

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WITHDRAWN	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: Health Quality  
 2 Subcommittee

3 Representative Kerner offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 44-81 and insert:

7 Section 2. Subsection (2) of section 480.043, Florida  
 8 Statutes, is amended to read:

9 480.043 Massage establishments; requisites; licensure;  
 10 inspection.—

11 (2) The board shall adopt rules governing the operation of  
 12 establishments and their facilities, personnel, safety and  
 13 sanitary requirements, financial responsibility, insurance  
 14 coverage, and the license application and granting process. An  
 15 application shall be denied upon a finding that an applicant has  
 16 been arrested for and is awaiting final disposition of, or has  
 17 been convicted of, regardless of adjudication, any offense in s.  
 18 435.04(2) or a similar law of another jurisdiction.

19 Section 3. Paragraphs (e) though (o) of subsection (1) are  
 20 relettered as paragraphs (f) though (p), respectively, and a new

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21 paragraph (e) of subsection (1) of section 480.046, Florida  
22 Statutes, is added to read:

23 480.046 Grounds for disciplinary action by the board.—

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

26 (e) Advertising to induce or attempt to induce, or to  
27 engage or attempt to engage, the client in sexual activity.

28 Section 4. Section 480.0475, Florida Statutes, is created  
29 to read:

30 480.0475 Massage establishments; prohibited practices.—

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

34 (a) Located on the premises of a health care facility as  
35 defined in s. 408.07; a health care clinic as defined in Part X  
36 of chapter 400; a hotel, motel, or bed and breakfast inn, as  
37 those terms are defined in s. 509.242; a public airport as  
38 defined in s. 330.27; or a pari-mutuel facility as defined in s.  
39 550.002; or

40 (b) In which every massage performed between the hours of  
41 midnight and 5 a.m. is performed by a massage therapist acting  
42 under the prescription of a physician or physician assistant  
43 licensed under chapter 458, an osteopathic physician or  
44 physician assistant licensed under chapter 459, a chiropractic  
45 physician licensed under chapter 460, a podiatric physician  
46 licensed under chapter 461, an advanced registered nurse  
47 practitioner licensed under part I of chapter 464, or a dentist  
48 licensed under chapter 466.

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49       (2) A person operating a massage establishment may not use  
50 or permit the establishment to be used as a principal domicile  
51 unless the establishment is zoned for residential use under a  
52 local ordinance.

53       (3) Any person violating the provisions of this section  
54 commits a misdemeanor of the first degree, punishable as  
55 provided in s. 775.082 or s. 775.083. A second or subsequent  
56 violation of this section is a felony of the third degree,  
57 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

58       Section 5. Section 480.052, Florida Statutes, is amended  
59 to read:

60       480.052 Power of county or municipality to regulate  
61 massage.-

62       (1) A county or municipality, within its jurisdiction, may  
63 regulate persons and establishments licensed under this chapter.  
64 Such regulation shall not exceed the powers of the state under  
65 this act or be inconsistent with this act. This section shall  
66 not be construed to prohibit a county or municipality from  
67 enacting any regulation of persons or establishments not  
68 licensed pursuant to this act.

69       (2) A county or municipality may waive the massage  
70 establishment hours of operation restrictions contained in s.  
71 485.0475 during special events occurring within such county or  
72 municipality's jurisdiction.

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**T I T L E   A M E N D M E N T**

Remove lines 3-10 and insert:

480.047, F.S.; revising penalties; amends s. 480.043, F.S.;  
requiring an application to be denied upon specified findings;  
amending s. 480.046, F.S., adding additional grounds for denial  
of a license; 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. 480.052, F.S., authorizing a county or  
municipality to waive massage establishment operating hours  
restrictions in certain instances; amending s. 823.05, F.S.;  
declaring that a