

By the Committee on Health Regulation; and Senators Joyner and Margolis

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1 A bill to be entitled
2 An act relating to human trafficking; creating s.
3 480.0535, F.S.; requiring operators of massage
4 establishments to maintain valid work authorization
5 documents on the premises for each employee who is not
6 a United States citizen; requiring presentation of
7 such documents upon request of a law enforcement
8 officer; prohibiting the use of a massage
9 establishment license for the purpose of lewdness,
10 assignation, or prostitution; providing criminal
11 penalties; amending s. 921.0022, F.S.; including
12 within the severity ranking chart of the Criminal
13 Punishment Code certain offenses prohibited by the
14 act; providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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

20 480.0535 Documents required while offering or providing
21 massage services.-

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

25 (a) A person operating a massage establishment pursuant to
26 s. 480.043 shall maintain, and it is unlawful to operate a
27 massage establishment without, a valid work authorization
28 document on the premises for each employee who is not a United
29 States citizen. Valid work authorization documents for an

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30 employee who is not a United States citizen include:

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

32 2. A valid government-issued employment authorization
 33 document.

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

38 (2) A person operating a massage establishment may not
 39 knowingly use a massage establishment license issued under s.
 40 480.043 for the purpose of lewdness, assignation, or
 41 prostitution, as these terms are defined in s. 796.07, at any
 42 massage establishment location or structure, or any part
 43 thereof, including any trailer or other conveyance.

44 (3) A person who violates any provision of this section
 45 commits:

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

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

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

53 Section 2. Paragraph (e) of subsection (3) of section
 54 921.0022, Florida Statutes, is amended to read:

55 921.0022 Criminal Punishment Code; offense severity ranking
 56 chart.—

57 (3) OFFENSE SEVERITY RANKING CHART

58 (e) LEVEL 5

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	Florida Statute	Felony Degree	Description
59	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
60	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
61	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
62	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
63	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
64	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
65	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
66	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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	<u>480.0535(4)(c)</u>	<u>3rd</u>	<u>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.</u>
68	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
69	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
70	790.01(2)	3rd	Carrying a concealed firearm.
71	790.162	2nd	Threat to throw or discharge destructive device.
72	790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
73	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
74	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or

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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.
- 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.
- 812.131 (2) (b) 3rd Robbery by sudden snatching.
- 812.16 (2) 3rd Owning, operating, or conducting a chop shop.
- 817.034 (4) (a) 2. 2nd Communications fraud, value \$20,000 to

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

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child.

- 827.071 (5) 3rd Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.
- 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.
- 843.01 3rd Resist officer with violence to person; resist arrest with violence.
- 847.0135 (5) (b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.
- 847.0137
 (2) & (3) 3rd Transmission of pornography by electronic device or equipment.
- 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.
- 893.13 (1) (a) 1. 2nd Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b),

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(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., (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),

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(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.