

Amendment No.

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WITHDRAWN	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:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

8 Section 1. Section 456.0135, Florida Statutes, is amended  
 9 to read:

10 456.0135 General background screening provisions.—

11 (1) An application for initial licensure received on or  
 12 after January 1, 2013, under chapter 458, chapter 459, chapter  
 13 460, chapter 461, chapter 464, ~~or~~ s. 465.022, or chapter 480  
 14 shall include fingerprints pursuant to procedures established by  
 15 the department through a vendor approved by the Department of  
 16 Law Enforcement and fees imposed for the initial screening and  
 17 retention of fingerprints. Fingerprints must be submitted

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18 electronically to the Department of Law Enforcement for state  
19 processing, and the Department of Law Enforcement shall forward  
20 the fingerprints to the Federal Bureau of Investigation for  
21 national processing. Each board, or the department if there is  
22 no board, shall screen the results to determine if an applicant  
23 meets licensure requirements. For any subsequent renewal of the  
24 applicant's license that requires a national criminal history  
25 check, the department shall request the Department of Law  
26 Enforcement to forward the retained fingerprints of the  
27 applicant to the Federal Bureau of Investigation unless the  
28 fingerprints are enrolled in the national retained print arrest  
29 notification program.

30 (2) All fingerprints submitted to the Department of Law  
31 Enforcement as required under subsection (1) shall be retained  
32 by the Department of Law Enforcement as provided under s.  
33 943.05(2)(g) and (h) and (3) and enrolled in the national  
34 retained print arrest notification program at the Federal Bureau  
35 of Investigation when the Department of Law Enforcement begins  
36 participation in the program. The department shall notify the  
37 Department of Law Enforcement regarding any person whose  
38 fingerprints have been retained but who is no longer licensed.

39 (3) The costs of fingerprint processing, including the  
40 cost for retaining fingerprints, shall be borne by the applicant  
41 subject to the background screening.

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42 (4) All fingerprints received under this section shall be  
43 entered into the Care Provider Background Screening  
44 Clearinghouse as provided in s. 435.12.

45 Section 2. Subsection (5) is added to section 456.074,  
46 Florida Statutes, to read:

47 456.074 Certain health care practitioners; immediate  
48 suspension of license.-

49 (5) The department shall issue an emergency order  
50 suspending the license of a massage therapist or massage  
51 establishment as defined in chapter 480 upon receipt of  
52 information that such therapist or person with an ownership  
53 interest in the massage establishment, or for a corporation that  
54 has more than \$250,000 of business assets in this state, the  
55 owner, officer, or individual directly involved in the  
56 management of the massage establishment has been convicted or  
57 found guilty of, or has entered a plea of guilty or nolo  
58 contendere to, regardless of adjudication, a felony offense  
59 under any of the following provisions of state law or a similar  
60 provision in another jurisdiction:

61 (a) Section 787.01, relating to kidnapping.

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

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

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

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

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

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

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

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

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

75 (k) Section 796.05, relating to deriving support from the  
76 proceeds of a prostitute.

77 (l) Section 796.07(4)(c), relating to a felony of the  
78 third degree for a third or subsequent violation as provided in  
79 s. 775.082, s. 775.083, or s. 775.084.

80 (m) Section 800.04, relating to lewd or lascivious  
81 offenses committed upon or in the presence of persons less than  
82 16 years of age.

83 (n) Section 825.1025(2)(b), relating to lewd or lascivious  
84 offenses committed upon or in the presence of an elderly or  
85 disabled person.

86 (o) Section 827.071, relating to sexual performance by a  
87 child.

88 (p) Section 847.0133, relating to the protection of  
89 minors.

90 (q) Section 847.0135, relating to computer pornography.

91 (r) Section 847.0138, relating to the transmission of  
92 material harmful to minors to a minor by electronic device or  
93 equipment.

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94 (s) Section 847.0145, relating to the selling or buying of  
95 minors.

96 Section 3. Present subsections (3) and (4) of section  
97 480.041, Florida Statutes, are redesignated as subsections (4)  
98 and (5), respectively, and a new subsection (3) and subsections  
99 (6) and (7) are added to that section, to read:

100 480.041 Massage therapists; qualifications; licensure;  
101 endorsement.—

102 (3) An applicant must submit to background screening under  
103 s. 456.0135.

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

107 (7) The board shall deny an application for a new or  
108 renewal license if an applicant has been convicted or found  
109 guilty of, or enters a plea of guilty or nolo contendere to,  
110 regardless of adjudication, a felony offense under any of the  
111 following provisions of state law or a similar provision in  
112 another 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.

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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 the selling or buying of  
124 minors into prostitution.

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

127 (k) Section 796.05, relating to deriving support from the  
128 proceeds of a prostitute.

129 (l) Section 796.07(4)(c), relating to a felony of the  
130 third degree for a third or subsequent violation as provided in  
131 s. 775.082, s. 775.083, or s. 775.084.

132 (m) Section 800.04, relating to lewd or lascivious  
133 offenses committed upon or in the presence of persons less than  
134 16 years of age.

135 (n) Section 825.1025(2)(b), relating to lewd or lascivious  
136 offenses committed upon or in the presence of an elderly or  
137 disabled person.

138 (o) Section 827.071, relating to sexual performance by a  
139 child.

140 (p) Section 847.0133, relating to the protection of  
141 minors.

142 (q) Section 847.0135, relating to computer pornography.

143 (r) Section 847.0138, relating to the transmission of  
144 material harmful to minors to a minor by electronic device or  
145 equipment.

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146 (s) Section 847.0145, relating to the selling or buying of  
147 minors.

148 Section 4. Present subsections (2) through (6) of section  
149 480.043, Florida Statutes, are redesignated as subsections (3)  
150 through (7), respectively, present subsections (7) through (9)  
151 of that section are redesignated as subsections (9) through  
152 (11), respectively, and new subsections (2), (8), and (12), and  
153 are added to that section, to read:

154 480.043 Massage establishments; requisites; licensure;  
155 inspection.-

156 (2) A person who has an ownership interest in a massage  
157 establishment shall submit to the background screening  
158 requirements under s. 456.0135. However, if a corporation  
159 submits proof, as determined by department rule, of having more  
160 than \$250,000 of business assets in this state, the department  
161 shall require the owner, officer, or individual directly  
162 involved in the management of the massage establishment to  
163 submit to the background screening requirements of s. 456.0135.

164 (8) The department shall deny an application for a new or  
165 renewal license if a person with an ownership interest in the  
166 massage establishment, or for a corporation that has more than  
167 \$250,000 of business assets in this state, the owner, officer,  
168 or individual directly involved in the management of the massage  
169 establishment has been convicted or found guilty of, or entered  
170 a plea of guilty or nolo contendere to, regardless of  
171 adjudication, a felony offense under any of the following

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- 172 provisions of state law or a similar provision in another  
173 jurisdiction:
- 174 (a) Section 787.01, relating to kidnapping.
  - 175 (b) Section 787.02, relating to false imprisonment.
  - 176 (c) Section 787.025, relating to luring or enticing a  
177 child.
  - 178 (d) Section 787.06, relating to human trafficking.
  - 179 (e) Section 787.07, relating to human smuggling.
  - 180 (f) Section 794.011, relating to sexual battery.
  - 181 (g) Section 794.08, relating to female genital mutilation.
  - 182 (h) Section 796.03, relating to procuring a person under  
183 the age of 18 for prostitution.
  - 184 (i) Section 796.035, relating to selling or buying of  
185 minors into prostitution.
  - 186 (j) Section 796.04, relating to forcing, compelling, or  
187 coercing another to become a prostitute.
  - 188 (k) Section 796.05, relating to deriving support from the  
189 proceeds of a prostitute.
  - 190 (l) Section 796.07(4)(c), relating to a felony of the  
191 third degree for a third or subsequent violation as provided in  
192 s. 775.082, s. 775.083, or s. 775.084.
  - 193 (m) Section 800.04, relating to lewd or lascivious  
194 offenses committed upon or in the presence of persons less than  
195 16 years of age.

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196 (n) Section 825.1025(2)(b), relating to lewd or lascivious  
197 offenses committed upon or in the presence of an elderly or  
198 disabled person.

199 (o) Section 827.071, relating to sexual performance by a  
200 child.

201 (p) Section 847.0133, relating to the protection of  
202 minors.

203 (q) Section 847.0135, relating to computer pornography.

204 (r) Section 847.0138, relating to the transmission of  
205 material harmful to minors to a minor by electronic device or  
206 equipment.

207 (s) Section 847.0145, relating to the selling or buying of  
208 minors.

209 (12) A person with an ownership interest, or for a  
210 corporation that has more than \$250,000 of business assets in  
211 this state, the owner, officer, or individual directly involved  
212 in the management of, a massage establishment that was issued a  
213 license before July 1, 2014, shall submit to the background  
214 screening requirements of s. 456.0135 before January 31, 2015.

215 Section 5. Section 480.0465, Florida Statutes, is amended  
216 to read:

217 480.0465 Advertisement.—Each massage therapist or massage  
218 establishment licensed under the provisions of this act shall  
219 include the number of the license in any advertisement of  
220 massage services appearing in a ~~any~~ newspaper, airwave  
221 transmission, telephone directory, or other advertising medium.

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222 Pending licensure of a new massage establishment pursuant to the  
223 provisions of s. 480.043(7) ~~s. 480.043(6)~~, the license number of  
224 a licensed massage therapist who is an owner or principal  
225 officer of the establishment may be used in lieu of the license  
226 number for the establishment.

227 Section 6. This act shall take effect July 1, 2014.  
228  
229  
230

231 -----

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

233 Remove everything before the enacting clause and insert:  
234 An act relating to licensed massage therapists; amending s.  
235 456.0135, F.S.; requiring an applicant for licensure under  
236 chapter 480, F.S., to submit to certain fingerprinting  
237 requirements; requiring fingerprints to be enrolled in the  
238 national retained print arrest notification program and the Care  
239 Provider Background Screening Clearinghouse; amending s.  
240 456.074, F.S.; requiring the Department of Health to issue an  
241 emergency order suspending the license of a massage therapist or  
242 massage establishment for the commission of certain offenses;  
243 amending s. 480.041, F.S.; requiring an applicant for a massage  
244 therapist license to submit to certain background screening  
245 requirements; requiring that a massage therapist who was issued  
246 a license before a specified date meet the background screening  
247 requirements by a specified date; requiring the Board of Massage

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1065 (2014)

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248 Therapy to deny an application for a massage therapy license or  
249 renewal license for certain offenses; amending s. 480.043, F.S.;  
250 requiring a person with a specified interest in a massage  
251 establishment to submit to certain background screening  
252 requirements; authorizing the department to adopt a rule related  
253 to corporate assets; requiring the department to deny an  
254 application for a massage establishment license or renewal  
255 license under certain circumstances; requiring that the owner of  
256 a massage establishment that was issued a license before a  
257 specified date submit to the background screening requirements  
258 by a specified date; amending s. 480.0465, F.S.; conforming a  
259 cross-reference; providing an effective date.