



234686

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/11/2014	.	
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The Committee on Health Policy (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 75 - 213
and insert:
suspending the license of a massage therapist or massage establishment as defined in chapter 480 upon receipt of information that such therapist or person with an ownership interest in the massage establishment, or for a corporation that has more than \$250,000 of business assets in this state, the owner, officer, or individual directly involved in the



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11 management of the massage establishment has been convicted or
12 found guilty of, or has entered a plea of guilty or nolo
13 contendere to, regardless of adjudication, a felony offense
14 under any of the following provisions of state law or a similar
15 provision in another jurisdiction:

16 (a) Section 787.01, relating to kidnapping.

17 (b) Section 787.02, relating to false imprisonment.

18 (c) Section 787.025, relating to luring or enticing a
19 child.

20 (d) Section 787.06, relating to human trafficking.

21 (e) Section 787.07, relating to human smuggling.

22 (f) Section 794.011, relating to sexual battery.

23 (g) Section 794.08, relating to female genital mutilation.

24 (h) Section 796.03, relating to procuring a person under
25 the age of 18 for prostitution.

26 (i) Section 796.035, relating to the selling or buying of
27 minors into prostitution.

28 (j) Section 800.04, relating to lewd or lascivious offenses
29 committed upon or in the presence of persons less than 16 years
30 of age.

31 (k) Section 825.1025(2)(b), relating to lewd or lascivious
32 offenses committed upon or in the presence of an elderly or
33 disabled person.

34 (l) Section 827.071, relating to sexual performance by a
35 child.

36 (m) Section 847.0133, relating to the protection of minors.

37 (n) Section 847.0135, relating to computer pornography.

38 (o) Section 847.0138, relating to the transmission of
39 material harmful to minors to a minor by electronic device or



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40 equipment.

41 (p) Section 847.0145, relating to the selling or buying of
42 minors.

43 Section 3. Present subsections (3) and (4) of section
44 480.041, Florida Statutes, are redesignated as subsections (4)
45 and (5), respectively, and a new subsection (3) and subsections
46 (6) and (7) are added to that section, to read:

47 480.041 Massage therapists; qualifications; licensure;
48 endorsement.—

49 (3) An applicant must submit to background screening under
50 s. 456.0135.

51 (6) Massage therapists who were issued a license before
52 July 1, 2014, must submit to the background screening
53 requirements of s. 456.0135 by January 31, 2015.

54 (7) The board shall deny an application for a new or
55 renewal license if an applicant has been convicted or found
56 guilty of, or enters a plea of guilty or nolo contendere to,
57 regardless of adjudication, a felony offense under any of the
58 following provisions of state law or a similar provision in
59 another jurisdiction:

60 (a) Section 787.01, relating to kidnapping.

61 (b) Section 787.02, relating to false imprisonment.

62 (c) Section 787.025, relating to luring or enticing a
63 child.

64 (d) Section 787.06, relating to human trafficking.

65 (e) Section 787.07, relating to human smuggling.

66 (f) Section 794.011, relating to sexual battery.

67 (g) Section 794.08, relating to female genital mutilation.

68 (h) Section 796.03, relating to procuring a person under



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69 the age of 18 for prostitution.

70 (i) Section 796.035, relating to the selling or buying of
71 minors into prostitution.

72 (j) Section 800.04, relating to lewd or lascivious offenses
73 committed upon or in the presence of persons less than 16 years
74 of age.

75 (k) Section 825.1025(2) (b), relating to lewd or lascivious
76 offenses committed upon or in the presence of an elderly or
77 disabled person.

78 (l) Section 827.071, relating to sexual performance by a
79 child.

80 (m) Section 847.0133, relating to the protection of minors.

81 (n) Section 847.0135, relating to computer pornography.

82 (o) Section 847.0138, relating to the transmission of
83 material harmful to minors to a minor by electronic device or
84 equipment.

85 (p) Section 847.0145, relating to the selling or buying of
86 minors.

87 Section 4. Present subsections (2) through (6) of section
88 480.043, Florida Statutes, are redesignated as subsections (3)
89 through (7), respectively, present subsections (7) through (9)
90 of that section are redesignated as subsections (9) through
91 (11), respectively, and new subsections (2), (8), and (12) are
92 added to that section, to read:

93 480.043 Massage establishments; requisites; licensure;
94 inspection.—

95 (2) A person who has an ownership interest in a massage
96 establishment shall submit to the background screening
97 requirements under s. 456.0135. However, if a corporation



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98 submits proof, as determined by department rule, of having more
99 than \$250,000 of business assets in this state, the department
100 shall require the owner, officer, or individual directly
101 involved in the management of the massage establishment to
102 submit to the background screening requirements of s. 456.0135.

103 (8) The department shall deny an application for a new or
104 renewal license if a person with an ownership interest in the
105 massage establishment, or for a corporation that has more than
106 \$250,000 of business assets in this state, the owner, officer,
107 or individual directly involved in the management of the massage
108 establishment has been convicted or found guilty of, or entered
109 a plea of guilty or nolo contendere to, regardless of
110 adjudication, a felony offense under any of the following
111 provisions of state law or a similar provision in another
112 jurisdiction:

113 (a) Section 787.01, relating to kidnapping.

114 (b) Section 787.02, relating to false imprisonment.

115 (c) Section 787.025, relating to luring or enticing a
116 child.

117 (d) Section 787.06, relating to human trafficking.

118 (e) Section 787.07, relating to human smuggling.

119 (f) Section 794.011, relating to sexual battery.

120 (g) Section 794.08, relating to female genital mutilation.

121 (h) Section 796.03, relating to procuring a person under
122 the age of 18 for prostitution.

123 (i) Section 796.035, relating to selling or buying of
124 minors into prostitution.

125 (j) Section 800.04, relating to lewd or lascivious offenses
126 committed upon or in the presence of persons less than 16 years



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127 of age.
128 (k) Section 825.1025(2)(b), relating to lewd or lascivious
129 offenses committed upon or in the presence of an elderly or
130 disabled person.
131 (l) Section 827.071, relating to sexual performance by a
132 child.
133 (m) Section 847.0133, relating to the protection of minors.
134 (n) Section 847.0135, relating to computer pornography.
135 (o) Section 847.0138, relating to the transmission of
136 material harmful to minors to a minor by electronic device or
137 equipment.
138 (p) Section 847.0145, relating to the selling or buying of
139 minors.
140 (12) A person with an ownership interest, or for a
141 corporation that has more than \$250,000 of business assets in
142 this state, the owner, officer, or individual directly involved
143 in the management of, a massage establishment that was issued a
144 license before July 1, 2014, shall submit to the background
145 screening requirements of s. 456.0135 before January 31, 2015.

146
147 ===== T I T L E A M E N D M E N T =====

148 And the title is amended as follows:

149 Delete lines 2 - 24

150 and insert:

151 An act relating to massage therapy; amending s.
152 456.0135, F.S.; requiring an applicant for licensure
153 under ch. 480, F.S., to submit to certain
154 fingerprinting requirements; requiring fingerprints to
155 be enrolled in the national retained print arrest



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156 notification program and the Care Provider Background
157 Screening Clearinghouse; amending s. 456.074, F.S.;
158 requiring the Department of Health to issue an
159 emergency order suspending the license of a massage
160 therapist or massage establishment for the commission
161 of certain offenses; amending s. 480.041, F.S.;
162 requiring an applicant for a massage therapist license
163 to submit to certain background screening
164 requirements; requiring that a massage therapist who
165 was issued a license before a specified date meet the
166 background screening requirements by a specified date;
167 requiring the Board of Massage Therapy to deny an
168 application for a massage therapy license or renewal
169 license for certain offenses; amending s. 480.043,
170 F.S.; requiring a person with a specified interest in
171 a massage establishment to submit to certain
172 background screening requirements; authorizing the
173 department to adopt a rule related to corporate
174 assets; requiring the department to deny an
175 application for a massage establishment license or
176 renewal license under certain circumstances;