

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

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Section 480.0535, Florida Statutes, is created
 25 to read:

26 480.0535 Documents required while offering or providing
 27 massage services.-

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

HB 477

2011

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

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

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

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

HB 477

2011

57 unlawful to operate a massage establishment without, a valid
58 work authorization document on the premises for each employee
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

HB 477

2011

85 trailer or other conveyance.

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

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
 98 ranking chart.—

99 (3) OFFENSE SEVERITY RANKING CHART

100 (e) LEVEL 5

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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

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HB 477

2011

105			serious bodily injury.
106	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
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	<u>480.0535 (5) (c)</u>	<u>3rd</u>	<u>Lack of possession of identifying documents or work authorization documents to provide massage services or operate a massage establishment.</u> <u>Unlawful use of a massage establishment license for the purpose of assignation, prostitution, or lewdness.</u>

HB 477

2011

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.
113	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
114	790.01 (2)	3rd	Carrying a concealed firearm.
115	790.162	2nd	Threat to throw or discharge destructive device.
116	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
117	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
118	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
119	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender

HB 477

2011

120			18 years or older.
	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
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	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
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.
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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.
126			
	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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HB 477

2011

129	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
130	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.
131	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
132	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
133	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
	827.071 (5)	3rd	Possess any photographic material,

HB 477

2011

			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.
137	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
138	847.0138 (2) & (3)	3rd	Transmission of material harmful to 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.

HB 477

2011

141	893.13(1)(c)2.	2nd	drugs). 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), (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

HB 477

2011

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