

By the Committee on Commerce; and Senator Joyner

577-05726-08

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

27  
28 Be It Enacted by the Legislature of the State of Florida:  
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30 Section 1. Present subsection (11) of section 559.927,  
31 Florida Statutes, is redesignated as subsection (12), and a new  
32 subsection (11) is added to that section, to read:

33 559.927 Definitions.--For the purposes of this part, the  
34 term:

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

42 Section 2. Subsections (1), (3), and (9) of section  
43 559.928, Florida Statutes, are amended to read:

44 559.928 Registration.--

45 (1) Each seller of travel shall annually register with the  
46 department, providing: its legal business or trade name, mailing  
47 address, and business locations; the full names, addresses,  
48 telephone numbers, and social security numbers of its owners or  
49 corporate officers and directors and the Florida agent of the  
50 corporation; a statement whether it is a domestic or foreign  
51 corporation, its state and date of incorporation, its charter  
52 number, and, if a foreign corporation, the date it registered  
53 with the State of Florida, and occupational license where  
54 applicable; the date on which a seller of travel registered its  
55 fictitious name if the seller of travel is operating under a  
56 fictitious or trade name; the name of all other corporations,  
57 business entities, and trade names through which each owner of  
58 the seller of travel operated, was known, or did business as a

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

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

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

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

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

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

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

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

115 |       (e) Has offered for sale, facilitated, advertised, or  
116 | promoted travel services for commercial sexual purposes; or

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

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

122        559.9335 Violations.--It is a violation of this part for  
123 any person:

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

126        Section 4. Section 559.937, Florida Statutes, is amended to  
127 read:

128        559.937 Criminal penalties; freezing of assets--

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

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

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

139        (3) (a) A court may issue an attachment order directing a  
140 financial institution to freeze some or all of the funds or  
141 assets deposited with or held by the financial institution by or  
142 on behalf of a seller of travel or independent agent when there  
143 exists a reasonable suspicion that the seller of travel or  
144 independent agent has violated or is about to violate paragraph  
145 (2) (a).

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

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

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

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

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