

1 A bill to be entitled

2 An act relating to travel for commercial sexual purposes;
3 amending s. 559.927, F.S.; defining the term "travel for
4 commercial sexual purposes"; amending s. 559.928, F.S.;
5 requiring the seller of travel to include in the initial
6 registration documents, and in the annual affidavit to
7 renew the registration, sent to the Department of
8 Agriculture and Consumer Services a statement that the
9 seller of travel does not knowingly offer for sale,
10 facilitate, or promote travel services for commercial
11 sexual purposes; requiring each independent agent to
12 include in the annual affidavit filed with the department
13 prior to engaging in business a statement that the seller
14 of travel does not knowingly offer for sale, facilitate,
15 or promote travel services for commercial sexual purposes;
16 providing that the department may deny or refuse to renew
17 the registration of any seller of travel based upon a
18 determination that the seller of travel has knowingly and
19 intentionally offered for sale, facilitated, advertised,
20 or promoted travel services for commercial sexual
21 purposes; amending s. 559.9335, F.S.; providing that an
22 offer of sale, an advertisement, or a promotion of travel
23 services for commercial sexual purposes is a violation of
24 part XI of ch. 559, F.S.; amending s. 559.937, F.S.;
25 providing that a seller of travel who knowingly and
26 intentionally offers for sale, facilitates, advertises, or
27 promotes travel services for commercial sexual purposes
28 commits a felony of the second degree; providing criminal

29 penalties; authorizing a court to freeze the assets of a
 30 seller of travel who has or is about to commit such
 31 offense; providing procedures; providing an effective
 32 date.

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

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 36 Section 1. Present subsection (11) of section 559.927,
 37 Florida Statutes, is renumbered as subsection (12), and a new
 38 subsection (11) is added to that section to read:

39 559.927 Definitions.--For the purposes of this part, the
 40 term:

41 (11) "Travel for commercial sexual purposes" means travel,
 42 transportation, or vacation services provided for the purposes
 43 of enabling the customer to engage in prostitution or engage a
 44 prostitute as defined in s. 796.07 or to engage in a sexual act,
 45 sexual contact, sexual touching, or sexual activity, as defined
 46 in s. 796.07, for which anything of value is given to or
 47 promised or received by a person.

48 Section 2. Subsections (1), (3), and (9) of section
 49 559.928, Florida Statutes, are amended to read:

50 559.928 Registration.--

51 (1) Each seller of travel shall annually register with the
 52 department, providing: its legal business or trade name, mailing
 53 address, and business locations; the full names, addresses,
 54 telephone numbers, and social security numbers of its owners or
 55 corporate officers and directors and the Florida agent of the
 56 corporation; a statement whether it is a domestic or foreign

57 | corporation, its state and date of incorporation, its charter
58 | number, and, if a foreign corporation, the date it registered
59 | with the State of Florida, and occupational license where
60 | applicable; the date on which a seller of travel registered its
61 | fictitious name if the seller of travel is operating under a
62 | fictitious or trade name; the name of all other corporations,
63 | business entities, and trade names through which each owner of
64 | the seller of travel operated, was known, or did business as a
65 | seller of travel within the preceding 5 years; a list of all
66 | authorized independent agents, including the agent's trade name,
67 | full name, mailing address, business address, telephone numbers,
68 | and social security number; the business location and address of
69 | each branch office and full name and address of the manager or
70 | supervisor; and proof of purchase of adequate bond or
71 | establishment of a letter of credit or certificate of deposit as
72 | required in this part. The registration documents sent to the
73 | department must include a statement that the seller of travel
74 | does not knowingly offer for sale, facilitate, or promote travel
75 | services for commercial sexual purposes. A certificate
76 | evidencing proof of registration shall be issued by the
77 | department and must be prominently displayed in the seller of
78 | travel's primary place of business.

79 | (3) Each independent agent shall annually file an
80 | affidavit with the department prior to engaging in business in
81 | this state. This affidavit must include the independent agent's
82 | full name, legal business or trade name, mailing address,
83 | business address, telephone number, social security number, and
84 | the name or names and addresses of each seller of travel

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85 | represented by the independent agent. The affidavit must also
86 | state that the seller of travel does not knowingly offer for
87 | sale, facilitate, or promote travel services for commercial
88 | sexual purposes. A letter evidencing proof of filing must be
89 | issued by the department and must be prominently displayed in
90 | the independent agent's primary place of business. As used in
91 | this subsection, the term "independent agent" means a person who
92 | represents a seller of travel by soliciting persons on its
93 | behalf; who has a written contract with a seller of travel which
94 | is operating in compliance with this part and any rules adopted
95 | thereunder; who does not receive a fee, commission, or other
96 | valuable consideration directly from the purchaser for the
97 | seller of travel; who does not at any time have any unissued
98 | ticket stock or travel documents in his or her possession; and
99 | who does not have the ability to issue tickets, vacation
100 | certificates, or any other travel document. The term
101 | "independent agent" does not include an affiliate of the seller
102 | of travel, as that term is used in s. 559.935(3), or the
103 | employees of the seller of travel or of such affiliates.

104 | (9) The department may deny or refuse to renew the
105 | registration of any seller of travel based upon a determination
106 | that the seller of travel, or any of its directors, officers,
107 | owners, or general partners:

108 | (a) Has failed to meet the requirements for registration
109 | as provided in this part;

110 | (b) Has been convicted of a crime involving fraud,
111 | dishonest dealing, or any other act of moral turpitude;

112 (c) Has not satisfied a civil fine or penalty arising out
 113 of any administrative or enforcement action brought by any
 114 governmental agency or private person based upon conduct
 115 involving fraud, dishonest dealing, or any violation of this
 116 part;

117 (d) Has pending against her or him any criminal,
 118 administrative, or enforcement proceedings in any jurisdiction,
 119 based upon conduct involving fraud, dishonest dealing, or any
 120 other act of moral turpitude; ~~or~~

121 (e) Has knowingly and intentionally offered for sale,
 122 facilitated, advertised, or promoted travel services for
 123 commercial sexual purposes; or

124 (f)-(e) Has had a judgment entered against her or him in
 125 any action brought by the department or the Department of Legal
 126 Affairs pursuant to ss. 501.201-501.213 or this part.

127 Section 3. Subsection (25) is added to section 559.9335,
 128 Florida Statutes, to read:

129 559.9335 Violations.--It is a violation of this part for
 130 any person:

131 (25) To knowingly and intentionally offer for sale,
 132 facilitate, advertise, or promote travel services for commercial
 133 sexual purposes.

134 Section 4. Section 559.937, Florida Statutes, is amended
 135 to read:

136 559.937 Criminal penalties; freezing of assets--

137 (1) Except as provided in subsection (2), any person or
 138 business that ~~which~~ violates this part commits a misdemeanor of

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139 the first degree, punishable as provided in s. 775.082 or s.
140 775.083.

141 (2) (a) A seller of travel may not knowingly or
142 intentionally offer for sale, promote, advertise, or otherwise
143 facilitate travel for commercial sexual purposes.

144 (b) A seller of travel who violates paragraph (a) commits
145 a felony of the second degree, punishable as provided in s.
146 775.082, s. 775.083, or s. 775.084.

147 (3) (a) A court may issue an attachment order directing a
148 financial institution to freeze some or all of the funds or
149 assets deposited with or held by the financial institution by or
150 on behalf of a seller of travel when there exists a reasonable
151 suspicion that the seller of travel has violated or is about to
152 violate paragraph (2) (a).

153 (b) A petition to attach assets must be filed by the
154 department and must contain:

155 1. A statement of facts relied upon by the department,
156 including the details of the particular offense that is about to
157 be committed or that has been committed; and

158 2. Identification of the name and financial institution
159 account number of the seller of travel.

160 (c) If the court finds there exists a reasonable suspicion
161 that the seller of travel has violated or is about to violate
162 paragraph (2) (a), that the accounts of the seller of travel can
163 be specifically identified, and that it is necessary to freeze
164 the account holder's funds or assets in order to ensure eventual
165 restitution to victims of the alleged offense, the court may
166 order a financial institution to freeze all or part of the

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167 | deposited funds or assets of the seller of travel so that the
168 | funds or assets may not be withdrawn or disposed of until
169 | further order of the court.

170 | Section 5. This act shall take effect July 1, 2008.