19 (b) For exercising such privilege, a security
20 assessment is levied on each assessable transaction or
21 incident, which assessment is due and payable at the rate of
22 10 percent on the total consideration received or to be
23 received by any person for performing such service.

24 (c) Such security assessment shall be in addition to
25 the total amount of the consideration for the service, shall
26 be charged by the person receiving such consideration, and
27 shall be payable by such person at the time he or she receives
28 such consideration. Such person shall remit the assessment to
29 the Department of Revenue. The department shall deposit such
30 funds in the State Homeland Security Trust Fund.

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1 (d) This security assessment is in addition to other
2 taxes or assessments, whether levied in the form of excise,
3 license, or privilege taxes, and is in addition to all other
4 fees and taxes levied.

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

7 (5) MANDATORY TRAVEL INFORMATION.--Any university or
8 community college within the State University System or the
9 Florida Community College System that organizes or directs the
10 organization of a cultural or educational trip utilizing
11 charter transportation to any terrorist state, as defined in
12 this act, shall provide the Department of Education and the
13 Department of Law Enforcement, no later than 50 days prior to
14 the commencement of such trip, the following information:

15 (a) A passenger list of individuals participating in
16 the trip, including the name and address of each individual
17 and the enrollment or employment status of each individual in
18 the applicable state university or community college.

19 (b) A detailed itinerary of the trip being organized,
20 including hotel and restaurant accommodations, planned
21 excursions, and scheduled meetings with governmental
22 authorities or individuals or organizations not affiliated
23 with the government of the host nation.

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

27 (d) The certificates of incorporation of any entity or
28 entities contracted to organize or facilitate the trip or the
29 names and other pertinent identifying information with respect
30 to any third-party entity or entities being contracted to
31 organize or facilitate the trip.

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

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

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

6 (10) RULEMAKING AUTHORITY.--The Department of Business
7 and Professional Regulation, the Department of Education, and
8 the Department of Revenue may adopt rules necessary to
9 administer this section.

10 Section 2. If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 invalidity does not affect other provisions or applications of
13 the act which can be given effect without the invalid
14 provision or application, and to this end the provisions of
15 this act are severable.

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

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