



947710

LEGISLATIVE ACTION

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

1 **Senate** ~~Substitute for Amendment (478958)~~ **(with title**
2 **amendment)**

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4 Delete everything after the enacting clause
5 and insert:

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

8 480.0535 Documents required while offering or providing
9 massage services.-

10 (1) In order to provide law enforcement agencies the means
11 to more effectively identify, investigate, and arrest persons
12 engaging in human trafficking as defined in s. 787.06:



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13 (a) A person operating a massage establishment pursuant to
14 s. 480.043 shall maintain, and it is unlawful to operate a
15 massage establishment without, a valid work authorization
16 document on the premises for each employee who is not a United
17 States citizen. Valid work authorization documents for an
18 employee who is not a United States citizen include:

- 19 1. A valid I-551 permanent resident card; or
20 2. A valid government-issued employment authorization
21 document.

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

26 (2) A person operating a massage establishment may not
27 knowingly use a massage establishment license issued under s.
28 480.043 for the purpose of lewdness, assignation, or
29 prostitution, as these terms are defined in s. 796.07, at any
30 massage establishment location or structure, or any part
31 thereof, including any trailer or other conveyance.

32 (3) A person who violates any provision of this section
33 commits:

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

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

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

41 Section 2. Paragraph (e) of subsection (3) of section



42 921.0022, Florida Statutes, is amended to read:
43 921.0022 Criminal Punishment Code; offense severity ranking
44 chart.—

45 (3) OFFENSE SEVERITY RANKING CHART
46 (e) LEVEL 5
47

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



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440.381(2) 2nd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

480.0535(4)(c) 3rd Lack of possession of work authorization documents to 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.

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

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

790.01(2) 3rd Carrying a concealed firearm.

790.162 2nd Threat to throw or discharge destructive device.



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63	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
64	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
65	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
66	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
67	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
68	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
69	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
70	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
	812.019 (1)	2nd	Stolen property; dealing in or



trafficking in.

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812.131(2)(b) 3rd Robbery by sudden snatching.

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812.16(2) 3rd Owning, operating, or conducting a chop shop.

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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.



78	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
79	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
80	827.071(5)	3rd	Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.
81	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.
82	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
83	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
84	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
85	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device



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or equipment.

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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).

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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.

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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.,



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(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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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.

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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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99 And the title is amended as follows:

100 Delete everything before the enacting clause
101 and insert:

102 A bill to be entitled



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103 An act relating to human trafficking; creating s. 480.0535,
104 F.S.; requiring operators of massage establishments to maintain
105 valid work authorization documents on the premises for each
106 employee who is not a United States citizen; requiring
107 presentation of such documents upon request of a law enforcement
108 officer; prohibiting the use of a massage establishment license
109 for the purpose of lewdness, assignation, or prostitution;
110 providing criminal penalties; amending s. 921.0022, F.S.;
111 including within the severity ranking chart of the Criminal
112 Punishment Code certain offenses prohibited by the act;
113 providing an effective date.

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