

1 A bill to be entitled
2 An act relating to travel to and commerce with terrorist
3 nations; creating s. 288.857, F.S.; creating the "Travel
4 To and Commerce With Terrorist Nations Act"; providing a
5 popular name; providing legislative intent; providing
6 definitions; providing for the levy of a security
7 assessment on charter transportation for trips originating
8 in this state and arriving in an identified terrorist
9 nation; providing for the rate of the assessment;
10 providing requirements and procedures with respect
11 thereto; requiring any university or community college
12 within the State University System or the Florida
13 Community College System that organizes or directs the
14 organization of a cultural or educational trip utilizing
15 charter transportation to any terrorist nation to provide
16 the Department of Education with specified information;
17 providing standards for disqualification from
18 participation in specific programs and services
19 administered by the state for residents who engage in
20 travel to terrorist nations; providing for the
21 reallocation of state funds derived as a result of the
22 denial or discontinuance of benefits from such programs;
23 requiring the Department of Agriculture and Consumer
24 Services to develop a terrorist travel disclosure form;
25 providing for contents of the form; providing requirements
26 with respect to completion and submission of such form;
27 providing for an administrative processing assessment;
28 providing for calculation and deposit of such assessment;

29 requiring the department to create, operate, and maintain
 30 a database for the collection of information contained in
 31 such forms; providing for utilization of the database by
 32 state agencies; requiring the Department of Children and
 33 Family Services to monitor the database for specified
 34 compliance; requiring the Department of Children and
 35 Family Services to include a terrorist travel waiver form
 36 with specified applications for assistance; providing for
 37 contents of the form; providing for a state surcharge on
 38 the trade and shipment of cattle to any terrorist nation;
 39 providing for utilization of funds derived from the
 40 terrorist commerce surcharge; requiring a report;
 41 providing a fine for violation of the act; specifying
 42 exemptions to the act; providing for the adoption of
 43 rules; providing for the adoption of emergency rules;
 44 providing that emergency rules shall remain in effect for
 45 a specified period; providing severability; providing an
 46 effective date.

47
 48 Be It Enacted by the Legislature of the State of Florida:

49
 50 Section 1. Section 288.857, Florida Statutes, is created
 51 to read:

52 288.857 Travel To and Commerce With Terrorist Nations
 53 Act.--

54 (1) POPULAR NAME.--This act may be cited as the "Travel To
 55 and Commerce With Terrorist Nations Act."

56 (2) LEGISLATIVE INTENT.--The Legislature finds that travel

57 to and commerce with nations designated by the United States
58 Department of State as purveyors of state-sponsored terrorism
59 erves to subsidize the terrorist activities which caused these
60 nations to be placed on the United States Department of State
61 list of terrorist nations. The Legislature finds that there are
62 increased safety concerns associated with transportation between
63 this state and terrorist nations and that travel to terrorist
64 nations raises issues related to security and to the prevention
65 of and response to possible terrorist acts. The Legislature
66 further finds that persons or entities who transport persons to
67 terrorist nations may directly impact the economic stability and
68 public security of this state. Therefore, it is the intent of
69 the Legislature to offset costs related to transportation to
70 terrorist nations that originates in this state. The Legislature
71 finds that certain Florida residents who avail themselves of
72 programs and services administered by the State of Florida are
73 currently engaging in travel and commerce activities that
74 subsidize terrorist nations. In an effort to minimize potential
75 subsidies to terrorist nations for terrorist activities, as well
76 as to combat fraud and abuse in certain programs and services
77 administered by state government, the Legislature further finds
78 that Florida residents who engage in travel and commerce
79 activities that benefit terrorist nations should be ineligible
80 for certain programs and services administered by state
81 government. The Legislature finds that protecting the
82 agricultural interests of the state can be served by
83 implementing a surcharge on specific agricultural commerce with
84 terrorist nations. Therefore, it is the intent of the

85 Legislature through the passage of this act to discourage
 86 Florida residents, particularly those benefiting from the
 87 receipt of public funds, from participating in travel and
 88 commerce activities that serve to benefit terrorist nations
 89 financially, and to further the agricultural and homeland
 90 security interests of the state. It is further the intent of the
 91 Legislature that any savings or revenues generated as a result
 92 of this act be utilized for critical state priorities such as
 93 enhancing homeland security, providing the elderly with
 94 nutrition programs, eradicating citrus canker, and improving
 95 agricultural harvesting techniques. It is not the intent of the
 96 Legislature, through the enactment of this act, to impact the
 97 official business of government employees or the duties of any
 98 personnel of the United States Armed Services, nor to regulate
 99 academic freedom or academic program content.

100 (3) DEFINITIONS.--As used in this act:

101 (a) "Terrorist nation" means any state, country, or nation
 102 presently deemed a state sponsor of terrorism by the United
 103 States Department of State. For the purposes of this act, the
 104 Department of Revenue shall be charged with the duty of
 105 documenting those states or nations identified as state sponsors
 106 of terrorism by the United States Department of State, shall
 107 specify in rule those states or nations designated state
 108 sponsors of terrorism by the United States Department of State,
 109 and shall annually update the list of states or nations
 110 designated as state sponsors of terrorism according to the most
 111 current list of state sponsors of terrorism compiled by the
 112 United States Department of State.

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

115 (c) "Charter aircraft" means any form of aircraft hired
 116 for exclusive temporary use by a single traveler or group of
 117 travelers.

118 (d) "Charter transportation" means travel via charter
 119 aircraft or charter vessel when such aircraft or vessel is hired
 120 for exclusive temporary use by a single traveler or group of
 121 travelers.

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

125 (f) "Directly carries or transports" means to conduct a
 126 single continuous charter flight or charter vessel voyage that
 127 originates from any location in this state and arrives in a
 128 terrorist nation identified pursuant to paragraph(a). For
 129 purposes of this definition, temporary stops of less than 8
 130 hours shall not disqualify a charter flight or charter vessel
 131 voyage from being considered a continuous flight or voyage.

132 (4) SECURITY ASSESSMENT.--

133 (a) It is the intent of the Legislature that every person
 134 or entity who directly transports persons via charter aircraft
 135 or charter vessel from this state to a terrorist nation is
 136 exercising an assessable privilege.

137 (b)1. For exercising such privilege, a security assessment
 138 is levied on charter aircraft on each takeoff at the rate of
 139 \$100, irrespective of the charter aircraft size, plus an
 140 additional charge of \$0.04 per pound of the aircraft's maximum

141 takeoff weight as specified by the aircraft manufacturer. Each
142 such charter company is charged with the responsibility of
143 keeping adequate books and records that will establish chartered
144 flights and destinations.

145 2. For charter vessels exercising such privilege, a
146 security assessment is levied on each assessable transaction or
147 incident, which assessment is due and payable at the rate of 10
148 percent on the total consideration received or to be received by
149 any person for performing such service. Such security assessment
150 shall be in addition to the total amount of the consideration
151 for the service, shall be charged by the person receiving such
152 consideration, and shall be payable by such person at the time
153 he or she receives such consideration.

154 (c) Any person or entity that directly transports persons
155 via charter aircraft or vessel from this state to a terrorist
156 nation shall remit the assessment to the Department of Revenue
157 in a manner prescribed by the department. The proceeds of the
158 security assessment, less administrative costs, shall be
159 transferred by the Department of Revenue into the State Homeland
160 Security Trust Fund. For the purposes of this act, "proceeds of
161 the security assessment" means all funds collected and received
162 by the department hereunder, including interest and penalties on
163 delinquent assessments. The amount deducted for the costs of
164 administration must not exceed 3 percent of the total revenues
165 collected hereunder and may include only those costs reasonably
166 attributable to the assessment.

167 (d) This security assessment is in addition to other taxes
168 or assessments, whether levied in the form of excise, license,

169 or privilege taxes, and is in addition to all other fees and
170 taxes levied.

171 (e) The Department of Revenue shall administer, collect,
172 and enforce the security assessment authorized under this act
173 pursuant to the same procedures used in the administration,
174 collection, and enforcement of the general state sales tax
175 imposed under chapter 212, except as provided in this act. The
176 provisions of chapter 212 regarding the authority to audit and
177 make assessments, keeping of books and records, and interest and
178 penalties on delinquent assessments apply. The assessment shall
179 not be included in the computation of estimated taxes pursuant
180 to s. 212.11, nor shall the dealer's credit for collecting taxes
181 or fees in s. 212.12 apply to this assessment.

182 (5) MANDATORY TRAVEL INFORMATION.--Any university or
183 community college within the State University System or the
184 Florida Community College System that organizes or directs the
185 organization of a cultural or educational trip utilizing charter
186 transportation to any terrorist nation shall provide the
187 Department of Education, no later than 30 days after the
188 completion of such trip, with the following information:

189 (a) A report specifying:

190 1. The number of degree-seeking students and nondegree-
191 seeking students participating in the trip.

192 2. The number of employees of the university or community
193 college and the number of persons not employed by the university
194 or community college participating in the trip.

195 (b) A detailed itinerary of the trip being organized,
196 including hotel and restaurant accommodations, planned

197 excursions, and scheduled meetings with governmental authorities
 198 or individuals or organizations not affiliated with the
 199 government of the host nation.

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

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

205 (e) A statement confirming adherence to all provisions of
 206 the United States Department of Treasury Cuban Assets Control
 207 Regulations, 31 C.F.R. s. 515.536.

208 (6) PROGRAM ELIGIBILITY DISQUALIFICATION.--Effective
 209 January 1, 2006, any Florida resident between 18 and 65 years of
 210 age, inclusive, who has established permanent residency in
 211 Florida for less than 5 years, and who has not been determined
 212 by the Florida Medicaid program to be either disabled or
 213 pregnant, regardless of immigration or citizenship status, is
 214 ineligible to participate in the Refugee Resettlement Program
 215 under Title IV of the Immigration and Nationality Act, the
 216 Refugee Cash Assistance program under 45 C.F.R. part 400, or the
 217 Refugee Medical Assistance program under 45 C.F.R. part 400, as
 218 administered by the State of Florida and the Florida Department
 219 of Children and Family Services, and will be ineligible to
 220 receive Medicaid or food stamp benefits, as administered by the
 221 State of Florida and the Florida Department of Children and
 222 Family Services, for a minimum period of 1 year or until the
 223 person's 5-year Florida residency threshold is reached,
 224 whichever is greater, upon a determination by the Florida

225 Department of Children and Family Services that the individual
 226 has traveled to a terrorist nation as defined by the United
 227 States Department of State.

228 (7) UTILIZATION OF STATE FUNDING.--Effective January 1,
 229 2006, all state funds derived as a result of the denial or
 230 discontinuance of benefits under this act shall be redirected to
 231 the Department of Elderly Affairs for elderly nutrition
 232 programs. No funds derived under this act may be used to replace
 233 existing funding for and access to programs to which funds are
 234 redirected. All funds secured under this act are intended to
 235 expand funding for and access to the programs to which funds are
 236 redirected.

237 (8) TERRORIST TRAVEL DISCLOSURE FORM.--

238 (a) The Department of Department of Agriculture and
 239 Consumer Services shall develop a disclosure form to be entitled
 240 the "Terrorist Travel Disclosure Form." The form shall inform a
 241 Florida resident seeking to travel to an identified terrorist
 242 nation of the disqualification from eligibility for the programs
 243 and services cited in subsection (6) that will result from such
 244 travel. The Terrorist Travel Disclosure Form shall include the
 245 name, mailing address, social security number or alien resident
 246 number, date of birth, place of birth, date on which Florida
 247 residency was established, telephone number and signature of the
 248 individual requesting travel services to a terrorist nation, and
 249 shall contain a sworn statement attesting to the validity of the
 250 application.

251 (b) Effective January 1, 2006, all persons and
 252 corporations subject to the jurisdiction of the State of Florida

253 who are authorized by the Office of Foreign Assets Control,
 254 United States Department of the Treasury, to provide terrorist
 255 nation-related travel services to qualifying individuals must,
 256 no later than 15 days after travel has commenced, submit to the
 257 Florida Department of Department of Agriculture and Consumer
 258 Services a completed terrorist travel disclosure form. The
 259 Department of Agriculture and Consumer Services shall assess on
 260 a yearly basis all persons and corporations subject to the
 261 jurisdiction of the State of Florida who are authorized by the
 262 Office of Foreign Assets Control, United States Department of
 263 the Treasury, to provide terrorist nation-related travel
 264 services. Such yearly assessment shall be at a level sufficient
 265 to fulfill the cost associated with administering this
 266 regulation. The yearly assessment shall be calculated by
 267 dividing the total administrative cost by the number of
 268 current/active and delinquent/active terrorist nation-related
 269 travel service providers. Such administrative processing
 270 assessment shall be deposited in the General Revenue Fund.

271 (9) TERRORIST NATIONS TRAVEL DATABASE.--No later than
 272 January 1, 2006, the Department of Department of Agriculture and
 273 Consumer Services shall create, operate, and maintain a
 274 Terrorist Nations Travel Database wherein information contained
 275 in terrorist travel disclosure forms and received from
 276 authorized travel service providers shall be input and
 277 maintained. The database shall be available to any state agency
 278 responsible for determining eligibility or the continuation of
 279 eligibility for the Refugee Resettlement Program, the Refugee
 280 Cash Assistance program, the Refugee Medical Assistance program,

281 Medicaid, or the food stamp program, and for informing program
 282 recipients subject to this act of the termination of their
 283 eligibility for such programs. The Department of Children and
 284 Family Services shall monitor the Terrorist Nations Travel
 285 Database on a monthly basis to ensure the compliance of benefit
 286 recipients under the Refugee Resettlement Program, the Refugee
 287 Cash Assistance program, the Refugee Medical Assistance program,
 288 Medicaid, or the food stamp program with the eligibility
 289 criteria established in subsection (6).

290 (10) DISCLOSURE OF ELIGIBILITY REQUIREMENTS; PENALTY FOR
 291 NONCOMPLIANCE.--No later than January 1, 2006, the Department of
 292 Children and Family Services shall include a terrorist travel
 293 waiver form in all "Request for Assistance" application packets
 294 that include Temporary Cash Assistance, food stamps, and
 295 Medicaid for all applicants under the Refugee Resettlement
 296 Program administered by the State of Florida. The terrorist
 297 travel waiver form shall inform prospective applicants of the
 298 disqualification from eligibility for such programs and the
 299 penalties for noncompliance that will result from travel to
 300 terrorist countries. The terrorist travel waiver form shall
 301 include a sworn statement and agreement, under penalty of
 302 perjury, by the benefits applicant that he or she will inform
 303 the Department of Children and Family Services of any travel or
 304 intention to travel to a terrorist nation while receiving
 305 benefits covered under the Refugee Resettlement Program, the
 306 food stamp program, or the Medicaid program. Any Refugee
 307 Resettlement Program recipients found to be in violation of the
 308 eligibility requirements associated with travel to terrorist

309 nations and who meet the criteria established in subsection (6)
310 shall be ineligible for the Refugee Cash Assistance program, the
311 Refugee Medical Assistance program, Medicaid, and the food stamp
312 program, as administered by the State of Florida, for an
313 indefinite period.

314 (11) TERRORIST COMMERCE SURCHARGE; UTILIZATION OF
315 FUNDS.--No later than January 1, 2006, the Department of
316 Agriculture and Consumer Services shall levy a 10-percent
317 terrorist commerce surcharge on the final sale price of any beef
318 or dairy cattle transshipped from any Florida airport or seaport
319 for sale to any terrorist nation, including, but not limited to,
320 Brangus, Braford, Brahma, Hereford, Beef Masters, and Black
321 Angus cow and cattle varieties. Funds derived from the surcharge
322 shall be allocated to the Institute of Food and Agricultural
323 Sciences of the University of Florida for utilization in the
324 Citrus Canker Genome Project and the Citrus Abscission and
325 Mechanical Harvest Project.

326 (12) IMPLEMENTATION REQUIREMENTS.--No later than July 1,
327 2006, the Department of Children and Family Services, the
328 Department of Elderly Affairs, the Agency for Health Care
329 Administration, and the Department of Agriculture and Consumer
330 Services shall submit a report to the Legislature describing the
331 actions necessary to implement this act. The report shall
332 include written comments from the agencies' federal counterparts
333 as to any requirements necessary to implement the act, including
334 but not limited to, securing any federal waivers, and
335 recommended action to be taken by the respective agencies,
336 including any fiscal notes.

337 (13) PENALTY.--Any entity providing travel services in
 338 violation of any provision of this act shall be subject to a
 339 fine in the amount of \$10,000 per violation to be imposed by the
 340 Department of Department of Agriculture and Consumer Services.

341 (14) EXEMPTIONS.--The provisions of this act shall not
 342 apply to:

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

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

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

348 (15) RULEMAKING AUTHORITY.--The Department of Education
 349 and the Department of Revenue may adopt rules necessary to
 350 administer this act. The Executive Director of the Department of
 351 Revenue is authorized, and all conditions are deemed met, to
 352 adopt emergency rules under ss. 120.536(1) and 120.54(4) to
 353 implement this act. Notwithstanding any other provision of law,
 354 such emergency rules shall remain in effect for 6 months after
 355 the date of adoption and may be renewed during the pendency of
 356 procedures to adopt rules addressing the subject of the
 357 emergency rules.

358 Section 2. If any provision of this act or its application
 359 to any person or circumstance is held invalid, the invalidity
 360 does not affect other provisions or applications of the act
 361 which can be given effect without the invalid provision or
 362 application, and to this end the provisions of this act are
 363 severable.

364 Section 3. This act shall take effect upon becoming a law.