

1                   A bill to be entitled  
2           An act relating to illicit massage establishments;  
3           amending s. 480.033, F.S.; providing and revising  
4           definitions; amending s. 480.039, F.S.; authorizing  
5           specified officers to perform inspections and  
6           investigations for specified purposes; requiring code  
7           enforcement officers, and authorizing law enforcement  
8           officers, to submit affidavits with specified photos  
9           and other evidence to the Department of Health within  
10          a specified timeframe; requiring the department to  
11          issue summary suspension of establishment licenses  
12          within specified timeframe; requiring certain law  
13          enforcement agencies to provide specified notification  
14          to the department within specified timeframe; amending  
15          s. 480.043, F.S.; prohibiting sexual activity in  
16          establishments; providing requirements for outside  
17          windows and signs in establishments; providing  
18          employee dress code requirements; requiring  
19          establishments to maintain certain records in English;  
20          requiring establishments to display certain employee  
21          information and photos; requiring establishments to  
22          collect certain customer and patient information  
23          before providing services; requiring specified persons  
24          to grant full access to establishments to specified  
25          investigators and officers; requiring the Board of

26 | Massage Therapy to adopt rules; providing for summary  
27 | suspension of establishment licenses; amending s.  
28 | 480.0465, F.S.; revising and providing advertising  
29 | requirements; amending s. 480.0475, F.S.; revising  
30 | establishment operating hours; requiring all customer  
31 | and patient services to be performed within specified  
32 | hours; prohibiting establishments from sheltering or  
33 | harboring, or being used as sleeping quarters for, any  
34 | person; providing criminal penalties; providing for  
35 | summary suspension of establishment licenses; amending  
36 | s. 480.0485, F.S.; specifying activities that  
37 | constitute sexual misconduct in the practice of  
38 | massage therapy; amending s. 480.0535, F.S.;  
39 | authorizing specified officers to request certain  
40 | documentation; requiring additional documents to be  
41 | presented to the department and specified officers;  
42 | providing criminal penalties; providing for summary  
43 | suspension of establishment licenses; requiring the  
44 | department to notify the local federal immigration  
45 | office if specified persons fail to provide valid  
46 | government identification; amending s. 847.001, F.S.;  
47 | revising a definition; providing severability;  
48 | providing an effective date.

49 |  
50 | Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. Subsections (1) through (6) and (7) through  
53 (12) of section 480.033, Florida Statutes, are renumbered as  
54 subsections (2) through (7) and (9) through (14), respectively,  
55 present subsection (7) is amended, and new subsections (1) and  
56 (8) and subsection (15) are added to that section, to read:

57 480.033 Definitions.—As used in this act:

58 (1) "Advertising medium" means any newspaper; airwave or  
59 computer transmission; telephone directory listing other than an  
60 in-column listing consisting only of a name, physical address,  
61 and telephone number; business card; handbill; flyer; sign other  
62 than a building directory listing all building tenants and their  
63 room or suite numbers; or other form of written or electronic  
64 advertisement.

65 (8) "Employee" means any person whose duties involve any  
66 aspect of the massage establishment regardless of whether such  
67 person is compensated for the performance of such duties. The  
68 term does not include a person exclusively engaged in the repair  
69 or maintenance of the massage establishment or the delivery of  
70 goods to the massage establishment.

71 (9)-(7) "Establishment" or "massage establishment" means a  
72 site or premises, or portion thereof, in which ~~wherein~~ a massage  
73 therapist practices massage therapy. The term does not include  
74 an unlicensed massage establishment as defined in s.  
75 847.001 (2) (d).

76           (15) "Sexual activity" means any direct or indirect  
 77 contact by any employee or person, or between any employees or  
 78 persons, with the intent to abuse, humiliate, harass, degrade,  
 79 or arouse, or gratify the sexual desire of, any employee or  
 80 person, or which is likely to cause such abuse, humiliation,  
 81 harassment, degradation, or arousal, or sexual gratification:

82           (a) With or without the consent of the employee or person;

83           (b) With or without verbal or nonverbal communication that  
 84 the sexual activity is undesired;

85           (c) With or without the use of any device or object;

86           (d) With or without the occurrence of penetration, orgasm,  
 87 or ejaculation;

88           (e) Including, but not limited to, intentional contact  
 89 with the genitalia, groin, femoral triangle, anus, buttocks,  
 90 gluteal cleft, breast or nipples, mouth, or tongue; and

91           (f) Including, but not limited to, the intentional removal  
 92 of any drape without written specific informed consent of the  
 93 patient.

94           Section 2. Section 480.039, Florida Statutes, is amended  
 95 to read:

96           480.039 Investigative services; penalty; reporting  
 97 requirement.—

98           (1) The department shall provide all investigative  
 99 services required in carrying out ~~the provisions of~~ this act. A  
 100 law enforcement officer or code enforcement officer may perform

HB615

2023

101 inspections and investigations regarding whether a massage  
102 establishment is in compliance with s. 480.043(3)(a)-(g) and  
103 (12), s. 480.0475(1) and (2), and s. 480.0535. Code enforcement  
104 officers shall, and law enforcement officers may, submit to the  
105 department an executed affidavit with photos and any other  
106 evidence obtained during the inspection or investigation within  
107 5 business days after the inspection or investigation that there  
108 is a violation of s. 480.043(3)(a), (b), (c), (d), (e), (f), or  
109 (g) or (12), s. 480.0475(1) or (2), or s. 480.0535. Within 5  
110 business days after receipt of such executed affidavit, the  
111 department shall issue a summary suspension of the massage  
112 establishment license as described in s. 120.60(6) or s.  
113 456.073(8).

114 (2) If a law enforcement officer arrests a massage  
115 therapist for any violation of this chapter or determines that a  
116 massage establishment continues to operate following the  
117 issuance of a summary suspension by the department, the  
118 officer's employing law enforcement agency shall notify the  
119 department within 5 business days after the arrest or  
120 determination of unlawful continued operation.

121 Section 3. Subsection (3) of section 480.043, Florida  
122 Statutes, is amended to read:

123 480.043 Massage establishments; requisites; licensure;  
124 inspection; human trafficking awareness training and policies;  
125 prohibited acts.-

126        (3) (a) Sexual activity in any massage establishment is  
127 prohibited. An establishment owner or employee may not engage in  
128 or allow any person to engage in sexual activity in the massage  
129 establishment or use the establishment to make arrangements to  
130 engage in sexual activity in another location. Prophylactic  
131 devices are prohibited in a massage establishment.

132        (b) If there is an outside window or windows into the  
133 massage establishment's reception area, the outside window or  
134 windows must allow for at least 35 percent light penetration,  
135 and no more than 50 percent of the outside window or windows may  
136 be obstructed with signage, thus allowing the public to see the  
137 massage establishment's reception area. A sign must be posted on  
138 the front window of the massage establishment and include the  
139 name of the massage establishment, its license number, and the  
140 telephone number that has been provided to the department as  
141 part of the licensing of the massage establishment.

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

146        (d) A massage establishment must maintain a complete set  
147 of legible records in English, which must include each  
148 employee's start date of employment, full legal name, date of  
149 birth, home address, telephone number, and employment position  
150 and a copy of the employee's government identification required

151 under s. 480.0535. All information required under this paragraph  
152 must be recorded before the employee is authorized to provide  
153 any service to a customer or patient.

154 (e) A massage establishment must conspicuously display  
155 each massage therapist's license with an attached 2-inch by 2-  
156 inch photo. Such display must also include the massage  
157 therapist's full legal name and employment position. All  
158 information required under this paragraph must be displayed  
159 before the massage therapist is authorized to provide any  
160 service to a customer or patient.

161 (f) A massage establishment must maintain a complete set  
162 of legible records in English, which must include the date,  
163 time, and type of service provided; the full legal name of the  
164 employee who performed the service; the full legal name, home  
165 address, and telephone number of the customer or patient; and a  
166 copy of the customer's or patient's photo identification.  
167 Records required under this paragraph must be maintained for at  
168 least 1 year after the administration of the service. All  
169 information required under this paragraph must be collected and  
170 recorded before the provision of any service to a customer or  
171 patient. The massage establishment must confirm the  
172 identification of the customer or patient before the provision  
173 of any service to the customer or patient.

174 (g) An establishment owner, designated establishment  
175 manager, massage therapist, or employee must grant full access

176 to the massage establishment to an investigator of the  
 177 department, law enforcement officer, or code enforcement officer  
 178 if the establishment has a customer or patient on the premises.  
 179 All rooms, cabinets, and storage areas must be subject to  
 180 inspection and any locked rooms, cabinets, or storage areas must  
 181 be promptly opened for inspection.

182 (h) The board shall adopt rules governing the operation of  
 183 massage establishments and their facilities, personnel, safety  
 184 and sanitary requirements, financial responsibility, insurance  
 185 coverage, and license application and granting process.

186 (i) Failure to comply with paragraphs (a)-(g) shall result  
 187 in summary suspension of the massage establishment license as  
 188 described in s. 120.60(6) or s. 456.073(8).

189 Section 4. Section 480.0465, Florida Statutes, is amended  
 190 to read:

191 480.0465 Advertisement; prohibitions.-

192 (1) Each massage therapist or massage establishment  
 193 licensed under this act shall include the number of the license  
 194 in any advertisement of massage therapy services appearing in  
 195 any advertising medium, including a newspaper, airwave  
 196 transmission, telephone directory, Internet, or other  
 197 advertising medium. Pending licensure of a new massage  
 198 establishment under s. 480.043(7), the license number of a  
 199 licensed massage therapist who is an owner or principal officer  
 200 of the establishment may be used in lieu of the license number



201 for the establishment. The advertisement must also include the  
 202 physical address of the massage establishment and the telephone  
 203 number that has been provided to the department as part of the  
 204 licensing of the massage establishment. However, the inclusion  
 205 of the physical address and telephone number is not required for  
 206 an advertisement by a massage establishment whose establishment  
 207 owner operates more than 20 locations in the state.

208 (2) An establishment owner may not place, publish, or  
 209 distribute, or cause to be placed, published, or distributed,  
 210 any advertisement in any advertising medium that states  
 211 prostitution services, escort services, or sexual services are  
 212 available.

213 (3) A massage therapist or massage establishment licensed  
 214 under this act may not place, publish, or distribute, or cause  
 215 to be placed, published, or distributed, any online  
 216 advertisement on any website known for advertising prostitution  
 217 services, escort services, or sexual services.

218 Section 5. Section 480.0475, Florida Statutes, is amended  
 219 to read:

220 480.0475 Massage establishments; prohibited practices;  
 221 penalties.-

222 (1) A massage establishment may only be operated ~~person~~  
 223 ~~may not operate a massage establishment~~ between the hours of 5  
 224 a.m. and midnight and all customer and patient services must be  
 225 performed between the hours of 5 a.m. and 10 p.m. This

HB615

2023

226 subsection does not apply to a massage establishment:

227 (a) Located on the premises of a health care facility as  
228 defined in s. 408.07; a health care clinic as defined in s.  
229 400.9905(4); a hotel, motel, or bed and breakfast inn, as those  
230 terms are defined in s. 509.242; a timeshare property as defined  
231 in s. 721.05; a public airport as defined in s. 330.27; or a  
232 pari-mutuel facility as defined in s. 550.002;

233 (b) In which every massage performed between the hours of  
234 10 p.m. ~~midnight~~ and 5 a.m. is performed by a massage therapist  
235 acting under the prescription of a physician or physician  
236 assistant licensed under chapter 458, an osteopathic physician  
237 or physician assistant licensed under chapter 459, a  
238 chiropractic physician licensed under chapter 460, a podiatric  
239 physician licensed under chapter 461, an advanced practice  
240 registered nurse licensed under part I of chapter 464, or a  
241 dentist licensed under chapter 466; or

242 (c) Operating during a special event if the county or  
243 municipality in which the establishment operates has approved  
244 such operation during the special event.

245 (2) A person operating a massage establishment may not use  
246 or permit the establishment to be used as a principal domicile  
247 for, to shelter or harbor, or as sleeping quarters for any  
248 person unless the establishment is zoned for residential use  
249 under a local ordinance.

250 (3) A person violating ~~the provisions of~~ this section

HB615

2023

251 commits a misdemeanor of the first degree, punishable as  
252 provided in s. 775.082 or s. 775.083. A second or subsequent  
253 violation of this section is a felony of the third degree,  
254 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
255 Failure to comply with subsection (1) or subsection (2) shall  
256 result in summary suspension of the massage establishment  
257 license as described in s. 120.60(6) or s. 456.073(8).

258 Section 6. Section 480.0485, Florida Statutes, is amended  
259 to read:

260 480.0485 Sexual misconduct in the practice of massage  
261 therapy.—The massage therapist-patient relationship is founded  
262 on mutual trust. Sexual misconduct in the practice of massage  
263 therapy means violation of the massage therapist-patient  
264 relationship through which the massage therapist uses that  
265 relationship to induce or attempt to induce the patient to  
266 engage, or to engage or attempt to engage the patient, in sexual  
267 activity outside the scope of practice or the scope of generally  
268 accepted examination or treatment of the patient. Sexual  
269 misconduct in the practice of massage therapy includes requiring  
270 patient nudity as part of any massage service or any other  
271 service in the massage establishment or the intentional removal  
272 of any drape without the written specific informed consent of  
273 the patient. Sexual misconduct in the practice of massage  
274 therapy is prohibited.

275 Section 7. Section 480.0535, Florida Statutes, is amended

276 to read:

277 480.0535 Documents required while working in a massage  
 278 establishment; penalties; reporting requirement.—

279 (1) In order to provide the department and law enforcement  
 280 agencies the means to more effectively identify, investigate,  
 281 and arrest persons engaging in human trafficking, an employee ~~a~~  
 282 ~~person employed by a massage establishment~~ and any person  
 283 performing massage therapy in a massage establishment therein  
 284 must immediately present, upon the request of an investigator of  
 285 the department, a code enforcement officer, or a law enforcement  
 286 officer, valid government identification while in the  
 287 establishment. An investigator of the department must request  
 288 valid government identification from all employees while in the  
 289 establishment. A valid government identification for the  
 290 purposes of this section is:

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

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

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

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

298 (e) A valid, unexpired alien registration receipt card  
 299 (green card); or

300 (f) A valid, unexpired employment authorization card

301 issued by the United States Department of Homeland Security.

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

303 (a) Immediately present, upon the request of an  
 304 investigator of the department, a code enforcement officer, or a  
 305 law enforcement officer:

306 1. Valid government identification while in the  
 307 establishment.

308 2. A copy of the documentation specified in paragraph  
 309 (1)(a) for each employee and any person performing massage  
 310 therapy in the establishment.

311 3. A copy of the documents required under s. 480.043(3)(d)  
 312 and (f).

313 (b) Ensure that each employee and any person performing  
 314 massage therapy in the massage establishment is able to  
 315 immediately present, upon the request of an investigator of the  
 316 department, a code enforcement officer, or a law enforcement  
 317 officer, valid government identification while in the  
 318 establishment.

319 (3) A person who violates ~~any provision of~~ this section  
 320 commits:

321 (a) For a first violation, a misdemeanor of the second  
 322 degree, punishable as provided in s. 775.082 or s. 775.083.

323 (b) For a second violation, a misdemeanor of the first  
 324 degree, punishable as provided in s. 775.082 or s. 775.083.

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

HB615

2023

326 third degree, punishable as provided in s. 775.082, s. 775.083,  
327 or s. 775.084.

328 (4) Failure to comply with this section shall result in  
329 summary suspension of the massage establishment license as  
330 described in s. 120.60(6) or s. 456.073(8).

331 (5) The department shall notify the local federal  
332 immigration office if a person operating a massage  
333 establishment, an employee, or any person performing massage  
334 therapy in a massage establishment fails to provide a valid  
335 government identification as required under this section.

336 Section 8. Paragraph (d) of subsection (2) of section  
337 847.001, Florida Statutes, is amended to read:

338 847.001 Definitions.—As used in this chapter, the term:

339 (2) "Adult entertainment establishment" means the  
340 following terms as defined:

341 (d) "Unlicensed massage establishment" means any business  
342 or enterprise that offers, sells, or provides, or that holds  
343 itself out as offering, selling, or providing, massages that  
344 include bathing, physical massage, rubbing, kneading, anointing,  
345 stroking, manipulating, or other tactile stimulation of the  
346 human body by either male or female employees or attendants,  
347 including employees or attendants who are massage therapists  
348 licensed under s. 480.041, by hand or by any electrical or  
349 mechanical device, on or off the premises. The term "unlicensed  
350 massage establishment" does not include an establishment

HB615

2023

351 licensed under s. 480.043 which routinely provides medical  
352 services by state-licensed health care practitioners and massage  
353 therapists licensed under s. 480.041.

354 Section 9. If any provision of this act or its application  
355 to any person or circumstance is held invalid, the invalidity  
356 does not affect other provisions or applications of the act  
357 which can be given effect without the invalid provision or  
358 application, and to this end the provisions of this act are  
359 severable.

360 Section 10. This act shall take effect July 1, 2023.