

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.

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38 (h) Use or attempt to use a license that has been revoked.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

HB 7005

2013

57 trafficking be protected and assisted by the state.

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

HB 7005

2013

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  
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.