



478958

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/08/2011	.	
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The Committee on Health Regulation (Jones) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 480.0535, Florida Statutes, is created to read:

480.0535 Documents required while offering or providing massage services.-

(1) In order to provide law enforcement agencies the means to more effectively identify, investigate, and arrest persons engaging in human trafficking as defined in s. 787.06 or prostitution as proscribed by chapter 796 by the fraudulent or



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13 valid use of a license to practice massage therapy or operate a
14 massage establishment:

15 (a) An individual may not offer or provide massage services
16 for compensation or on behalf of a massage establishment or for
17 any business without being in possession of a valid wallet-size
18 identification license card or wall license card issued in his
19 or her name by the Department of Health pursuant to s. 456.013,
20 and one of the following documents issued in his or her name:

21 1. A current driver's license or identification card issued
22 by a state.

23 2. A valid passport issued by the Department of State of
24 the United States.

25 3. A valid I-551 permanent resident card.

26 4. A valid government-issued employment authorization
27 document.

28 (b) Upon request by a law enforcement officer, each
29 individual providing or offering to provide massage services for
30 compensation or on behalf of a massage establishment or for any
31 business must present the wallet-size identification license
32 card or wall license card issued in his or her name by the
33 Department of Health pursuant to s. 456.013, plus one of the
34 additional documents specified in paragraph (a).

35 (2) (a) A person operating a massage establishment pursuant
36 to s. 480.043 shall maintain, and it is unlawful to operate a
37 massage establishment without, a valid work authorization
38 document on the premises for each employee who is not a United
39 States citizen. Valid work authorization documents for an
40 employee who is not a United States citizen include:

41 1. A valid I-551 permanent resident card; or



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42 2. A valid government-issued employment authorization
43 document.

44 (b) Upon request by a law enforcement officer, any person
45 operating a massage establishment must present one of the
46 documents specified in paragraph (a) for each employee who is
47 not a United States citizen.

48 (3) A person operating a massage establishment may not
49 knowingly use a massage establishment license issued under s.
50 480.043 for the purpose of lewdness, assignation, or
51 prostitution, as these terms are defined in s. 796.07, at any
52 massage establishment location or structure, or any part
53 thereof, including any trailer or other conveyance.

54 (4) An individual or person who violates any provision of
55 this section commits:

56 (a) A misdemeanor of the second degree for a first
57 violation, punishable as provided in s. 775.082 or s. 775.083.

58 (b) A misdemeanor of the first degree for a second
59 violation, punishable as provided in s. 775.082 or s. 775.083.

60 (c) A felony of the third degree for a third or subsequent
61 violation, punishable as provided in s. 775.082, s. 775.083, or
62 s. 775.084.

63 Section 2. Paragraph (e) of subsection (3) of section
64 921.0022, Florida Statutes, is amended to read:

65 921.0022 Criminal Punishment Code; offense severity ranking
66 chart.-

67 (3) OFFENSE SEVERITY RANKING CHART

68 (e) LEVEL 5

69



	Florida Statute	Felony Degree	Description
70	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
71	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
72	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
73	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
74	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
75	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
76	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
77			
78	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.



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480.0535(4)(c) 3rd Lack of possession of identifying documents or work authorization documents to provide massage services or operate a massage establishment; third or subsequent offense. Unlawful use of a massage establishment license for the purpose of assignation, prostitution, or lewdness; third or subsequent offense.

80

624.401(4)(b)2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

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626.902(1)(c) 2nd Representing an unauthorized insurer; repeat offender.

82

790.01(2) 3rd Carrying a concealed firearm.

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790.162 2nd Threat to throw or discharge destructive device.

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790.163(1) 2nd False report of deadly explosive or weapon of mass destruction.

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790.221(1) 2nd Possession of short-barreled shotgun or machine gun.



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86	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
87	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
88	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
89	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
90	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
91	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
92	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
93	812.131 (2) (b)	3rd	Robbery by sudden snatching.
94	812.16 (2)	3rd	Owning, operating, or conducting a chop



shop.

95

817.034(4)(a)2. 2nd Communications fraud, value \$20,000 to \$50,000.

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817.234(11)(b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.

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817.2341(1), 3rd Filing false financial statements, (2)(a) & making false entries of material fact or (3)(a) false statements regarding property values relating to the solvency of an insuring entity.

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817.568(2)(b) 2nd Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.

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817.625(2)(b) 2nd Second or subsequent fraudulent use of scanning device or reencoder.

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825.1025(4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

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- 102 827.071 (4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
- 103 827.071 (5) 3rd Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.
- 104 839.13 (2) (b) 2nd Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
- 105 843.01 3rd Resist officer with violence to person; resist arrest with violence.
- 106 847.0135 (5) (b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.
- 107 847.0137 (2) & (3) 3rd Transmission of pornography by electronic device or equipment.
- 108 847.0138 (2) & (3) 3rd Transmission of material harmful to minors to a minor by electronic device or equipment.
- 874.05 (2) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.



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893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine
(or other s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or (2)(c)4.
drugs).

110

893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis
(or other s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
(2)(c)7., (2)(c)8., (2)(c)9., (3), or
(4) drugs) within 1,000 feet of a child
care facility, school, or state, county,
or municipal park or publicly owned
recreational facility or community
center.

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893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine
(or other s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or (2)(c)4.
drugs) within 1,000 feet of university.

112

893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis
or other drug prohibited under s.
893.03(1)(c), (2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9., (3), or (4) within
1,000 feet of property used for
religious services or a specified
business site.



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113

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine
 (or other s. 893.03(1)(a), (1)(b),
 (1)(d), or (2)(a), (2)(b), or (2)(c)4.
 drugs) within 1,000 feet of public
 housing facility.

114

893.13(4)(b) 2nd Deliver to minor cannabis (or other s.
 893.03(1)(c), (2)(c)1., (2)(c)2.,
 (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
 (2)(c)8., (2)(c)9., (3), or (4) drugs).

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893.1351(1) 3rd Ownership, lease, or rental for
 trafficking in or manufacturing of
 controlled substance.

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Section 3. This act shall take effect October 1, 2011.

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

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And the title is amended as follows:

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Delete everything before the enacting clause

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and insert:

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A bill to be entitled

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An act relating to human trafficking; creating s.

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480.0535, F.S.; specifying documents that must be

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possessed by each individual providing or offering to

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provide massage services in certain circumstances;

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requiring presentation of such documents upon request

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of a law enforcement officer; requiring operators of



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130 message establishments to maintain valid work
131 authorization documents on the premises for each
132 employee who is not a United States citizen; requiring
133 presentation of such documents upon request of a law
134 enforcement officer; prohibiting the use of a massage
135 establishment license for the purpose of lewdness,
136 assignation, or prostitution; providing criminal
137 penalties; amending s. 921.0022, F.S.; including
138 within the severity ranking chart of the Criminal
139 Punishment Code certain offenses prohibited by the
140 act; providing an effective date.