

THE FLORIDA SENATE
2014 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 1065 — Licensed Massage Therapists

by Health Quality Subcommittee; and Rep. Kerner and others (CS/SB 1068 by Health Policy Committee and Senator Latvala)

The bill requires certain persons to submit to background screening. Such persons include applicants for licensure as a massage therapist and persons with an ownership interest in, or management responsibilities for a corporation that has more than \$250,000 of business assets in this state, the owner, officer, or individual directly involved in the management of, a massage establishment. Current licensees must comply by January 1, 2015. The applicant or licensee must submit fingerprints electronically to the Florida Department of Law Enforcement for an FBI national criminal history check and ongoing verification against incoming Florida arrests. The fingerprints and the results of the screens are entered into the Care Provider Background Clearinghouse for use by the Department of Health (DOH) in its licensing activities.

The bill requires the Board of Massage Therapy and the DOH to deny an application for new or renewed licensure if the applicant is determined to have been convicted of, or entered a plea of guilty or nolo contendere to, any of the following disqualifying offenses:

- Section 787.01, F.S., relating to kidnapping;
- Section 787.02, F.S., relating to false imprisonment;
- Section 787.025, F.S., relating to luring or enticing a child;
- Section 787.06, F.S., relating to human trafficking;
- Section 787.07, F.S., relating to human smuggling;
- Section 794.011, F.S., relating to sexual battery;
- Section 794.08, F.S., relating to female genital mutilation;
- Section 796.03, F.S., relating to procuring a person under the age of 18 for prostitution;
- Section 796.035, F.S., relating to the selling or buying of minors into prostitution;
- Section 796.04, F.S., relating to forcing, compelling, or coercing another to become a prostitute;
- Section 796.05, F.S. relating to deriving support from the proceeds of a prostitute;
- Section 796.07(4)(c), F.S., relating to a felony of the third degree for a third or subsequent violation as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.;
- Section 800.04, F.S., relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age;
- Section 825.1025(2)(b), F.S., relating to lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person;
- Section 827.071, F.S., relating to sexual performance by a child;
- Section 847.0133, F.S., relating to the protection of minors;
- Section 847.0135, F.S., relating to computer pornography;
- Section 847.0138, F.S., relating to the transmission of material harmful to minors to a minor by electronic device or equipment; or
- Section 847.0145, F.S., relating to the selling or buying of minors.

The bill also requires the DOH to enter an emergency order suspending the license of a massage therapist or massage establishment if it learns that the massage therapist or person who is subject to background screening for the massage establishment license has been convicted of, or entered a plea of guilty or nolo contendere to, one of the specified criminal acts.

Finally, the bill exempts physicians and chiropractors who employ a licensed massage therapist to provide service to patients in their office from the requirement to obtain a massage establishment license.

If approved by the Governor, these provisions take effect July 1, 2014.

Vote: Senate 38-0; House 117-0