

29 (9) "Board-approved massage school" means a facility that
 30 ~~which~~ meets minimum standards for training and curriculum as
 31 determined by rule of the board and that ~~which~~ is licensed by
 32 the Department of Education pursuant to chapter 1005 or the
 33 equivalent licensing authority of another state or is within the
 34 public school system of this state or a college or university
 35 that is eligible to participate in the William L. Boyd, IV,
 36 Florida Resident Access Grant Program.

37 Section 2. Subsection (2) of section 480.043, Florida
 38 Statutes, is amended to read:

39 480.043 Massage establishments; requisites; licensure;
 40 inspection.—

41 (2) The board shall adopt rules governing the operation of
 42 establishments and their facilities, personnel, safety and
 43 sanitary requirements, financial responsibility, insurance
 44 coverage, and the license application and granting process. An
 45 application shall be denied upon a finding that an applicant has
 46 been arrested for and is awaiting final disposition of, or has
 47 been convicted of, regardless of adjudication, any offense in s.
 48 435.04(2) or a similar law of another jurisdiction.

49 Section 3. Paragraphs (e) through (o) of subsection (1) are
 50 redesignated as paragraphs (f) through (p), respectively, and a
 51 new paragraph (e) of subsection (1) of section 480.046, Florida
 52 Statutes, is added to read:

53 480.046 Grounds for disciplinary action by the board.—

54 (1) The following acts constitute grounds for denial of a
 55 license or disciplinary action, as specified in s. 456.072(2):

56 (e) Advertising to induce or attempt to induce, or to

57 | engage or attempt to engage, the client in sexual activity.

58 | Section 4. Section 480.047, Florida Statutes, is amended
59 | to read:

60 | 480.047 Penalties.—

61 | (1) It is unlawful for any person to:

62 | (a) Hold himself or herself out as a massage therapist or
63 | to practice massage unless duly licensed under this chapter or
64 | unless otherwise specifically exempted from licensure under this
65 | chapter.

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

70 | (c) Permit an employed person to practice massage unless
71 | duly licensed as provided herein.

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

73 | (e) Allow the use of his or her license by an unlicensed
74 | person.

75 | (f) Give false or forged evidence to the department in
76 | obtaining any license provided for herein.

77 | (g) Falsely impersonate any other licenseholder of like or
78 | different name.

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

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

81 | (2) Except as otherwise provided in this chapter, any
82 | person violating the provisions of this section is guilty of a
83 | misdemeanor of the first degree, punishable as provided in s.
84 | 775.082 or s. 775.083.

85 Section 5. Section 480.0475, Florida Statutes, is created
86 to read:

87 480.0475 Massage establishments; prohibited practices.—

88 (1) A person may not operate a massage establishment
89 between the hours of midnight and 5 a.m. This subsection does
90 not apply to a massage establishment:

91 (a) Located on the premises of a health care facility as
92 defined in s. 408.07; a health care clinic as defined in s.
93 400.9905(4); a hotel, motel, or bed and breakfast inn, as those
94 terms are defined in s. 509.242; a public airport as defined in
95 s. 330.27; or a pari-mutuel facility as defined in s. 550.002;
96 or

97 (b) In which every massage performed between the hours of
98 midnight and 5 a.m. is performed by a massage therapist acting
99 under the prescription of a physician or physician assistant
100 licensed under chapter 458, an osteopathic physician or
101 physician assistant licensed under chapter 459, a chiropractic
102 physician licensed under chapter 460, a podiatric physician
103 licensed under chapter 461, an advanced registered nurse
104 practitioner licensed under part I of chapter 464, or a dentist
105 licensed under chapter 466.

106 (2) A person operating a massage establishment may not use
107 or permit the establishment to be used as a principal domicile
108 unless the establishment is zoned for residential use under a
109 local ordinance.

110 (3) A person violating the provisions of this section
111 commits a misdemeanor of the first degree, punishable as
112 provided in s. 775.082 or s. 775.083. A second or subsequent

113 violation of this section is a felony of the third degree,
114 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

115 Section 6. Section 480.052, Florida Statutes, is amended
116 to read:

117 480.052 Power of county or municipality to regulate
118 massage.—

119 (1) A county or municipality, within its jurisdiction, may
120 regulate persons and establishments licensed under this chapter.
121 Such regulation shall not exceed the powers of the state under
122 this act or be inconsistent with this act. This section shall
123 not be construed to prohibit a county or municipality from
124 enacting any regulation of persons or establishments not
125 licensed pursuant to this act.

126 (2) A county or municipality may waive the massage
127 establishment hours of operation restrictions contained in s.
128 480.0475 during special events occurring within the jurisdiction
129 of the county or municipality.

130 Section 7. Subsection (3) is added to section 823.05,
131 Florida Statutes, to read:

132 823.05 Places and groups engaged in criminal gang-related
133 activity declared a nuisance; massage establishments engaged in
134 prohibited activity; may be abated and enjoined.—

135 (3) A massage establishment as defined in s. 480.033(7)
136 that operates in violation of s. 480.0475 or s. 480.0535(2) is
137 declared a nuisance and may be abated or enjoined as provided in
138 ss. 60.05 and 60.06.

139 Section 8. This act shall take effect October 1, 2013.