

By Senator Joyner

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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; providing that the department may deny or
12 refuse to renew the registration of any seller of travel
13 based upon a determination that the seller of travel has
14 knowingly and intentionally offered for sale, facilitated,
15 advertised, or promoted travel services for commercial
16 sexual purposes; amending s. 559.9335, F.S.; providing
17 that an offer of sale, an advertisement, or a promotion of
18 travel services for commercial sexual purposes is a
19 violation of part IX of ch. 559, F.S.; amending s.
20 559.937, F.S.; providing that a seller of travel who
21 knowingly and intentionally offers for sale, facilitates,
22 advertises, or promotes travel services for commercial
23 sexual purposes commits a felony of the second degree;
24 providing criminal penalties; authorizing a court to
25 freeze the assets of a seller of travel who has or is
26 about to commit such offense; providing procedures;
27 providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

559.928 Registration.--

(1) Each seller of travel shall annually register with the department, providing: its legal business or trade name, mailing address, and business locations; the full names, addresses, telephone numbers, and social security numbers of its owners or corporate officers and directors and the Florida agent of the corporation; a statement whether it is a domestic or foreign corporation, its state and date of incorporation, its charter number, and, if a foreign corporation, the date it registered with the State of Florida, and occupational license where applicable; the date on which a seller of travel registered its fictitious name if the seller of travel is operating under a fictitious or trade name; the name of all other corporations, business entities, and trade names through which each owner of

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59 | the seller of travel operated, was known, or did business as a
60 | seller of travel within the preceding 5 years; a list of all
61 | authorized independent agents, including the agent's trade name,
62 | full name, mailing address, business address, telephone numbers,
63 | and social security number; the business location and address of
64 | each branch office and full name and address of the manager or
65 | supervisor; and proof of purchase of adequate bond or
66 | establishment of a letter of credit or certificate of deposit as
67 | required in this part. The registration documents sent to the
68 | department must include a statement that the seller of travel
69 | does not knowingly offer for sale, facilitate, or promote travel
70 | services for commercial sexual purposes. A certificate evidencing
71 | proof of registration shall be issued by the department and must
72 | be prominently displayed in the seller of travel's primary place
73 | of business.

74 | (3) Each independent agent shall annually file an affidavit
75 | with the department prior to engaging in business in this state.
76 | This affidavit must include the independent agent's full name,
77 | legal business or trade name, mailing address, business address,
78 | telephone number, social security number, and the name or names
79 | and addresses of each seller of travel represented by the
80 | independent agent. The affidavit must also state that the seller
81 | of travel does not knowingly offer for sale, facilitate, or
82 | promote travel services for commercial sexual purposes. A letter
83 | evidencing proof of filing must be issued by the department and
84 | must be prominently displayed in the independent agent's primary
85 | place of business. As used in this subsection, the term
86 | "independent agent" means a person who represents a seller of
87 | travel by soliciting persons on its behalf; who has a written

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88 contract with a seller of travel which is operating in compliance
89 with this part and any rules adopted thereunder; who does not
90 receive a fee, commission, or other valuable consideration
91 directly from the purchaser for the seller of travel; who does
92 not at any time have any unissued ticket stock or travel
93 documents in his or her possession; and who does not have the
94 ability to issue tickets, vacation certificates, or any other
95 travel document. The term "independent agent" does not include an
96 affiliate of the seller of travel, as that term is used in s.
97 559.935(3), or the employees of the seller of travel or of such
98 affiliates.

99 (9) The department may deny or refuse to renew the
100 registration of any seller of travel based upon a determination
101 that the seller of travel, or any of its directors, officers,
102 owners, or general partners:

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

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

107 (c) Has not satisfied a civil fine or penalty arising out
108 of any administrative or enforcement action brought by any
109 governmental agency or private person based upon conduct
110 involving fraud, dishonest dealing, or any violation of this
111 part;

112 (d) Has pending against her or him any criminal,
113 administrative, or enforcement proceedings in any jurisdiction,
114 based upon conduct involving fraud, dishonest dealing, or any
115 other act of moral turpitude; ~~or~~

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116 (e) Has knowingly and intentionally offered for sale,
117 facilitated, advertised, or promoted travel services for
118 commercial sexual purposes; or

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

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

124 559.9335 Violations.--It is a violation of this part for
125 any person:

126 (25) To knowingly and intentionally offer for sale,
127 facilitate, advertise, or promote travel services for commercial
128 sexual purposes.

129 Section 4. Section 559.937, Florida Statutes, is amended to
130 read:

131 559.937 Criminal penalties; freezing of assets--

132 (1) Except as provided in subsection (2), any person or
133 business that ~~which~~ violates this part commits a misdemeanor of
134 the first degree, punishable as provided in s. 775.082 or s.
135 775.083.

136 (2) (a) A seller of travel services may not knowingly or
137 intentionally offer for sale, promote, advertise, or otherwise
138 facilitate travel for commercial sexual purposes.

139 (b) A seller of travel services who violates paragraph (a)
140 commits a felony of the second degree, punishable as provided in
141 s. 775.082, s. 775.083, or s. 775.084.

142 (3) (a) A court may issue an attachment order directing a
143 financial institution to freeze some or all of the funds or
144 assets deposited with or held by the financial institution by or

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145 on behalf of a seller of travel when there exists a reasonable
146 suspicion that the seller of travel has violated or is about to
147 violate paragraph (2) (a).

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

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

153 2. Identification of the name and financial institution
154 account number of the seller of travel.

155 (c) If the court finds there exists a reasonable suspicion
156 that the seller of travel has violated or is about to violate
157 paragraph (2) (a), that the accounts of the seller of travel can
158 be specifically identified, and that it is necessary to freeze
159 the account holder's funds or assets in order to ensure eventual
160 restitution to victims of the alleged offense, the court may
161 order a financial institution to freeze all or part of the
162 deposited funds or assets of the seller of travel so that the
163 funds or assets may not be withdrawn or disposed of until further
164 order of the court.

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