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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/25/2008	.	
	.	
	.	

1 The Committee on Commerce (Crist) recommended the following
 2 **amendment:**

Senate Amendment (with title amendment)

5 Delete everything after the enacting clause
6 and insert:

7 Section 1. Present subsection (11) of section 559.927,
8 Florida Statutes, is redesignated as subsection (12), and a new
9 subsection (11) is added to that section, to read:

10 559.927 Definitions.--For the purposes of this part, the
11 term:

12 (11) "Travel for commercial sexual purposes" means travel,
 13 transportation, or vacation services provided for the purposes of
 14 enabling the customer to engage in prostitution or engage a
 15 prostitute as defined in s. 796.07 or to engage in a sexual act,
 16 sexual contact, sexual touching, or sexual activity, as defined

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17 in s. 796.07, for which anything of value is given to, promised
18 to, or received by a person.

19 Section 2. Subsections (1), (3), and (9) of section
20 559.928, Florida Statutes, are amended to read:

21 559.928 Registration.--

22 (1) Each seller of travel shall annually register with the
23 department, providing: its legal business or trade name, mailing
24 address, and business locations; the full names, addresses,
25 telephone numbers, and social security numbers of its owners or
26 corporate officers and directors and the Florida agent of the
27 corporation; a statement whether it is a domestic or foreign
28 corporation, its state and date of incorporation, its charter
29 number, and, if a foreign corporation, the date it registered
30 with the State of Florida, and occupational license where
31 applicable; the date on which a seller of travel registered its
32 fictitious name if the seller of travel is operating under a
33 fictitious or trade name; the name of all other corporations,
34 business entities, and trade names through which each owner of
35 the seller of travel operated, was known, or did business as a
36 seller of travel within the preceding 5 years; a list of all
37 authorized independent agents, including the agent's trade name,
38 full name, mailing address, business address, telephone numbers,
39 and social security number; the business location and address of
40 each branch office and full name and address of the manager or
41 supervisor; and proof of purchase of adequate bond or
42 establishment of a letter of credit or certificate of deposit as
43 required in this part. The registration documents sent to the
44 department must include a statement that the seller of travel
45 does not offer for sale, facilitate, or promote travel services
46 for commercial sexual purposes. A certificate evidencing proof of

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47 | registration shall be issued by the department and must be
48 | prominently displayed in the seller of travel's primary place of
49 | business.

50 | (3) Each independent agent shall annually file an affidavit
51 | with the department prior to engaging in business in this state.
52 | This affidavit must include the independent agent's full name,
53 | legal business or trade name, mailing address, business address,
54 | telephone number, social security number, and the name or names
55 | and addresses of each seller of travel represented by the
56 | independent agent. The affidavit must also state that the
57 | independent agent does not offer for sale, facilitate, or promote
58 | travel services for commercial sexual purposes. A letter
59 | evidencing proof of filing must be issued by the department and
60 | must be prominently displayed in the independent agent's primary
61 | place of business. As used in this subsection, the term
62 | "independent agent" means a person who represents a seller of
63 | travel by soliciting persons on its behalf; who has a written
64 | contract with a seller of travel which is operating in compliance
65 | with this part and any rules adopted thereunder; who does not
66 | receive a fee, commission, or other valuable consideration
67 | directly from the purchaser for the seller of travel; who does
68 | not at any time have any unissued ticket stock or travel
69 | documents in his or her possession; and who does not have the
70 | ability to issue tickets, vacation certificates, or any other
71 | travel document. The term "independent agent" does not include an
72 | affiliate of the seller of travel, as that term is used in s.
73 | 559.935(3), or the employees of the seller of travel or of such
74 | affiliates.

75 | (9) The department may deny or refuse to renew the
76 | registration of any seller of travel based upon a determination

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77 that the seller of travel, or any of its directors, officers,
78 owners, or general partners:

79 (a) Has failed to meet the requirements for registration as
80 provided in this part;

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

83 (c) Has not satisfied a civil fine or penalty arising out
84 of any administrative or enforcement action brought by any
85 governmental agency or private person based upon conduct
86 involving fraud, dishonest dealing, or any violation of this
87 part;

88 (d) Has pending against her or him any criminal,
89 administrative, or enforcement proceedings in any jurisdiction,
90 based upon conduct involving fraud, dishonest dealing, or any
91 other act of moral turpitude; ~~or~~

92 (e) Has offered for sale, facilitated, advertised, or
93 promoted travel services for commercial sexual purposes; or

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

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

99 559.9335 Violations.--It is a violation of this part for
100 any person:

101 (25) To offer for sale, facilitate, advertise, or promote
102 travel services for commercial sexual purposes.

103 Section 4. Section 559.937, Florida Statutes, is amended to
104 read:

105 559.937 Criminal penalties; freezing of assets.--



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106 (1) Except as provided in subsection (2), any person or
107 business that ~~which~~ violates this part commits a misdemeanor of
108 the first degree, punishable as provided in s. 775.082 or s.
109 775.083.

110 (2)(a) A seller of travel or independent agent may not
111 offer for sale, promote, advertise, or otherwise facilitate
112 travel for commercial sexual purposes.

113 (b) A seller of travel or independent agent who violates
114 paragraph (a) commits a felony of the second degree, punishable
115 as provided in s. 775.082, s. 775.083, or s. 775.084.

116 (3)(a) A court may issue an attachment order directing a
117 financial institution to freeze some or all of the funds or
118 assets deposited with or held by the financial institution by or
119 on behalf of a seller of travel or independent agent when there
120 exists a reasonable suspicion that the seller of travel or
121 independent agent has violated or is about to violate paragraph
122 (2)(a).

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

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

128 2. Identification of the name and financial institution
129 account number of the seller of travel or independent agent.

130 (c) If the court finds there exists a reasonable suspicion
131 that the seller of travel or independent agent has violated or is
132 about to violate paragraph (2)(a), that the accounts of the
133 seller of travel or independent agent can be specifically
134 identified, and that it is necessary to freeze the account
135 holder's funds or assets in order to ensure eventual restitution



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136 to victims of the alleged offense, the court may order a
 137 financial institution to freeze all or part of the deposited
 138 funds or assets of the seller of travel or independent agent so
 139 that the funds or assets may not be withdrawn or disposed of
 140 until further order of the court.

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

142
143 ===== T I T L E A M E N D M E N T =====

144 And the title is amended as follows:

145
146 Delete everything before the enacting clause
147 and insert:

148 A bill to be entitled

149 An act relating to travel for commercial sexual purposes;
 150 amending s. 559.927, F.S.; defining the term "travel for
 151 commercial sexual purposes"; amending s. 559.928, F.S.;
 152 requiring the seller of travel to include in the initial
 153 registration documents, and in the annual affidavit to
 154 renew the registration, sent to the Department of
 155 Agriculture and Consumer Services a statement that the
 156 seller of travel does not offer for sale, facilitate, or
 157 promote travel services for commercial sexual purposes;
 158 providing that the department may deny or refuse to renew
 159 the registration of any seller of travel based upon a
 160 determination that the seller of travel has offered for
 161 sale, facilitated, advertised, or promoted travel services
 162 for commercial sexual purposes; amending s. 559.9335,
 163 F.S.; providing that an offer of sale, an advertisement,
 164 or a promotion of travel services for commercial sexual
 165 purposes is a violation of part IX of ch. 559, F.S.;

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166 | amending s. 559.937, F.S.; providing that a seller of
167 | travel who offers for sale, facilitates, advertises, or
168 | promotes travel services for commercial sexual purposes
169 | commits a felony of the second degree; providing criminal
170 | penalties; authorizing a court to freeze the assets of a
171 | seller of travel who has or is about to commit such
172 | offense; providing procedures; providing an effective
173 | date.