

By Senator Joyner

18-00213-11

2011246

1 A bill to be entitled
2 An act relating to human trafficking; creating s.
3 480.0535, F.S.; specifying documents that must be
4 possessed by each person providing or offering to
5 provide massage services in certain circumstances;
6 requiring presentation of such documents upon request
7 of a law enforcement officer; requiring operators of
8 massage establishments to maintain valid work
9 authorization documents on the premises for each
10 employee who is not a United States citizen; requiring
11 presentation of such documents upon request of a law
12 enforcement officer; prohibiting a person from
13 providing or offering to provide massage services
14 without possession of a license and specified
15 documentation; prohibiting the use of a massage
16 establishment license for the purpose of lewdness,
17 assignation, or prostitution; providing criminal
18 penalties; amending s. 921.0022, F.S.; including
19 within the severity ranking chart of the Criminal
20 Punishment Code certain offenses prohibited by the
21 act; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 480.0535, Florida Statutes, is created
26 to read:

27 480.0535 Documents required while offering or providing
28 massage services.-

29 (1) In order to provide law enforcement agencies the means

18-00213-11

2011246

30 to more effectively identify, investigate, and arrest persons
31 engaging in human trafficking as defined in s. 787.06 or
32 prostitution as proscribed by chapter 796 by the fraudulent or
33 valid use of a license to practice massage therapy or operate a
34 massage establishment:

35 (a) Each person providing or offering to provide massage
36 services for compensation or on behalf of a massage
37 establishment or for any business must have in his or her
38 possession, and it is unlawful to provide or offer to provide
39 massage services without, a wallet-size identification license
40 card or wall license card issued by the Department of Health
41 pursuant to s. 456.013, plus one of the following documents
42 specifically issued to such person:

43 1. A current driver's license or identification card issued
44 by a state.

45 2. A valid passport issued by the United States of America.

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

47 4. A valid employment authorization document.

48 (b) Upon request by a law enforcement officer, each person
49 providing or offering to provide massage services for
50 compensation or on behalf of a massage establishment or for any
51 business must present the wallet-size identification license
52 card or wall license card issued in his or her name by the
53 Department of Health pursuant to s. 456.013, plus one of the
54 additional documents specified in paragraph (a).

55 (2) (a) A person, firm, or corporation operating a massage
56 establishment pursuant to s. 480.043 shall maintain, and it is
57 unlawful to operate a massage establishment without, a valid
58 work authorization document on the premises for each employee

18-00213-11

2011246

59 who is not a United States citizen. Valid work authorization
60 documents for an employee who is not a United States citizen
61 include:

62 1. A valid I-551 permanent resident card.

63 2. A valid employment authorization document.

64 (b) Upon request by a law enforcement officer, any person,
65 firm, or corporation operating a massage establishment must
66 present one of the documents specified in paragraph (a) for each
67 employee who is not a United States citizen.

68 (3) A person may not offer or provide massage services for
69 compensation or on behalf of a massage establishment or for any
70 business without being in possession of a valid wallet-size
71 identification license card or wall license card issued in his
72 or her name by the Department of Health pursuant to s. 456.013
73 and one of the following documents issued in his or her name:

74 (a) A current driver's license.

75 (b) An identification card issued by a state.

76 (c) A valid passport issued by the Department of State of
77 the United States.

78 (d) A valid I-551 permanent residence card.

79 (e) A valid employment authorization document.

80 (4) A person, firm, or corporation operating a massage
81 establishment may not knowingly use a massage establishment
82 license issued under s. 480.043 for the purpose of lewdness,
83 assignation, or prostitution at any massage establishment
84 location or structure, or any part thereof, including any
85 trailer or other conveyance.

86 (5) A person who violates any provision of this section
87 commits:

18-00213-11

2011246__

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

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

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

95 Section 2. Paragraph (e) of subsection (3) of section
 96 921.0022, Florida Statutes, is amended to read:

97 921.0022 Criminal Punishment Code; offense severity ranking
 98 chart.—

99 (3) OFFENSE SEVERITY RANKING CHART

100 (e) LEVEL 5

101

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.

102

103

104

105

106

18-00213-11 2011246__

107 381.0041(11)(b) 3rd Donate blood, plasma, or organs knowing
HIV positive.

108 440.10(1)(g) 2nd Failure to obtain workers' compensation
coverage.

109 440.105(5) 2nd Unlawful solicitation for the purpose of
making workers' compensation claims.

110 440.381(2) 2nd Submission of false, misleading, or
incomplete information with the purpose
of avoiding or reducing workers'
compensation premiums.

111 480.0535(5)(c) 3rd Lack of possession of identifying
documents or work authorization
documents to provide massage services or
operate a massage establishment.
Unlawful use of a massage establishment
license for the purpose of assignation,
prostitution, or lewdness.

112 624.401(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.

18-00213-11

2011246__

113
114
115
116
117
118
119
120
121

790.01(2)	3rd	Carrying a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

18-00213-11

2011246__

122

812.015 (8) 3rd Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

123

812.019 (1) 2nd Stolen property; dealing in or trafficking in.

124

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

125

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

126

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

127

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

128

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.

129

817.568 (2) (b) 2nd Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud,

18-00213-11

2011246__

\$5,000 or more or use of personal identification information of 10 or more individuals.

130

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

131

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

132

827.071 (4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

133

827.071 (5) 3rd Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.

134

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.

135

843.01 3rd Resist officer with violence to person; resist arrest with violence.

136

847.0135 (5) (b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

18-00213-11

2011246__

137

847.0137 3rd Transmission of pornography by
 (2) & (3) electronic device or equipment.

138

847.0138 3rd Transmission of material harmful to
 (2) & (3) minors to a minor by electronic device
 or equipment.

139

874.05(2) 2nd Encouraging or recruiting another to
 join a criminal gang; second or
 subsequent offense.

140

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).

141

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.

142

893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine
 (or other s. 893.03(1)(a), (1)(b),

18-00213-11

2011246

(1) (d), (2) (a), (2) (b), or (2) (c) 4.
 drugs) within 1,000 feet of university.

143

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.

144

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.

145

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).

146

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

147

148

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