

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Kerner offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:
 6 Section 1. Paragraphs (e) through (o) of subsection (1) are
 7 redesignated as paragraphs (f) through (p), respectively, and a
 8 new paragraph (e) of subsection (1) of section 480.046, Florida
 9 Statutes, is added to read:

10 480.046 Grounds for disciplinary action by the board.—

11 (1) The following acts constitute grounds for denial of a
 12 license or disciplinary action, as specified in s. 456.072(2):

13 (e) Advertising to induce or attempt to induce, or to
 14 engage or attempt to engage, the client in unlawful sexual
 15 misconduct, as described in s. 480.0485.

16 Section 2. Section 480.047, Florida Statutes, is amended
 17 to read:

18 480.047 Penalties.—

19 (1) It is unlawful for any person to:

20 (a) Hold himself or herself out as a massage therapist or

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21 to practice massage unless duly licensed under this chapter or
22 unless otherwise specifically exempted from licensure under this
23 chapter.

24 (b) Operate any massage establishment unless it has been
25 duly licensed as provided herein, except that nothing herein
26 shall be construed to prevent the teaching of massage in this
27 state at a board-approved massage school.

28 (c) Permit an employed person to practice massage unless
29 duly licensed as provided herein.

30 (d) Present as his or her own the license of another.

31 (e) Allow the use of his or her license by an unlicensed
32 person.

33 (f) Give false or forged evidence to the department in
34 obtaining any license provided for herein.

35 (g) Falsely impersonate any other licenseholder of like or
36 different name.

37 (h) Use or attempt to use a license that has been revoked.

38 (i) Otherwise violate any of the provisions of this act.

39 (2) Except as otherwise provided in this chapter, any
40 person violating the provisions of this section is guilty of a
41 misdemeanor of the first degree, punishable as provided in s.
42 775.082 or s. 775.083.

43 Section 3. Section 480.0475, Florida Statutes, is created
44 to read:

45 480.0475 Massage establishments; prohibited practices.-

46 (1) A person may not operate a massage establishment
47 between the hours of midnight and 5 a.m. This subsection does
48 not apply to a massage establishment:

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49 (a) Located on the premises of a health care facility as
50 defined in s. 408.07; a health care clinic as defined in s.
51 400.9905(4); a hotel, motel, or bed and breakfast inn, as those
52 terms are defined in s. 509.242; a timeshare property as defined
53 in s. 721.05; a public airport as defined in s. 330.27; or a
54 pari-mutuel facility as defined in s. 550.002; or

55 (b) In which every massage performed between the hours of
56 midnight and 5 a.m. is performed by a massage therapist acting
57 under the prescription of a physician or physician assistant
58 licensed under chapter 458, an osteopathic physician or
59 physician assistant licensed under chapter 459, a chiropractic
60 physician licensed under chapter 460, a podiatric physician
61 licensed under chapter 461, an advanced registered nurse
62 practitioner licensed under part I of chapter 464, or a dentist
63 licensed under chapter 466.

64 (c) Operating during a special event if the county or
65 municipality in which the establishment operates has approved
66 such operation during the special event.

67 (2) A person operating a massage establishment may not use
68 or permit the establishment to be used as a principal domicile
69 unless the establishment is zoned for residential use under a
70 local ordinance.

71 (3) A person violating the provisions of this section
72 commits a misdemeanor of the first degree, punishable as
73 provided in s. 775.082 or s. 775.083. A second or subsequent
74 violation of this section is a felony of the third degree,
75 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

76 Section 4. Subsection (3) is added to section 823.05,

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Florida Statutes, to read:

823.05 Places and groups engaged in criminal gang-related activity declared a nuisance; massage establishments engaged in prohibited activity; may be abated and enjoined.—

(3) A massage establishment as defined in s. 480.033(7) that operates in violation of s. 480.0475 or s. 480.0535(2) is declared a nuisance and may be abated or enjoined as provided in ss. 60.05 and 60.06.

Section 5. This act shall take effect October 1, 2013.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

An act relating to massage establishments; amending s. 480.046, F.S.; providing additional grounds for the denial of a license or disciplinary action; amending s. 480.047, F.S.; revising penalties; creating s. 480.0475, F.S.; prohibiting the operation of a massage establishment during specified times; providing exceptions; prohibiting the use of a massage establishment as a principal domicile unless the establishment is zoned for residential use under a local ordinance; providing penalties; amending s. 823.05, F.S.; declaring that a massage establishment operating in violation of specified statutes is a nuisance that may be abated or enjoined; providing an effective date.