

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

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

3  
4 **Amendment (with title amendment)**

5 Remove lines 195-276 and insert:

6 Section 2. Section 456.0341, Florida Statutes, is created  
7 to read:

8 456.0341 Requirements for instruction on human  
9 trafficking.—The requirements of this section apply to each  
10 person licensed or certified under chapter 457; chapter 458;  
11 chapter 459; chapter 460; chapter 461; chapter 463; chapter 465;  
12 chapter 466; part II, part III, part V, or part X of chapter  
13 468; chapter 480; or chapter 486.

14 (1) By January 1, 2021, each licensee or certificate  
15 holder shall complete a board-approved, or department-approved  
16 if there is no board, 1-hour continuing education course on

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17 human trafficking. The course must address both sex trafficking  
18 and labor trafficking, how to identify individuals who may be  
19 victims of human trafficking, how to report cases of human  
20 trafficking, and resources available to victims.

21 (2) Each licensing board that requires a licensee or  
22 certificate holder to complete a course pursuant to this  
23 section, must include the hour required for completion in the  
24 total hours of continuing education required by law for such  
25 profession.

26 (3) By January 1, 2020, the licensees or certificate  
27 holders shall post in their place of work, in a conspicuous  
28 place accessible to employees and to the public, a sign at least  
29 11 inches by 15 inches in size, printed in an easily legible  
30 font and in at least a 32-point type, which substantially states  
31 in English and Spanish:

32  
33 "If you or someone you know is being forced to engage in an  
34 activity and cannot leave, whether it is prostitution,  
35 housework, farm work, factory work, retail work, restaurant  
36 work, or any other activity, call the National Human Trafficking  
37 Resource Center at 888-373-7888 or text INFO or HELP to 233-733  
38 to access help and services. Victims of slavery and human  
39 trafficking are protected under United States and Florida law."

40 Section 3. Subsections (10) and (11) are added to section  
41 480.033, Florida Statutes, to read:

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42 480.033 Definitions.—As used in this act:

43 (10) "Establishment owner" means a person who has  
44 ownership interest in a massage establishment. The term includes  
45 an individual who holds a massage establishment license, a  
46 general partner of a partnership, an owner or officer of a  
47 corporation, and a member of a limited liability company and its  
48 subsidiaries who holds a massage establishment license.

49 (11) "Designated establishment manager" means a massage  
50 therapist who holds a clear and active license without  
51 restriction, who is responsible for the operation of a massage  
52 establishment in accordance with the provisions of this chapter,  
53 and who is designated the manager by the rules or practices at  
54 the establishment.

55 Section 4. Subsection (13) of section 480.043, Florida  
56 Statutes, is renumbered as subsection (15) and amended,  
57 subsections (2) and (8), paragraph (a) of subsection (9), and  
58 subsection (12) are amended, and new subsections (13) and (14)  
59 are added to that section, to read:

60 480.043 Massage establishments; requisites; licensure;  
61 inspection; human trafficking awareness training and policies;  
62 continuing education requirement.—

63 (2) An establishment owner ~~A person who has an ownership~~  
64 ~~interest in an establishment~~ shall comply with ~~submit to~~ the  
65 background screening requirements under s. 456.0135. However, if  
66 a corporation submits proof of having more than \$250,000 of

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67 business assets in this state, the department shall require the  
68 establishment owner, the designated establishment manager,  
69 ~~officer, or~~ and each individual directly involved in the  
70 management of the establishment to comply with ~~submit to~~ the  
71 background screening requirements under ~~of~~ s. 456.0135. The  
72 ~~board department~~ may adopt rules regarding the type of proof  
73 that may be submitted by a corporation.

74 (8) The department shall deny an application for a new or  
75 renewal license if an establishment owner or a designated  
76 establishment manager ~~a person with an ownership interest in the~~  
77 ~~establishment~~ or, for a corporation that has more than \$250,000  
78 of business assets in this state, an the establishment owner or  
79 a designated establishment manager, ~~officer, or individual~~  
80 ~~directly involved in the management of the establishment~~ has  
81 been convicted ~~or found guilty of~~, or entered a plea of guilty  
82 or nolo contendere to any misdemeanor or felony crime,  
83 regardless of adjudication, related to prostitution or related  
84 acts as described in s. 796.07 ~~a violation of s. 796.07(2)(a)~~  
85 ~~which is reclassified under s. 796.07(7)~~ or a felony offense  
86 under any of the following provisions of state law or a similar  
87 provision in another jurisdiction:

- 88 (a) Section 787.01, relating to kidnapping.  
89 (b) Section 787.02, relating to false imprisonment.  
90 (c) Section 787.025, relating to luring or enticing a  
91 child.

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

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

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

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

96 (h) Former s. 796.03, relating to procuring a person under  
97 the age of 18 for prostitution.

98 (i) Former s. 796.035, relating to selling or buying of  
99 minors into prostitution.

100 (j) Section 796.04, relating to forcing, compelling, or  
101 coercing another to become a prostitute.

102 (k) Section 796.05, relating to deriving support from the  
103 proceeds of prostitution.

104 ~~(l) Section 796.07(4)(a)3., relating to a felony of the~~  
105 ~~third degree for a third or subsequent violation of s. 796.07,~~  
106 ~~relating to prohibiting prostitution and related acts.~~

107 (l) ~~(m)~~ Section 800.04, relating to lewd or lascivious  
108 offenses committed upon or in the presence of persons less than  
109 16 years of age.

110 (m) ~~(n)~~ Section 825.1025(2)(b), relating to lewd or  
111 lascivious offenses committed upon or in the presence of an  
112 elderly or disabled person.

113 (n) ~~(o)~~ Section 827.071, relating to sexual performance by  
114 a child.

115 (o) ~~(p)~~ Section 847.0133, relating to the protection of  
116 minors.

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117 ~~(p)-(q)~~ Section 847.0135, relating to computer pornography.

118 ~~(q)-(r)~~ Section 847.0138, relating to the transmission of  
119 material harmful to minors to a minor by electronic device or  
120 equipment.

121 ~~(r)-(s)~~ Section 847.0145, relating to the selling or buying  
122 of minors.

123 (9) (a) ~~Once issued, no license for operation of~~ A massage  
124 establishment license issued to an individual, a partnership, a  
125 corporation, a limited liability company, or another entity may  
126 not be transferred from the licensee ~~one owner~~ to another  
127 individual, partnership, corporation, limited liability company,  
128 or another entity.

129 (12) As a condition of licensure, a massage establishment  
130 must have a designated establishment manager. The designated  
131 establishment manager is responsible for complying with all  
132 requirements related to operating the establishment in this  
133 section and shall practice at the establishment for which he or  
134 she has been designated. Within 10 days after termination of a  
135 designated establishment manager, the establishment owner must  
136 notify the department of the identity of another designated  
137 establishment manager. Failure to have a designated  
138 establishment manager practicing at the location of the  
139 establishment shall result in summary suspension of the  
140 establishment license as described in s. 456.073(8) or s.  
141 120.60(6). An establishment licensed before July 1, 2019, must

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142 identify a designated establishment manager by January 1, 2020 A  
143 ~~person with an ownership interest in or, for a corporation that~~  
144 ~~has more than \$250,000 of business assets in this state, the~~  
145 ~~owner, officer, or individual directly involved in the~~  
146 ~~management of an establishment that was issued a license before~~  
147 ~~July 1, 2014, shall submit to the background screening~~  
148 ~~requirements of s. 456.0135 before January 31, 2015.~~

149 (13) By January 1, 2020, a massage establishment shall  
150 implement a procedure for reporting suspected human trafficking  
151 to the National Human Trafficking Hotline or to a local law  
152 enforcement agency and shall post in a conspicuous place in the  
153 establishment which is accessible to employees, customers, and  
154 the public a sign with the relevant provisions of the reporting  
155 procedure.

156 (14) Except for the requirements of subsection (13), this  
157 section does not apply to a physician licensed under chapter  
158 457, chapter 458, chapter 459, or chapter 460 who employs a  
159 licensed massage therapist to perform massage on the physician's  
160 patients at the physician's place of practice. This subsection  
161 does not restrict investigations by the department for  
162 violations of chapter 456 or this chapter.

163 Section 5. Subsection (4) of section 480.046, Florida  
164 Statutes, is renumbered as subsection (6), subsection (3) is  
165 amended, and new subsections (4) and (5) are added to that  
166 section, to read:

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167 480.046 Grounds for disciplinary action by the board.—

168 (3) The board may ~~shall~~ ~~have the power to~~ revoke or  
169 suspend the license of a massage establishment licensed under  
170 this act, or to deny subsequent licensure of such an  
171 establishment, if any ~~in either~~ of the following occurs ~~eases~~:

172 (a) ~~The~~ ~~Upon proof that~~ a license has been obtained by  
173 fraud or misrepresentation.

174 (b) Upon proof that the holder of a license is guilty of  
175 fraud or deceit or of gross negligence, incompetency, or  
176 misconduct in the operation of a massage ~~the~~ establishment ~~so~~  
177 ~~licensed~~.

178 (c) The establishment owner, the designated establishment  
179 manager, or any individuals providing massage therapy services  
180 for the establishment have had the entry in any jurisdiction of:

181 1. A final order or other disciplinary action taken for  
182 sexual misconduct involving prostitution;

183 2. A final order or other disciplinary action taken for  
184 crimes related to the practice of massage therapy involving  
185 prostitution; or

186 3. A conviction or a plea of guilty or nolo contendere to  
187 any misdemeanor or felony crime, regardless of adjudication,  
188 related to prostitution or related acts as described in s.  
189 796.07.

190 (4) The establishment owner who has been the subject of  
191 disciplinary action under subsection (3) may not reapply for an



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192 establishment license and may not transfer such license pursuant  
193 to s. 480.043.

194 (5) A designated establishment manager who has been the  
195 subject of disciplinary action under section (3) may not reapply  
196 for a license.

198 -----  
199 **T I T L E A M E N D M E N T**

200 Remove lines 32-53 and insert:

201 Legislature; creating s. 456.0341, F.S.; providing for  
202 instruction on human trafficking; requiring specified  
203 licensees or certificate holders to complete a certain  
204 continuing education course by a specified date;  
205 providing course requirements; requiring specified  
206 licensees or certificate holders to post a human  
207 trafficking public awareness sign in their place of  
208 work by a specified date; providing requirements;  
209 amending s. 480.033, F.S.; providing definitions;  
210 amending s. 480.043, F.S.; conforming provisions to  
211 changes made by the act; providing for suspension of  
212 an establishment license under specified  
213 circumstances; requiring a massage establishment to  
214 implement a procedure for reporting suspected human  
215 trafficking to certain entities and to post a sign  
216 with such reporting procedure in a conspicuous place

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217 | by a specified date; requiring specified continuing  
218 | education related for an establishment owner and a  
219 | designated establishment manager; providing an  
220 | exception; amending s. 480.046, F.S.; conforming  
221 | provisions to changes made by the act; revising  
222 | grounds for disciplinary action by the board; creating  
223 | s. 943.17297, F.S.; requiring