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

Amendment (with title amendment)
Remove lines 195-276 and insert:
Section 2. Section 456.0341, Florida Statutes, is created to read:
456.0341 Requirements for instruction on human trafficking.—The requirements of this section apply to each person licensed or certified under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 463; chapter 465; chapter 466; part II, part III, part V, or part X of chapter 468; chapter 480; or chapter 486.
(1) By January 1, 2021, each licensee or certificate holder shall complete a board-approved, or department-approved if there is no board, 1-hour continuing education course on...
human trafficking. The course must address both sex trafficking and labor trafficking, how to identify individuals who may be victims of human trafficking, how to report cases of human trafficking, and resources available to victims.

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

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

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

Section 3. Subsections (10) and (11) are added to section 480.033, Florida Statutes, to read:
480.033 Definitions.—As used in this act:

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

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

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

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

(2) An establishment owner A person who has an ownership interest in an establishment shall comply with submit to the background screening requirements under s. 456.0135. However, if a corporation submits proof of having more than $250,000 of
business assets in this state, the department shall require the establishment owner, the designated establishment manager, officer, or and each individual directly involved in the management of the establishment to comply with submit to the background screening requirements under of s. 456.0135. The board department may adopt rules regarding the type of proof that may be submitted by a corporation.

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

(a) Section 787.01, relating to kidnapping.
(b) Section 787.02, relating to false imprisonment.
(c) Section 787.025, relating to luring or enticing a child.
(d) Section 787.06, relating to human trafficking.
(e) Section 787.07, relating to human smuggling.
(f) Section 794.011, relating to sexual battery.
(g) Section 794.08, relating to female genital mutilation.
(h) Former s. 796.03, relating to procuring a person under the age of 18 for prostitution.
(i) Former s. 796.035, relating to selling or buying of minors into prostitution.
(j) Section 796.04, relating to forcing, compelling, or coercing another to become a prostitute.
(k) Section 796.05, relating to deriving support from the proceeds of prostitution.
(l) Section 796.07(4)(a)3., relating to a felony of the third degree for a third or subsequent violation of s. 796.07, relating to prohibiting prostitution and related acts.
(m) Section 800.04, relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.
(n) Section 825.1025(2)(b), relating to lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person.
(o) Section 827.071, relating to sexual performance by a child.
(p) Section 847.0133, relating to the protection of minors.
Section 847.0135, relating to computer pornography.

Section 847.0138, relating to the transmission of material harmful to minors to a minor by electronic device or equipment.

Section 847.0145, relating to the selling or buying of minors.

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

(12) As a condition of licensure, a massage establishment must have a designated establishment manager. The designated establishment manager is responsible for complying with all requirements related to operating the establishment in this section and shall practice at the establishment for which he or she has been designated. Within 10 days after termination of a designated establishment manager, the establishment owner must notify the department of the identity of another designated establishment manager. Failure to have a designated establishment manager practicing at the location of the establishment shall result in summary suspension of the establishment license as described in s. 456.073(8) or s. 120.60(6). An establishment licensed before July 1, 2019, must
A person with an ownership interest in 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 management of an establishment that was issued a license before July 1, 2014, shall submit to the background screening requirements of s. 456.0135 before January 31, 2015.

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

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

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

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480.046  Grounds for disciplinary action by the board.—

(3) The board **shall** have the power to revoke or suspend the license of a massage establishment licensed under this act, or to deny subsequent licensure of such an establishment, **if any** in either of the following **occurs** cases:

    (a) Upon proof that a license has been obtained by fraud or misrepresentation.

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

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

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

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

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

(4) The establishment owner who has been the subject of disciplinary action under subsection (3) may not reapply for an
establishment license and may not transfer such license pursuant to s. 480.043.

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

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**TITLE AMENDMENT**

Remove lines 32-53 and insert:

Legislature; creating s. 456.0341, F.S.; providing for instruction on human trafficking; requiring specified licensees or certificate holders to complete a certain continuing education course by a specified date; providing course requirements; requiring specified licensees or certificate holders to post a human trafficking public awareness sign in their place of work by a specified date; providing requirements; amending s. 480.033, F.S.; providing definitions; amending s. 480.043, F.S.; conforming provisions to changes made by the act; providing for suspension of an establishment license under specified circumstances; requiring a massage establishment to implement a procedure for reporting suspected human trafficking to certain entities and to post a sign with such reporting procedure in a conspicuous place
by a specified date; requiring specified continuing education related for an establishment owner and a designated establishment manager; providing an exception; amending s. 480.046, F.S.; conforming provisions to changes made by the act; revising grounds for disciplinary action by the board; creating s. 943.17297, F.S.; requiring