



26 providing employee dress code requirements; requiring  
27 establishments to maintain certain employment records  
28 in English or Spanish; requiring specified information  
29 to be recorded before an employee may provide services  
30 or treatment; requiring massage establishments to  
31 conspicuously display a photo and specified  
32 information for each employee; providing that such  
33 photos and information must be displayed before an  
34 employee may provide services or treatment; providing  
35 that massage establishments within public lodging  
36 establishments may satisfy such requirements by  
37 specified means; requiring massage establishments to  
38 maintain customer and patient records for services and  
39 treatment provided in the massage establishment in  
40 English or Spanish; providing that medical records  
41 satisfy such requirement if they contain specified  
42 information; requirement massage establishments to  
43 maintain such records for a specified timeframe;  
44 requiring massage establishments to collect and record  
45 specified information and confirm the identification  
46 of a customer or patient before provision of services  
47 or treatment; amending s. 480.0465, F.S.; revising  
48 advertising requirements for massage therapists and  
49 massage establishments; amending s. 480.0475, F.S.;

50 revising hours during which a massage establishment

51 may operate; requiring all customer and patient  
52 services and treatment to be performed within  
53 specified hours; prohibiting establishments from  
54 sheltering or harboring, or being used as sleeping  
55 quarters for, any person; providing criminal  
56 penalties; amending s. 480.0485, F.S.; specifying  
57 additional conduct that constitute sexual misconduct  
58 in the practice of massage therapy; amending s.  
59 480.0535, F.S.; requiring department investigators to  
60 request valid government identification from all  
61 employees while in a massage establishment; specifying  
62 additional documents a person operating a massage  
63 establishment must immediately present, upon request,  
64 to department investigators and law enforcement  
65 officers; requiring the department to notify a federal  
66 immigration office if specified persons fail to  
67 provide valid government identification; amending s.  
68 847.001, F.S.; revising the definitions of the terms  
69 "adult entertainment establishment" and "unlicensed  
70 massage establishment" for purposes of certain  
71 criminal conduct; providing appropriations; providing  
72 an effective date.

73  
74 Be It Enacted by the Legislature of the State of Florida:  
75

76 Section 1. Subsection (4) of section 456.074, Florida  
 77 Statutes, is amended, and subsection (7) is added to that  
 78 section, to read:

79 456.074 Certain health care practitioners; immediate  
 80 suspension of license.—

81 (4) The department shall issue an emergency order  
 82 suspending the license of a massage therapist and ~~or~~  
 83 establishment as those terms are defined in chapter 480 upon  
 84 receipt of information that the massage therapist, the  
 85 designated establishment manager as defined in chapter 480, an  
 86 employee of the establishment, a person with an ownership  
 87 interest in the establishment, or, for a corporation that has  
 88 more than \$250,000 of business assets in this state, the owner,  
 89 officer, or individual directly involved in the management of  
 90 the establishment has been arrested for committing or  
 91 attempting, soliciting, or conspiring to commit, or convicted or  
 92 found guilty of, or has entered a plea of guilty or nolo  
 93 contendere to, regardless of adjudication, a violation of s.  
 94 796.07 ~~s. 796.07(2)(a) which is reclassified under s. 796.07(7)~~  
 95 or a felony offense under any of the following provisions of  
 96 state law or a similar provision in another jurisdiction:

- 97 (a) Section 787.01, relating to kidnapping.
- 98 (b) Section 787.02, relating to false imprisonment.
- 99 (c) Section 787.025, relating to luring or enticing a  
 100 child.

- 101 (d) Section 787.06, relating to human trafficking.
- 102 (e) Section 787.07, relating to human smuggling.
- 103 (f) Section 794.011, relating to sexual battery.
- 104 (g) Section 794.08, relating to female genital mutilation.
- 105 (h) Former s. 796.03, relating to procuring a person under
- 106 the age of 18 for prostitution.
- 107 (i) Former s. 796.035, relating to the selling or buying
- 108 of minors into prostitution.
- 109 (j) Section 796.04, relating to forcing, compelling, or
- 110 coercing another to become a prostitute.
- 111 (k) Section 796.05, relating to deriving support from the
- 112 proceeds of prostitution.
- 113 (l) Section 796.07(4)(a)3., relating to a felony of the
- 114 third degree for a third or subsequent violation of s. 796.07,
- 115 relating to prohibiting prostitution and related acts.
- 116 (m) Section 800.04, relating to lewd or lascivious
- 117 offenses committed upon or in the presence of persons less than
- 118 16 years of age.
- 119 (n) Section 825.1025(2)(b), relating to lewd or lascivious
- 120 offenses committed upon or in the presence of an elderly or
- 121 disabled person.
- 122 (o) Section 827.071, relating to sexual performance by a
- 123 child.
- 124 (p) Section 847.0133, relating to the protection of
- 125 minors.

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

127 (r) Section 847.0138, relating to the transmission of  
 128 material harmful to minors to a minor by electronic device or  
 129 equipment.

130 (s) Section 847.0145, relating to the selling or buying of  
 131 minors.

132 (7) The department shall issue an emergency order  
 133 suspending the license of any licensee upon a finding of the  
 134 State Surgeon General that probable cause exists to believe that  
 135 the licensee has committed sexual misconduct as defined and  
 136 prohibited in s. 456.063(1), or the applicable practice act, and  
 137 that such violation constitutes an immediate danger to the  
 138 public.

139 Section 2. Subsections (1) through (6) and (7) through  
 140 (12) of section 480.033, Florida Statutes, are renumbered as  
 141 subsections (2) through (7) and (9) through (14), respectively,  
 142 present subsection (6) is amended, and new subsections (1) and  
 143 (8) and subsection (15) are added to that section, to read:

144 480.033 Definitions.—As used in this act:

145 (1) "Advertising medium" means any newspaper; airwave or  
 146 computer transmission; telephone directory listing other than an  
 147 in-column listing consisting only of a name, physical address,  
 148 and telephone number; business card; handbill; flyer; sign other  
 149 than a building directory listing all building tenants and their  
 150 room or suite numbers; or other form of written or electronic

151 advertisement.

152 (7)~~(6)~~ "Designated establishment manager" means a massage  
 153 therapist, a health care practitioner licensed under chapter  
 154 457, or a physician licensed under chapter 458, chapter 459, or  
 155 chapter 460 who holds a clear and active license without  
 156 restriction, who is responsible for the operation of a massage  
 157 establishment in accordance with the provisions of this chapter,  
 158 and who is designated the manager by the rules or practices at  
 159 the establishment.

160 (8) For purposes of this chapter only, "employee" means  
 161 any person, including an independent contractor or a lessee of  
 162 the massage establishment, whose duties involve any aspect of  
 163 the massage establishment regardless of whether such person is  
 164 compensated for the performance of such duties. The term does  
 165 not include a person exclusively engaged in the repair or  
 166 maintenance of the massage establishment or the delivery of  
 167 goods to the massage establishment.

168 (15) "Sexual activity" means any direct or indirect  
 169 contact by any employee or person, or between any employees or  
 170 persons, with the intent to abuse, humiliate, harass, degrade,  
 171 or arouse, or gratify the sexual desire of, any employee or  
 172 person, or which is likely to cause such abuse, humiliation,  
 173 harassment, degradation, or arousal, or sexual gratification:

- 174 (a) With or without the consent of the employee or person;
- 175 (b) With or without verbal or nonverbal communication that

176 the sexual activity is undesired;  
 177 (c) With or without the use of any device or object;  
 178 (d) With or without the occurrence of penetration, orgasm,  
 179 or ejaculation;  
 180 (e) Including, but not limited to, intentional contact  
 181 with the genitalia, groin, femoral triangle, anus, buttocks,  
 182 gluteal cleft, breast or nipples, mouth, or tongue; and  
 183 (f) Including, but not limited to, the intentional removal  
 184 of any drape without written specific informed consent of the  
 185 patient.

186 Section 3. Subsection (5) of section 480.035, Florida  
 187 Statutes, is amended to read:

188 480.035 Board of Massage Therapy.—

189 (5) The board shall hold such meetings during the year as  
 190 it may determine to be necessary, one of which shall be the  
 191 annual meeting. The chair of the board shall have the authority  
 192 to call other meetings at her or his discretion. A quorum of the  
 193 board shall consist of not less than a majority of the current  
 194 membership of the board ~~four members~~.

195 Section 4. Section 480.039, Florida Statutes, is amended  
 196 to read:

197 480.039 Investigative services; reporting.—

198 (1) The department shall provide all investigative  
 199 services required in carrying out ~~the provisions of this act~~. A  
 200 code enforcement officer may perform inspections regarding a



201 massage establishment's compliance with s. 480.043(14)(a), (b),  
202 and (c) and a law enforcement officer may perform inspections  
203 and investigations regarding a massage establishment's  
204 compliance with ss. 480.043(12) and (14)(a)-(f), 480.0465(3),  
205 480.0475(1) and (2), and 480.0535. Code enforcement officers  
206 shall, and law enforcement officers may, submit to the  
207 department an executed affidavit with photos and any other  
208 evidence or documentation obtained during the inspection or  
209 investigation within 5 business days after the inspection or  
210 investigation that finds there is a violation of s. 480.043(12)  
211 or (14)(a), (b), (c), (d), (e), or (f), s. 480.0465(3), s.  
212 480.0475(1) or (2), or s. 480.0535. For violations of s.  
213 480.043(14)(a) or (f), s. 480.0465(3), s. 480.0475(2), or s.  
214 480.0535, within 20 business days after receipt of such executed  
215 affidavit, the department shall issue an emergency order  
216 suspending the license of the massage establishment. For  
217 violations of s. 480.043(12) or (14)(b), (c), (d), or (e) or s.  
218 480.0475(1), within 30 business days after receipt of an  
219 executed affidavit, the department shall inspect the massage  
220 establishment to ensure the massage establishment's compliance  
221 with this chapter, and if the massage establishment is not in  
222 compliance with this chapter, the department shall initiate a  
223 disciplinary proceeding.

224 (2) If a law enforcement officer arrests a massage  
225 therapist for any violation of this chapter or determines that a

226 massage establishment continues to operate following the  
227 issuance of an emergency suspension or restriction by the  
228 department, the officer's employing law enforcement agency shall  
229 notify the department within 5 business days after the arrest or  
230 determination of unlawful continued operation.

231 Section 5. Subsection (14) of section 480.043, Florida  
232 Statutes, is renumbered as subsection (15), subsection (3) and  
233 present subsection (14) are amended, and a new subsection (14)  
234 is added to that section, to read:

235 480.043 Massage establishments; requisites; licensure;  
236 inspection; human trafficking awareness training and policies;  
237 prohibited acts.—

238 (3) The board shall adopt rules governing the operation of  
239 establishments and their facilities, personnel, employees,  
240 safety and sanitary requirements, financial responsibility,  
241 insurance coverage, and the license application and granting  
242 process.

243 (14) (a) Sexual activity in any massage establishment is  
244 prohibited. An establishment owner or employee may not engage in  
245 or allow any person to engage in sexual activity in the massage  
246 establishment or use the establishment to make arrangements to  
247 engage in sexual activity in another location. Prophylactic  
248 devices are prohibited in a massage establishment.

249 (b) If there is an outside window or windows into the  
250 massage establishment's reception area, the outside window or

251 windows must allow for at least 35 percent light penetration,  
252 and no more than 50 percent of the outside window or windows may  
253 be obstructed with signage, blinds, curtains, or other  
254 obstructions, thus allowing the public to see the massage  
255 establishment's reception area. A sign must be posted on the  
256 front window of the massage establishment and include the name  
257 of the massage establishment, its license number, and the  
258 telephone number that has been provided to the department as  
259 part of the licensing of the massage establishment. This  
260 paragraph does not apply to a massage establishment within a  
261 public lodging establishment as defined in s. 509.013(4). This  
262 paragraph also does not apply to a massage establishment located  
263 within a county or municipality that has an ordinance that  
264 prescribes requirements related to business window light  
265 penetration or signage limitations if compliance with this  
266 paragraph would result in noncompliance with such ordinance.

267 (c) All employees within the massage establishment must be  
268 fully clothed and such clothing must be fully opaque and made of  
269 nontransparent material that does not expose the employee's  
270 genitalia, undergarments, or lingerie.

271 (d) A massage establishment must maintain a complete set  
272 of legible records in English or Spanish, which must include  
273 each employee's start date of employment, full legal name, date  
274 of birth, home address, telephone number, and employment  
275 position and a copy of the employee's government identification

276 required under s. 480.0535. All information required under this  
277 paragraph must be recorded before the employee may provide any  
278 service or treatment to a customer or patient.

279 (e) A message establishment must conspicuously display a  
280 2-inch by 2-inch photo for each employee, which, for massage  
281 therapists, must be attached to the massage therapist's license.  
282 Such display must also include the employee's full legal name  
283 and employment position. All information required under this  
284 paragraph must be displayed before the employee may provide any  
285 service or treatment to a customer or patient. A massage  
286 establishment within a public lodging establishment as defined  
287 in s. 509.013(4) may satisfy this requirement by displaying the  
288 photos and required information in an employee break room or  
289 other room that is used by employees but is not used by  
290 customers or patients.

291 (f) A message establishment must maintain a complete set  
292 of legible records in English or Spanish, which must include the  
293 date, time, and type of service or treatment provided; the full  
294 legal name of the employee who provided the service or  
295 treatment; and the full legal name, home address, and telephone  
296 number of the customer or patient. Medical records may satisfy  
297 this requirement if the records include the specified  
298 information. A copy of the customer's or patient's photo  
299 identification may be used to provide the full legal name and  
300 home address of the customer or patient. Records required under

301 this paragraph must be maintained for at least 1 year after the  
302 provision of the service or treatment. All information required  
303 under this paragraph must be collected and recorded before the  
304 provision of any service or treatment to a customer or patient.  
305 The massage establishment must confirm the identification of the  
306 customer or patient before the provision of any service or  
307 treatment to the customer or patient.

308 (15)~~(14)~~ Except for the requirements of subsection (13),  
309 this section does not apply to a health care practitioner  
310 ~~physician~~ licensed under chapter 457 or a physician licensed  
311 under, chapter 458, chapter 459, or chapter 460 who employs a  
312 licensed massage therapist to perform massage therapy on the  
313 practitioner's or physician's patients at his or her ~~the~~  
314 ~~physician's~~ place of practice. This subsection does not restrict  
315 investigations by the department for violations of chapter 456  
316 or this chapter.

317 Section 6. Section 480.0465, Florida Statutes, is amended  
318 to read:

319 480.0465 Advertisement; prohibitions.—

320 (1) Each massage therapist or massage establishment  
321 licensed under this act shall include the number of the license  
322 in any advertisement of massage therapy services appearing in  
323 any advertising medium, including a newspaper, airwave  
324 transmission, telephone directory, Internet, or other  
325 advertising medium. Pending licensure of a new massage

326 establishment under s. 480.043(7), the license number of a  
327 licensed massage therapist who is an owner or principal officer  
328 of the establishment may be used in lieu of the license number  
329 for the establishment. The advertisement must also include the  
330 physical address of the massage establishment and the telephone  
331 number that has been provided to the department as part of the  
332 licensing of the massage establishment. However, the inclusion  
333 of the physical address and telephone number is not required for  
334 an advertisement by a massage establishment whose establishment  
335 owner operates more than five locations in this state.

336 (2) An establishment owner or employee may not place,  
337 publish, or distribute, or cause to be placed, published, or  
338 distributed, any advertisement in any advertising medium that  
339 states prostitution services, escort services, or sexual  
340 services are available.

341 (3) A massage therapist or a massage establishment or its  
342 employees may not place, publish, or distribute, or cause to be  
343 placed, published, or distributed, any online advertisement on  
344 any website known for advertising prostitution services, escort  
345 services, or sexual services.

346 Section 7. Section 480.0475, Florida Statutes, is amended  
347 to read:

348 480.0475 Massage establishments; prohibited practices;  
349 penalties.—

350 (1) A massage establishment may only be operated ~~person~~

351 ~~may not operate a massage establishment~~ between the hours of 5  
352 a.m. and midnight and all customer and patient services and  
353 treatment must be performed between the hours of 5 a.m. and 10  
354 p.m. This subsection does not apply to a massage establishment:

355 (a) Located on the premises of a health care facility as  
356 defined in s. 408.07; a health care clinic as defined in s.  
357 400.9905(4); a hotel, motel, or bed and breakfast inn, as those  
358 terms are defined in s. 509.242; a timeshare property as defined  
359 in s. 721.05; a public airport as defined in s. 330.27; or a  
360 pari-mutuel facility as defined in s. 550.002;

361 (b) In which every massage performed between the hours of  
362 10 p.m. ~~midnight~~ and 5 a.m. is performed by a massage therapist  
363 acting under the prescription of a physician or physician  
364 assistant licensed under chapter 458, an osteopathic physician  
365 or physician assistant licensed under chapter 459, a  
366 chiropractic physician licensed under chapter 460, a podiatric  
367 physician licensed under chapter 461, an advanced practice  
368 registered nurse licensed under part I of chapter 464, or a  
369 dentist licensed under chapter 466; or

370 (c) Operating during a special event if the county or  
371 municipality in which the establishment operates has approved  
372 such operation during the special event.

373 (2) A person operating a massage establishment may not use  
374 or permit the establishment to be used as a principal domicile  
375 for, to shelter or harbor, or as sleeping quarters for any

376 person unless the establishment is zoned for residential use  
377 under a local ordinance.

378 (3) A person violating ~~the provisions of~~ this section  
379 commits a misdemeanor of the first degree, punishable as  
380 provided in s. 775.082 or s. 775.083. A second or subsequent  
381 violation of this section is a felony of the third degree,  
382 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

383 Section 8. Section 480.0485, Florida Statutes, is amended  
384 to read:

385 480.0485 Sexual misconduct in the practice of massage  
386 therapy.—The massage therapist-patient relationship is founded  
387 on mutual trust. Sexual misconduct in the practice of massage  
388 therapy means violation of the massage therapist-patient  
389 relationship through which the massage therapist uses that  
390 relationship to induce or attempt to induce the patient to  
391 engage, or to engage or attempt to engage the patient, in sexual  
392 activity outside the scope of practice or the scope of generally  
393 accepted examination or treatment of the patient. Sexual  
394 misconduct in the practice of massage therapy includes requiring  
395 patient nudity as part of any massage service or any other  
396 service in the massage establishment or the intentional removal  
397 of any drape without the written specific informed consent of  
398 the patient. Sexual misconduct in the practice of massage  
399 therapy is prohibited.

400 Section 9. Section 480.0535, Florida Statutes, is amended



401 to read:

402 480.0535 Documents required while working in a massage  
 403 establishment; penalties; reporting requirement.—

404 (1) In order to provide the department and law enforcement  
 405 agencies the means to more effectively identify, investigate,  
 406 and arrest persons engaging in human trafficking, an employee ~~a~~  
 407 ~~person employed by a massage establishment~~ and any person  
 408 performing massage therapy in a massage establishment therein  
 409 must immediately present, upon the request of an investigator of  
 410 the department or a law enforcement officer, valid government  
 411 identification while in the establishment. An investigator of  
 412 the department must request valid government identification from  
 413 all employees while in the establishment. A valid government  
 414 identification for the purposes of this section is:

415 (a) A valid, unexpired driver license issued by any state,  
 416 territory, or district of the United States;

417 (b) A valid, unexpired identification card issued by any  
 418 state, territory, or district of the United States;

419 (c) A valid, unexpired United States passport;

420 (d) A naturalization certificate issued by the United  
 421 States Department of Homeland Security;

422 (e) A valid, unexpired alien registration receipt card  
 423 (green card); or

424 (f) A valid, unexpired employment authorization card  
 425 issued by the United States Department of Homeland Security.

426 (2) A person operating a massage establishment must:

427 (a) Immediately present, upon the request of an

428 investigator of the department or a law enforcement officer:

429 1. Valid government identification while in the

430 establishment.

431 2. A copy of the documentation specified in paragraph

432 (1)(a) for each employee and any person performing massage

433 therapy in the establishment.

434 3. A copy of the documents required under s.

435 480.043(14)(d) and (f).

436 (b) Ensure that each employee and any person performing

437 massage therapy in the massage establishment is able to

438 immediately present, upon the request of an investigator of the

439 department or a law enforcement officer, valid government

440 identification while in the establishment.

441 (3) A person who violates ~~any provision of~~ this section

442 commits:

443 (a) For a first violation, a misdemeanor of the second

444 degree, punishable as provided in s. 775.082 or s. 775.083.

445 (b) For a second violation, a misdemeanor of the first

446 degree, punishable as provided in s. 775.082 or s. 775.083.

447 (c) For a third or subsequent violation, a felony of the

448 third degree, punishable as provided in s. 775.082, s. 775.083,

449 or s. 775.084.

450 (4) The department shall notify a federal immigration

451 office if a person operating a massage establishment, an  
452 employee, or any person performing massage therapy in a massage  
453 establishment fails to provide a valid government identification  
454 as required under this section.

455 Section 10. Paragraph (d) of subsection (2) of section  
456 847.001, Florida Statutes, is amended to read:

457 847.001 Definitions.—As used in this chapter, the term:

458 (2) "Adult entertainment establishment" means the  
459 following terms as defined:

460 (d) "Unlicensed massage establishment" means any business  
461 or enterprise that offers, sells, or provides, or that holds  
462 itself out as offering, selling, or providing, massages that  
463 include bathing, physical massage, rubbing, kneading, anointing,  
464 stroking, manipulating, or other tactile stimulation of the  
465 human body by either male or female employees or attendants,  
466 including employees or attendants who are massage therapists  
467 licensed under s. 480.041, by hand or by any electrical or  
468 mechanical device, on or off the premises. The term "unlicensed  
469 massage establishment" does not include an establishment  
470 licensed under s. 480.043 which routinely provides medical  
471 services by state-licensed health care practitioners and massage  
472 therapists licensed under s. 480.041.

473 Section 11. For the 2023-2024 fiscal year, eight full-time  
474 equivalent positions with associated salary rate of 544,602 are  
475 authorized and the sums of \$837,992 in recurring and \$38,712 in

CS/CS/HB 615

2023

476 nonrecurring funds from the Medical Quality Assurance Trust Fund  
477 are appropriated to the Department of Health for the purpose of  
478 implementing this act.

479 Section 12. This act shall take effect July 1, 2023.