

By Senator Clemens

27-00716-13

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1 A bill to be entitled
2 An act relating to massage establishments; amending s.
3 480.047, F.S.; revising penalties; creating s.
4 480.0475, F.S.; providing legislative intent;
5 prohibiting the operation of a massage establishment
6 during specified times; providing exceptions;
7 prohibiting the use of a massage establishment as a
8 principal domicile unless the establishment is zoned
9 for residential use under a local ordinance; providing
10 penalties; amending s. 823.05, F.S.; declaring that a
11 massage establishment operating in violation of
12 specified statutes is a nuisance that may be abated or
13 enjoined; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 480.047, Florida Statutes, is amended to
18 read:

19 480.047 Penalties.—

20 (1) It is unlawful for any person to:

21 (a) Hold himself or herself out as a massage therapist or
22 to practice massage unless duly licensed under this chapter or
23 unless otherwise specifically exempted from licensure under this
24 chapter.

25 (b) Operate any massage establishment unless it has been
26 duly licensed as provided herein, except that nothing herein
27 shall be construed to prevent the teaching of massage in this
28 state at a board-approved massage school.

29 (c) Permit an employed person to practice massage unless

27-00716-13

2013500

30 duly licensed as provided herein.

31 (d) Present as his or her own the license of another.

32 (e) Allow the use of his or her license by an unlicensed
33 person.

34 (f) Give false or forged evidence to the department in
35 obtaining any license provided for herein.

36 (g) Falsely impersonate any other licenseholder of like or
37 different name.

38 (h) Use or attempt to use a license that has been revoked.

39 (i) Otherwise violate any of the provisions of this act.

40 (2) Except as otherwise provided in this chapter, any
41 person violating the provisions of this section is guilty of a
42 misdemeanor of the first degree, punishable as provided in s.
43 775.082 or s. 775.083.

44 Section 2. Section 480.0475, Florida Statutes, is created
45 to read:

46 480.0475 Massage establishments; prohibited practices.—

47 (1) The Legislature recognizes that, although the majority
48 of massage establishments are operated by law-abiding citizens,
49 a small number of establishments are operated by persons who use
50 the establishment as a place to engage in illegal activities,
51 such as human trafficking and prostitution. It is the intent of
52 the Legislature to protect the public and the state's massage
53 profession and its reputation from persons operating massage
54 establishments that engage in illegal activity. The Legislature
55 also intends that the perpetrators of human trafficking be
56 penalized for their illegal conduct and that the victims of
57 trafficking be protected and assisted by the state.

58 (2) A person may not operate a massage establishment

27-00716-13

2013500__

59 between the hours of 10 p.m. and 6 a.m. This subsection does not
60 apply to a massage establishment:

61 (a) Located on the premises of a health care facility as
62 defined in s. 408.07 or of a hotel, motel, or bed and breakfast
63 inn, as those terms are defined in s. 509.242; or

64 (b) In which every massage performed between the hours of
65 10 p.m. and 6 a.m. is performed by a massage therapist acting
66 under the direction of a physician or physician assistant
67 licensed under chapter 458, an osteopathic physician or
68 physician assistant licensed under chapter 459, a chiropractic
69 physician licensed under chapter 460, a podiatric physician
70 licensed under chapter 461, an advanced registered nurse
71 practitioner licensed under part I of chapter 464, or a dentist
72 licensed under chapter 466.

73 (3) A person operating a massage establishment may not use
74 or permit the establishment to be used as a principal domicile
75 unless the establishment is zoned for residential use under a
76 local ordinance.

77 (4) Any person violating the provisions of this section
78 commits a misdemeanor of the first degree, punishable as
79 provided in s. 775.082 or s. 775.083. A second or subsequent
80 violation of this section is a felony of the third degree,
81 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

82 Section 3. Subsection (3) is added to section 823.05,
83 Florida Statutes, to read:

84 823.05 Places and groups engaged in criminal gang-related
85 activity declared a nuisance; may be abated and enjoined.-

86 (3) A massage establishment as defined in s. 480.033(7)
87 that operates in violation of s. 480.0475 or s. 480.0535(2) is

27-00716-13

2013500__

88 declared a nuisance and may be abated or enjoined as provided in
89 ss. 60.05 and 60.06.

90 Section 4. This act shall take effect October 1, 2013.