

CHAMBER ACTION

1 The Domestic Security Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5  
6 A bill to be entitled

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

24 | administered by the state for residents who engage in  
25 | travel to terrorist nations; providing for the  
26 | reallocation of state funds derived as a result of the  
27 | denial or discontinuance of benefits from such programs;  
28 | requiring the Department of Revenue to develop a terrorist  
29 | travel disclosure form; providing for contents of the  
30 | form; providing requirements with respect to completion  
31 | and submission of such form; providing for an  
32 | administrative processing assessment; providing for  
33 | calculation and deposit of such assessment; authorizing  
34 | the Department of Revenue to investigate and audit  
35 | specified records to enforce the act; requiring the  
36 | department to create, operate, and maintain a database for  
37 | the collection of information contained in such forms;  
38 | providing for utilization of the database by state  
39 | agencies; requiring the Department of Children and Family  
40 | Services to monitor the database for specified compliance;  
41 | requiring the Department of Children and Family Services  
42 | to include a terrorist travel waiver form with specified  
43 | applications for assistance; providing for contents of the  
44 | form; providing for a state surcharge on the trade and  
45 | shipment of cattle to any terrorist nation; providing for  
46 | utilization of funds derived from the terrorist commerce  
47 | surcharge; requiring a report; providing a fine to be  
48 | imposed by the Department of Agriculture and Consumer  
49 | Services for violation of pt. XI of ch. 559, F.S., the  
50 | Florida Sellers of Travel Act; providing a fine to be  
51 | imposed by the Department of Revenue for violation of the

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52 | act; specifying exemptions to the act; providing for the  
 53 | adoption of rules; providing for the adoption of emergency  
 54 | rules; providing that emergency rules shall remain in  
 55 | effect for a specified period; amending s. 559.935, F.S.;  
 56 | providing that specified provisions of pt. XI of ch. 559,  
 57 | F.S., the Florida Sellers of Travel Act, do not apply to  
 58 | certain sellers of travel who are authorized to provide  
 59 | terrorist nation-related travel services to qualifying  
 60 | individuals; providing an effective date.

61

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

63

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

66 | 288.857 Travel To and Commerce With Terrorist Nations  
 67 | Act.--

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

70 | (2) LEGISLATIVE INTENT.--The Legislature finds that travel  
 71 | to and commerce with nations designated by the United States  
 72 | Department of State as purveyors of state-sponsored terrorism  
 73 | serves to subsidize the terrorist activities which caused these  
 74 | nations to be placed on the United States Department of State  
 75 | list of terrorist nations. The Legislature finds that there are  
 76 | increased safety concerns associated with transportation between  
 77 | this state and terrorist nations and that travel to terrorist  
 78 | nations raises issues related to security and to the prevention  
 79 | of and response to possible terrorist acts. The Legislature

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80 further finds that persons or entities who transport persons to  
81 terrorist nations may directly impact the economic stability and  
82 public security of this state. Therefore, it is the intent of  
83 the Legislature to offset costs related to transportation to  
84 terrorist nations that originates in this state. The Legislature  
85 finds that certain Florida residents who avail themselves of  
86 programs and services administered by the State of Florida are  
87 currently engaging in travel and commerce activities that  
88 subsidize terrorist nations. In an effort to minimize potential  
89 subsidies to terrorist nations for terrorist activities, as well  
90 as to combat fraud and abuse in certain programs and services  
91 administered by state government, the Legislature further finds  
92 that Florida residents who engage in travel and commerce  
93 activities that benefit terrorist nations should be ineligible  
94 for certain programs and services administered by state  
95 government. The Legislature finds that protecting the  
96 agricultural interests of the state can be served by  
97 implementing a surcharge on specific agricultural commerce with  
98 terrorist nations. Therefore, it is the intent of the  
99 Legislature through the passage of this act to discourage  
100 Florida residents, particularly those benefiting from the  
101 receipt of public funds, from participating in travel and  
102 commerce activities that serve to benefit terrorist nations  
103 financially, and to further the agricultural and homeland  
104 security interests of the state. It is further the intent of the  
105 Legislature that any savings or revenues generated as a result  
106 of this act be utilized for critical state priorities such as  
107 enhancing homeland security, providing the elderly with

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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108 nutrition programs, eradicating citrus canker, and improving  
109 agricultural harvesting techniques. It is not the intent of the  
110 Legislature, through the enactment of this act, to impact the  
111 official business of government employees or the duties of any  
112 personnel of the United States Armed Services, nor to regulate  
113 academic freedom or academic program content.

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

115 (a) "Terrorist nation" means any state, country, or nation  
116 presently deemed a state sponsor of terrorism by the United  
117 States Department of State. For the purposes of this act, the  
118 Department of Revenue shall be charged with the duty of  
119 documenting those states or nations identified as state sponsors  
120 of terrorism by the United States Department of State, shall  
121 specify in rule those states or nations designated state  
122 sponsors of terrorism by the United States Department of State,  
123 and shall annually update the list of states or nations  
124 designated as state sponsors of terrorism according to the most  
125 current list of state sponsors of terrorism compiled by the  
126 United States Department of State.

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

129 (c) "Charter aircraft" means any form of aircraft hired  
130 for exclusive temporary use by a single traveler or group of  
131 travelers.

132 (d) "Charter transportation" means travel via charter  
133 aircraft or charter vessel when such aircraft or vessel is hired  
134 for exclusive temporary use by a single traveler or group of  
135 travelers.

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

139       (f) "Directly carries or transports" means to conduct a  
 140 single continuous charter flight or charter vessel voyage that  
 141 originates from any location in this state and arrives in a  
 142 terrorist nation identified pursuant to paragraph(a). For  
 143 purposes of this definition, temporary stops of less than 8  
 144 hours shall not disqualify a charter flight or charter vessel  
 145 voyage from being considered a continuous flight or voyage.

146       (4) SECURITY ASSESSMENT.--

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

151       (b)1. For exercising such privilege, a security assessment  
 152 is levied on charter aircraft on each takeoff at the rate of  
 153 \$100, irrespective of the charter aircraft size, plus an  
 154 additional charge of \$0.04 per pound of the aircraft's maximum  
 155 takeoff weight as specified by the aircraft manufacturer. Each  
 156 such charter company is charged with the responsibility of  
 157 keeping adequate books and records that will establish chartered  
 158 flights and destinations.

159       2. For charter vessels exercising such privilege, a  
 160 security assessment is levied on each assessable transaction or  
 161 incident, which assessment is due and payable at the rate of 10  
 162 percent on the total consideration received or to be received by  
 163 any person for performing such service. Such security assessment

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164 shall be in addition to the total amount of the consideration  
165 for the service, shall be charged by the person receiving such  
166 consideration, and shall be payable by such person at the time  
167 he or she receives such consideration.

168 (c) Any person or entity that directly transports persons  
169 via charter aircraft or vessel from this state to a terrorist  
170 nation shall remit the assessment to the Department of Revenue  
171 in a manner prescribed by the department. The proceeds of the  
172 security assessment, less administrative costs, shall be  
173 transferred by the Department of Revenue into the State Homeland  
174 Security Trust Fund. For the purposes of this act, "proceeds of  
175 the security assessment" means all funds collected and received  
176 by the department hereunder, including interest and penalties on  
177 delinquent assessments. The amount deducted for the costs of  
178 administration must not exceed 3 percent of the total revenues  
179 collected hereunder and may include only those costs reasonably  
180 attributable to the assessment.

181 (d) This security assessment is in addition to other taxes  
182 or assessments, whether levied in the form of excise, license,  
183 or privilege taxes, and is in addition to all other fees and  
184 taxes levied.

185 (e) The Department of Revenue shall administer, collect,  
186 and enforce the security assessment authorized under this act  
187 pursuant to the same procedures used in the administration,  
188 collection, and enforcement of the general state sales tax  
189 imposed under chapter 212, except as provided in this act. The  
190 provisions of chapter 212 regarding the authority to audit and  
191 make assessments, keeping of books and records, and interest and

192 penalties on delinquent assessments apply. The assessment shall  
 193 not be included in the computation of estimated taxes pursuant  
 194 to s. 212.11, nor shall the dealer's credit for collecting taxes  
 195 or fees in s. 212.12 apply to this assessment.

196 (5) MANDATORY TRAVEL INFORMATION.--Any university or  
 197 community college within the State University System or the  
 198 Florida Community College System that organizes or directs the  
 199 organization of a cultural or educational trip utilizing charter  
 200 transportation to any terrorist nation shall provide the  
 201 Department of Education, no later than 30 days after the  
 202 completion of such trip, with the following information:

203 (a) A report specifying:

204 1. The number of degree-seeking students and nondegree-  
 205 seeking students participating in the trip.

206 2. The number of employees of the university or community  
 207 college and the number of persons not employed by the university  
 208 or community college participating in the trip.

209 (b) A detailed itinerary of the trip being organized,  
 210 including hotel and restaurant accommodations, planned  
 211 excursions, and scheduled meetings with governmental authorities  
 212 or individuals or organizations not affiliated with the  
 213 government of the host nation.

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

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



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

222       (6) PROGRAM ELIGIBILITY DISQUALIFICATION.--Effective  
 223 January 1, 2006, any Florida resident between 18 and 65 years of  
 224 age, inclusive, who has established permanent residency in  
 225 Florida for less than 5 years, and who has not been determined  
 226 by the Florida Medicaid program to be either disabled or  
 227 pregnant, regardless of immigration or citizenship status, is  
 228 ineligible to participate in the Refugee Resettlement Program  
 229 under Title IV of the Immigration and Nationality Act, the  
 230 Refugee Cash Assistance program under 45 C.F.R. part 400, or the  
 231 Refugee Medical Assistance program under 45 C.F.R. part 400, as  
 232 administered by the State of Florida and the Florida Department  
 233 of Children and Family Services, and will be ineligible to  
 234 receive Medicaid or food stamp benefits, as administered by the  
 235 State of Florida and the Florida Department of Children and  
 236 Family Services, for a minimum period of 1 year or until the  
 237 person's 5-year Florida residency threshold is reached,  
 238 whichever is greater, upon a determination by the Florida  
 239 Department of Children and Family Services that the individual  
 240 has traveled to a terrorist nation as defined by the United  
 241 States Department of State.

242       (7) UTILIZATION OF STATE FUNDING.--Effective January 1,  
 243 2006, all state funds derived as a result of the denial or  
 244 discontinuance of benefits under this act shall be redirected to  
 245 the Department of Elderly Affairs for elderly nutrition  
 246 programs. No funds derived under this act may be used to replace

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247 existing funding for and access to programs to which funds are  
248 redirected. All funds secured under this act are intended to  
249 expand funding for and access to the programs to which funds are  
250 redirected.

251 (8) TERRORIST TRAVEL DISCLOSURE FORM.--

252 (a) The Department of Revenue shall develop a disclosure  
253 form to be entitled the "Terrorist Travel Disclosure Form." The  
254 Department of Revenue and the Department of Agriculture and  
255 Consumer Services shall make the Terrorist Travel Disclosure  
256 form available on their respective Internet websites. The form  
257 shall inform a Florida resident seeking to travel to an  
258 identified terrorist nation of the disqualification from  
259 eligibility for the programs and services cited in subsection  
260 (6) that will result from such travel. The Terrorist Travel  
261 Disclosure Form shall include the name, mailing address, social  
262 security number or alien resident number, date of birth, place  
263 of birth, date on which Florida residency was established,  
264 telephone number and signature of the individual requesting  
265 travel services to a terrorist nation, and shall contain a sworn  
266 statement attesting to the validity of the application.

267 (b) Effective January 1, 2006, all persons and  
268 corporations subject to the jurisdiction of the State of Florida  
269 who are authorized by the Office of Foreign Assets Control,  
270 United States Department of the Treasury, to provide terrorist  
271 nation-related travel services to qualifying individuals must,  
272 no later than 15 days after travel has commenced, submit to the  
273 Department of Revenue a completed terrorist travel disclosure  
274 form for each qualifying individual engaging in terrorist

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275 | nation-related travel. The Department of Revenue shall assess on  
 276 | a yearly basis all persons and corporations subject to the  
 277 | jurisdiction of the State of Florida who are authorized by the  
 278 | Office of Foreign Assets Control, United States Department of  
 279 | the Treasury, to provide terrorist nation-related travel  
 280 | services. Such yearly assessment shall be at a level sufficient  
 281 | to fulfill the cost associated with administering this  
 282 | regulation. The yearly assessment shall be calculated by  
 283 | dividing the total administrative cost by the number of  
 284 | current/active and delinquent/active terrorist nation-related  
 285 | travel service providers. Such administrative processing  
 286 | assessment shall be deposited in the General Revenue Fund. The  
 287 | Department of Revenue shall have authority to investigate and  
 288 | audit all applicable and relevant records to enforce this  
 289 | provision.

290 | (9) TERRORIST NATIONS TRAVEL DATABASE.--No later than  
 291 | January 1, 2006, the Department of Revenue shall create,  
 292 | operate, and maintain a Terrorist Nations Travel Database  
 293 | wherein information contained in terrorist travel disclosure  
 294 | forms and received from authorized travel service providers  
 295 | shall be input and maintained. The database shall be available  
 296 | to any state agency responsible for determining eligibility or  
 297 | the continuation of eligibility for the Refugee Resettlement  
 298 | Program, the Refugee Cash Assistance program, the Refugee  
 299 | Medical Assistance program, Medicaid, or the food stamp program,  
 300 | and for informing program recipients subject to this act of the  
 301 | termination of their eligibility for such programs. The  
 302 | Department of Children and Family Services shall monitor the

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303 Terrorist Nations Travel Database on a monthly basis to ensure  
 304 the compliance of benefit recipients under the Refugee  
 305 Resettlement Program, the Refugee Cash Assistance program, the  
 306 Refugee Medical Assistance program, Medicaid, or the food stamp  
 307 program with the eligibility criteria established in subsection  
 308 (6).

309 (10) DISCLOSURE OF ELIGIBILITY REQUIREMENTS; PENALTY FOR  
 310 NONCOMPLIANCE.--No later than January 1, 2006, the Department of  
 311 Children and Family Services shall include a terrorist travel  
 312 waiver form in all "Request for Assistance" application packets  
 313 that include Temporary Cash Assistance, food stamps, and  
 314 Medicaid for all applicants under the Refugee Resettlement  
 315 Program administered by the State of Florida. The terrorist  
 316 travel waiver form shall inform prospective applicants of the  
 317 disqualification from eligibility for such programs and the  
 318 penalties for noncompliance that will result from travel to  
 319 terrorist countries. The terrorist travel waiver form shall  
 320 include a sworn statement and agreement, under penalty of  
 321 perjury, by the benefits applicant that he or she will inform  
 322 the Department of Children and Family Services of any travel or  
 323 intention to travel to a terrorist nation while receiving  
 324 benefits covered under the Refugee Resettlement Program, the  
 325 food stamp program, or the Medicaid program. Any Refugee  
 326 Resettlement Program recipients found to be in violation of the  
 327 eligibility requirements associated with travel to terrorist  
 328 nations and who meet the criteria established in subsection (6)  
 329 shall be ineligible for the Refugee Cash Assistance program, the  
 330 Refugee Medical Assistance program, Medicaid, and the food stamp

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331 program, as administered by the State of Florida, for an  
 332 indefinite period.

333 (11) TERRORIST COMMERCE SURCHARGE; UTILIZATION OF  
 334 FUNDS.--No later than January 1, 2006, the Department of  
 335 Agriculture and Consumer Services shall levy a 10-percent  
 336 terrorist commerce surcharge on the final sale price of any beef  
 337 or dairy cattle transshipped from any Florida airport or seaport  
 338 for direct sale to any terrorist nation, including, but not  
 339 limited to, Brangus, Braford, Brahma, Hereford, Beef Masters,  
 340 and Black Angus cow and cattle varieties. Funds derived from the  
 341 surcharge shall be allocated to the Institute of Food and  
 342 Agricultural Sciences of the University of Florida for  
 343 utilization in the Citrus Research Initiative, the Canker Genome  
 344 Project, and the Citrus Abscission and Mechanical Harvest  
 345 Project.

346 (12) IMPLEMENTATION REQUIREMENTS.--No later than July 1,  
 347 2006, the Department of Children and Family Services, the  
 348 Department of Elderly Affairs, the Agency for Health Care  
 349 Administration, the Department of Agriculture and Consumer  
 350 Services, and the Department of Revenue shall submit a report to  
 351 the Legislature describing the actions necessary to implement  
 352 this act. The report shall include written comments from the  
 353 agencies' federal counterparts as to any requirements necessary  
 354 to implement the act, including, but not limited to, securing  
 355 any federal waivers, and recommended action to be taken by the  
 356 respective agencies, including any fiscal notes.

357 (13) PENALTY.--Any entity providing travel services in  
 358 violation of part XI of chapter 559, the Florida Sellers of

359 Travel Act, shall be subject to a fine in the amount of \$5,000  
 360 per violation to be imposed by the Department of Agriculture and  
 361 Consumer Services. Any entity providing travel services in  
 362 violation of any provision of this act shall be subject to a  
 363 fine in the amount of \$10,000 per violation to be imposed by the  
 364 Department of Revenue.

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

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

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

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

372 (d) Any person operating by contract with a private entity  
 373 in the exercise of emergency medical care and treatment, with  
 374 the sole and express purpose of retrieving an individual in a  
 375 terrorist nation for emergency medical care and treatment  
 376 outside the terrorist nation.

377 (15) RULEMAKING AUTHORITY.--The Department of Education  
 378 and the Department of Revenue may adopt rules necessary to  
 379 administer this act. The Executive Director of the Department of  
 380 Revenue is authorized, and all conditions are deemed met, to  
 381 adopt emergency rules under ss. 120.536(1) and 120.54(4) to  
 382 implement this act. Notwithstanding any other provision of law,  
 383 such emergency rules shall remain in effect for 6 months after  
 384 the date of adoption and may be renewed during the pendency of  
 385 procedures to adopt rules addressing the subject of the  
 386 emergency rules.

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387 Section 2. Subsection (2) of section 559.935, Florida  
388 Statutes, is amended to read:

389 559.935 Exemptions.--

390 (2) Sections 559.928, 559.929, 559.9295, 559.931, and  
391 559.932 shall not apply to:

392 (a)1. Sellers of travel directly issuing airline tickets  
393 who have contracted with the Airlines Reporting Corporation for  
394 the most recent consecutive 3 years or more under the same  
395 ownership and control and who do not offer vacation  
396 certificates; or

397 ~~2.(b)~~ Sellers of travel offering vacation certificates who  
398 have contracted with the Airlines Reporting Corporation for the  
399 most recent consecutive 5 years or more under the same ownership  
400 and control.

401 (b) Sellers of travel authorized by the Office of Foreign  
402 Assets Control, United States Department of Treasury, to provide  
403 terrorist nation-related travel services to qualifying  
404 individuals.

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