

1 A bill to be entitled
 2 An act relating to massage establishments; amending s.
 3 456.74, F.S.; providing authority to immediate suspend
 4 license of health care practitioners in certain
 5 circumstances; amending s. 480.033, F.S.; providing
 6 and revising definitions; amending s. 480.035, F.S.;
 7 revising quorum requirements for the Board of Massage
 8 Therapy; amending s. 480.039, F.S.; authorizing
 9 specified enforcement officers to perform inspections
 10 and investigations of massage establishments for
 11 specified purposes; requiring code enforcement
 12 officers, and authorizing law enforcement officers, to
 13 submit affidavits with specified photos and other
 14 evidence to the Department of Health within a
 15 specified timeframe; requiring certain law enforcement
 16 agencies to notify the department within a specified
 17 timeframe after discovering certain violations by a
 18 massage therapist or massage establishment; amending
 19 s. 480.043, F.S.; prohibiting sexual activity and
 20 certain devices in massage establishments; specifying
 21 prohibited conduct by massage establishment owners and
 22 employees; providing requirements for outside windows
 23 and signs in massage establishments; providing
 24 exceptions; providing employee dress code
 25 requirements; requiring establishments to maintain

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

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

71
 72 Be It Enacted by the Legislature of the State of Florida:

73
 74 Section 1. Subsection (4) of section 456.074, Florida
 75 Statutes, is amended to read:

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76 456.074 Certain health care practitioners; immediate
 77 suspension of license.—

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

- 94 (a) Section 787.01, relating to kidnapping.
- 95 (b) Section 787.02, relating to false imprisonment.
- 96 (c) Section 787.025, relating to luring or enticing a
 97 child.
- 98 (d) Section 787.06, relating to human trafficking.
- 99 (e) Section 787.07, relating to human smuggling.
- 100 (f) Section 794.011, relating to sexual battery.

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- 101 (g) Section 794.08, relating to female genital mutilation.
- 102 (h) Former s. 796.03, relating to procuring a person under
- 103 the age of 18 for prostitution.
- 104 (i) Former s. 796.035, relating to the selling or buying
- 105 of minors into prostitution.
- 106 (j) Section 796.04, relating to forcing, compelling, or
- 107 coercing another to become a prostitute.
- 108 (k) Section 796.05, relating to deriving support from the
- 109 proceeds of prostitution.
- 110 (l) Section 796.07(4)(a)3., relating to a felony of the
- 111 third degree for a third or subsequent violation of s. 796.07,
- 112 relating to prohibiting prostitution and related acts.
- 113 (m) Section 800.04, relating to lewd or lascivious
- 114 offenses committed upon or in the presence of persons less than
- 115 16 years of age.
- 116 (n) Section 825.1025(2)(b), relating to lewd or lascivious
- 117 offenses committed upon or in the presence of an elderly or
- 118 disabled person.
- 119 (o) Section 827.071, relating to sexual performance by a
- 120 child.
- 121 (p) Section 847.0133, relating to the protection of
- 122 minors.
- 123 (q) Section 847.0135, relating to computer pornography.

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124 (r) Section 847.0138, relating to the transmission of
 125 material harmful to minors to a minor by electronic device or
 126 equipment.

127 (s) Section 847.0145, relating to the selling or buying of
 128 minors.

129 (5) The department shall issue an emergency order
 130 suspending the license of any health care practitioner who is
 131 arrested for committing or attempting, soliciting, or conspiring
 132 to commit any act that would constitute a violation of any of
 133 the following criminal offenses in this state or similar
 134 offenses in another jurisdiction:

135 (a) Section 393.135(2), relating to sexual misconduct with
 136 an individual with a developmental disability.

137 (b) Section 394.4593(2), relating to sexual misconduct
 138 with a patient who resides in a receiving or treatment facility
 139 or is otherwise in the custody of the Department of Children and
 140 Families.

141 (c) Section 787.01, relating to kidnapping.

142 (d) Section 787.02, relating to false imprisonment.

143 (e) Section 787.025(2), relating to luring or enticing a
 144 child.

145 (f) Section 787.06(3)(b), (d), (f), or (g), relating to
 146 human trafficking for commercial sexual activity.

147 (g) Former s. 787.06(3)(h), relating to human trafficking
 148 of a child under the age of 15 for commercial sexual activity.

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- 149 (h) Section 787.07, relating to human smuggling.
- 150 (i) Section 794.011, relating to sexual battery, excluding
- 151 s. 794.011(10).
- 152 (j) Section 794.05, relating to unlawful sexual activity
- 153 with certain minors.
- 154 (k) Section 794.08, relating to female genital mutilation.
- 155 (l) Former s. 796.03, relating to procuring a person under
- 156 the age of 18 for prostitution.
- 157 (m) Former s. 796.035, relating to the selling or buying
- 158 of minors into prostitution.
- 159 (n) Section 796.04, relating to forcing, compelling, or
- 160 coercing another to become a prostitute.
- 161 (o) Section 796.05, relating to deriving support from the
- 162 proceeds of prostitution.
- 163 (p) Section 796.07(4)(a)3., relating to a felony of the
- 164 third degree for a third or subsequent violation of s. 796.07,
- 165 relating to prohibiting prostitution and related acts.
- 166 (q) Section 800.04, relating to lewd or lascivious
- 167 offenses committed upon or in the presence of persons younger
- 168 than 16 years of age.
- 169 (r) Section 810.145(8), relating to video voyeurism of a
- 170 minor.
- 171 (s) Section 825.1025, relating to lewd or lascivious
- 172 offenses committed upon or in the presence of an elderly person
- 173 or disabled person.

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174 (t) Section 827.071, relating to sexual performance by a
175 child.

176 (u) Section 847.011, relating to prohibited acts in
177 connection with obscene, lewd, and other materials.

178 (v) Section 847.012, relating to materials harmful to
179 minors.

180 (w) Section 847.013, relating to exposing minors to
181 harmful motion pictures, exhibitions, shows, presentations, or
182 representations.

183 (x) Section 847.0133, relating to the protection of minors
184 from obscene materials.

185 (y) Section 847.0135, relating to computer pornography,
186 prohibited computer usage, or traveling to meet minors,
187 excluding s. 847.0135(6).

188 (z) Section 847.0137, relating to the transmission of
189 child pornography by electronic device or equipment.

190 (aa) Section 847.0138, relating to the transmission of
191 material harmful to minors to a minor by electronic device or
192 equipment.

193 (bb) Section 847.0145, relating to the selling or buying of
194 minors.

195 (cc) Section 856.022, relating to loitering or prowling in
196 close proximity to children.

197 (dd) Section 895.03, relating to racketeering activity, if
198 the court makes a written finding that the racketeering activity

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199 involved at least one sexual offense listed in this subsection
 200 or at least one offense listed in this subsection which was
 201 committed with sexual intent or motive.

202 (ee) Section 916.1075(2), relating to sexual misconduct
 203 against a forensic client of a civil or forensic facility for
 204 defendants who have a mental illness or an intellectual
 205 disability.

206 (ff) Section 985.701(1), relating to sexual misconduct
 207 against a juvenile offender.

208 (gg) Any similar offense committed in this state which has
 209 been redesignated from a former statute number to one of those
 210 listed in this subsection.

211 (6) The department must issue an emergency order
 212 suspending or restricting the registration of an office
 213 registered under s. 458.328 or s. 459.0139 upon a finding of
 214 probable cause that the office or a physician practicing in the
 215 office is not in compliance with the standards of practice for
 216 office surgery adopted by the boards pursuant to s. 458.328 or
 217 s. 459.0138, as applicable, or is in violation of s.
 218 458.331(1)(v) or s. 459.015(1)(z), and that such noncompliance
 219 or violation constitutes an immediate danger to the public.

220 (7) The department shall issue an emergency order
 221 suspending the license of any licensee upon a finding of the
 222 State Surgeon General that probable cause exists to believe that
 223 the licensee has committed sexual misconduct as defined and

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224 prohibited in s. 456.063(1), or the applicable practice act, and
 225 that such violation constitutes an immediate danger to the
 226 public.

227 Section 2. Present subsections (1) through (6) and (7)
 228 through (12) of section 480.033, Florida Statutes, are
 229 redesignated as subsections (2) through (7) and (9) through
 230 (14), respectively, new subsections (1) and (8) and subsection
 231 (15) are added to that section, and present subsection (6) of
 232 that section is amended, to read:

233 480.033 Definitions.—As used in this act:

234 (1) "Advertising medium" means any newspaper; airwave or
 235 computer transmission; telephone directory listing, other than
 236 an in-column listing consisting only of a name, physical
 237 address, and telephone number; business card; handbill; flyer;
 238 sign, other than a building directory listing all building
 239 tenants and their room or suite numbers; or other form of
 240 written or electronic advertisement.

241 (7)-(6) "Designated establishment manager" means a massage
 242 therapist, a practitioner licensed under chapter 457, or a
 243 physician licensed under chapter 458, chapter 459, or chapter
 244 460, who holds a clear and active license without restriction,
 245 who is responsible for the operation of a massage establishment
 246 in accordance with the provisions of this chapter, and who is
 247 designated the manager by the rules or practices at the
 248 establishment.

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249 (8) "Employee" means any person, including independent
 250 contractors or lessees of the massage establishment, whose
 251 duties involve any aspect of the massage establishment
 252 regardless of whether such person is compensated for the
 253 performance of such duties. The term does not include a person
 254 exclusively engaged in the repair or maintenance of the massage
 255 establishment or the delivery of goods to the massage
 256 establishment. This definition is for chapter 480 purposes
 257 only. This definition is for chapter 480 purposes only.

258 (15) "Sexual activity" means any direct or indirect
 259 contact by any employee or person, or between any employees or
 260 persons, with the intent to abuse, humiliate, harass, degrade,
 261 or arouse, or gratify the sexual desire of, any employee or
 262 person, or which is likely to cause such abuse, humiliation,
 263 harassment, degradation, or arousal, or sexual gratification:

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

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

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

268 (d) With or without the occurrence of penetration, orgasm,
 269 or ejaculation;

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

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273 (f) Including, but not limited to, the intentional removal of
 274 any drape without written specific informed consent of the
 275 patient.

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

278 480.035 Board of Massage Therapy.—

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

285 Section 4. Section 480.039, Florida Statutes, is amended
 286 to read:

287 480.039 Investigative services; reporting.—

288 (1) The department shall provide all investigative
 289 services required in carrying out ~~the provisions of this act.~~ A
 290 code enforcement officer may perform inspections regarding a
 291 massage establishment's compliance with s. 480.043(14)(a), (b),
 292 and (c), and a law enforcement officer may perform inspections
 293 and investigations regarding a massage establishment's
 294 compliance with s. 480.043(12) and (14)(a)-(f), s. 480.0465(3),
 295 s. 480.0475(1) and (2), and s. 480.0535. Code enforcement
 296 officers shall, and law enforcement officers may, submit to the
 297 department an executed affidavit with photos and any other

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298 evidence or documentation obtained during the inspection or
 299 investigation within 5 business days after the inspection or
 300 investigation that finds there is a violation of s. 480.043(12)
 301 or (14) (a), (b), (c), (d), (e), or (f), s. 480.0465(3), s.
 302 480.0475(1) or (2), or s. 480.0535. For violations of s.
 303 480.043(14) (a) or (f), s. 480.0465(3), s. 480.0475(2), or s.
 304 480.0535, within 20 business days after receipt of such executed
 305 affidavit, the department shall issue an emergency order
 306 suspending the license of the massage establishment. For
 307 violations of s. 480.043(12) or (14) (b), (c), (d), or (e), or
 308 s. 480.0475(1), within 30 business days after receipt of an
 309 executed affidavit, the department shall inspect the massage
 310 establishment to ensure the massage establishment's compliance
 311 with this chapter, and if the massage establishment is not in
 312 compliance with this chapter, initiate a disciplinary
 313 proceeding.

314 (2) If a law enforcement officer arrests a massage
 315 therapist for any violation of this chapter or determines that a
 316 massage establishment continues to operate following the
 317 issuance of an emergency suspension or restriction by the
 318 department, the officer's employing law enforcement agency shall
 319 notify the department within 5 business days after the arrest or
 320 determination of unlawful continued operation.

321 Section 5. Subsection 3 is amended, present subsection (14)
 322 of section 480.043, Florida Statutes, is redesignated as

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323 subsection (15), and a new subsection (14) is added to that
 324 section, to read:

325 480.043 Massage establishments; requisites; licensure;
 326 inspection; human trafficking awareness training and policies;
 327 prohibited acts.—

328 (3) The board shall adopt rules governing the operation of
 329 establishments and their facilities, personnel, employees,
 330 safety and sanitary requirements, financial responsibility,
 331 insurance coverage, and the license application and granting
 332 process.

333 (14) (a) Sexual activity in any massage establishment is
 334 prohibited. An establishment owner or employee may not engage in
 335 or allow any person to engage in sexual activity in the massage
 336 establishment or use the establishment to make arrangements to
 337 engage in sexual activity in another location. Prophylactic
 338 devices are prohibited in a massage establishment.

339 (b) If there is an outside window or windows into the
 340 massage establishment's reception area, the outside window or
 341 windows must allow for at least 35 percent light penetration,
 342 and no more than 50 percent of the outside window or windows may
 343 be obstructed with signage or blinds, curtains, or other
 344 obstructions, thus allowing the public to see the massage
 345 establishment's reception area. A sign must be posted on the
 346 front window of the massage establishment and include the name
 347 of the massage establishment, its license number, and the

348 telephone number that has been provided to the department as
 349 part of the licensing of the massage establishment. This
 350 paragraph does not apply to a massage establishment within a
 351 public lodging establishment as defined in s. 509.013(4). This
 352 paragraph does not apply to a massage establishment located
 353 within a county or municipality that has an ordinance that
 354 prescribes requirements related to business window light
 355 penetration or signage limitations if compliance with this
 356 paragraph would result in noncompliance with such ordinance.

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

361 (d) A massage establishment must maintain a complete set
 362 of legible records in English or Spanish, which must include
 363 each employee's start date of employment, full legal name, date
 364 of birth, home address, telephone number, and employment
 365 position and a copy of the employee's government identification
 366 required under s. 480.0535. All information required under this
 367 paragraph must be recorded before the employee may provide any
 368 service or treatment to a customer or patient.

369 (e) A massage establishment must conspicuously display a
 370 2-inch by 2-inch photo for each employee, which, for massage
 371 therapists, must be attached to the massage therapist's license.
 372 Such display must also include the employee's full legal name

373 and employment position. All information required under this
 374 paragraph must be displayed before the employee may provide any
 375 service or treatment to a customer or patient. A massage
 376 establishment within a public lodging establishment as defined
 377 in s. 509.013(4) may satisfy this requirement by displaying the
 378 photos and required information in an employee break room or
 379 other room that is used by employees but is not used by
 380 customers or patients.

381 (f) A massage establishment must maintain a complete set
 382 of legible records in English or Spanish, which must include the
 383 date, time, and type of service or treatment provided; the full
 384 legal name of the employee who provided the service or
 385 treatment; and the full legal name, home address, and telephone
 386 number of the customer or patient. Medical records may satisfy
 387 this requirement if the records include the specified
 388 information. A copy of the customer's or patient's photo
 389 identification may be used to provide the full legal name and
 390 home address of the customer or patient. Records required under
 391 this paragraph must be maintained for at least 1 year after the
 392 provision of the service or treatment. All information required
 393 under this paragraph must be collected and recorded before the
 394 provision of any service or treatment to a customer or patient.
 395 The massage establishment must confirm the identification of the
 396 customer or patient before the provision of any service or
 397 treatment to the customer or patient.

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398 (15)~~(14)~~ Except for the requirements of subsection (13),
 399 this section does not apply to a practitioner ~~physician~~ licensed
 400 under chapter 457, or a physician licensed under chapter 458,
 401 chapter 459, or chapter 460 who employs a licensed massage
 402 therapist to perform massage therapy on the physician's patients
 403 at the physician's place of practice. This subsection does not
 404 restrict investigations by the department for violations of
 405 chapter 456 or this chapter.

406 Section 6. Section 480.0465, Florida Statutes, is amended
 407 to read:

408 480.0465 Advertisement; prohibitions.—

409 (1) Each massage therapist or massage establishment
 410 licensed under this act shall include the number of the license
 411 in any advertisement of massage therapy services appearing in
 412 any advertising medium, including a newspaper, airwave
 413 transmission, telephone directory, Internet, or other
 414 advertising medium. Pending licensure of a new massage
 415 establishment under s. 480.043(7), the license number of a
 416 licensed massage therapist who is an owner or principal officer
 417 of the establishment may be used in lieu of the license number
 418 for the establishment. The advertisement must also include the
 419 physical address of the massage establishment and the telephone
 420 number that has been provided to the department as part of the
 421 licensing of the massage establishment. However, the inclusion
 422 of the physical address and telephone number is not required for

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423 an advertisement by a massage establishment whose establishment
 424 owner operates more than five locations in this state.

425 (2) An establishment owner or employee may not place,
 426 publish, or distribute, or cause to be placed, published, or
 427 distributed, any advertisement in any advertising medium that
 428 states prostitution services, escort services, or sexual
 429 services are available.

430 (3) A massage therapist or a massage establishment or its
 431 employees may not place, publish, or distribute, or cause to be
 432 placed, published, or distributed, any online advertisement on
 433 any website known for advertising prostitution services, escort
 434 services, or sexual services.

435 Section 7. Section 480.0475, Florida Statutes, is amended
 436 to read:

437 480.0475 Massage establishments; prohibited practices;
 438 penalties.-

439 (1) A massage establishment may only be operated ~~person~~
 440 ~~may not operate a massage establishment~~ between the hours of 5
 441 a.m. and midnight and all customer and patient services and
 442 treatment must be performed between the hours of 5 a.m. and 10
 443 p.m. This subsection does not apply to a massage establishment:

444 (a) Located on the premises of a health care facility as
 445 defined in s. 408.07; a health care clinic as defined in s.
 446 400.9905(4); a hotel, motel, or bed and breakfast inn, as those
 447 terms are defined in s. 509.242; a timeshare property as defined

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448 in s. 721.05; a public airport as defined in s. 330.27; or a
 449 pari-mutuel facility as defined in s. 550.002;

450 (b) In which every massage performed between the hours of
 451 10 p.m. ~~midnight~~ and 5 a.m. is performed by a massage therapist
 452 acting under the prescription of a physician or physician
 453 assistant licensed under chapter 458, an osteopathic physician
 454 or physician assistant licensed under chapter 459, a
 455 chiropractic physician licensed under chapter 460, a podiatric
 456 physician licensed under chapter 461, an advanced practice
 457 registered nurse licensed under part I of chapter 464, or a
 458 dentist licensed under chapter 466; or

459 (c) Operating during a special event if the county or
 460 municipality in which the establishment operates has approved
 461 such operation during the special event.

462 (2) A person operating a massage establishment may not use
 463 or permit the establishment to be used as a principal domicile
 464 for, to shelter or harbor, or as sleeping quarters for any
 465 person unless the establishment is zoned for residential use
 466 under a local ordinance.

467 (3) A person violating ~~the provisions of~~ this section
 468 commits a misdemeanor of the first degree, punishable as
 469 provided in s. 775.082 or s. 775.083. A second or subsequent
 470 violation of this section is a felony of the third degree,
 471 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

472 Section 8. Section 480.0485, Florida Statutes, is amended

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473 to read:

474 480.0485 Sexual misconduct in the practice of massage
 475 therapy.—The massage therapist-patient relationship is founded
 476 on mutual trust. Sexual misconduct in the practice of massage
 477 therapy means violation of the massage therapist-patient
 478 relationship through which the massage therapist uses that
 479 relationship to induce or attempt to induce the patient to
 480 engage, or to engage or attempt to engage the patient, in sexual
 481 activity outside the scope of practice or the scope of generally
 482 accepted examination or treatment of the patient. Sexual
 483 misconduct in the practice of massage therapy includes requiring
 484 patient nudity as part of any massage service or any other
 485 service in the massage establishment or the intentional removal
 486 of any drape without the written specific informed consent of
 487 the patient. Sexual misconduct in the practice of massage
 488 therapy is prohibited.

489 Section 9. Section 480.0535, Florida Statutes, is amended
 490 to read:

491 480.0535 Documents required while working in a massage
 492 establishment; penalties; reporting requirement.—

493 (1) In order to provide the department and law enforcement
 494 agencies the means to more effectively identify, investigate,
 495 and arrest persons engaging in human trafficking, an employee a
 496 person employed by a massage establishment and any person
 497 performing massage therapy in a massage establishment therein

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498 must immediately present, upon the request of an investigator of
 499 the department or a law enforcement officer, valid government
 500 identification while in the establishment. An investigator of
 501 the department must request valid government identification from
 502 all employees while in the establishment. A valid government
 503 identification for the purposes of this section is:

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

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

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

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

511 (e) A valid, unexpired alien registration receipt card
 512 (green card); or

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

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

516 (a) Immediately present, upon the request of an
 517 investigator of the department or a law enforcement officer:

518 1. Valid government identification while in the
 519 establishment.

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

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523 3. A copy of the documents required under s.
 524 480.043(14)(d) and (f).

525 (b) Ensure that each employee and any person performing
 526 massage therapy in the massage establishment is able to
 527 immediately present, upon the request of an investigator of the
 528 department or a law enforcement officer, valid government
 529 identification while in the establishment.

530 (3) A person who violates ~~any provision of~~ this section
 531 commits:

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

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

536 (c) For a third or subsequent violation, a felony of the
 537 third degree, punishable as provided in s. 775.082, s. 775.083,
 538 or s. 775.084.

539 (4) The department shall notify a federal immigration
 540 office if a person operating a massage establishment, an
 541 employee, or any person performing massage therapy in a massage
 542 establishment fails to provide a valid government identification
 543 as required under this section.

544 Section 10. Paragraph (d) of subsection (2) of section
 545 847.001, Florida Statutes, is amended to read:

546 847.001 Definitions.—As used in this chapter, the term:

547 (2) "Adult entertainment establishment" means the

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548 following terms as defined:

549 (d) "Unlicensed massage establishment" means any business
 550 or enterprise that offers, sells, or provides, or that holds
 551 itself out as offering, selling, or providing, massages that
 552 include bathing, physical massage, rubbing, kneading, anointing,
 553 stroking, manipulating, or other tactile stimulation of the
 554 human body by either male or female employees or attendants,
 555 including employees or attendants who are massage therapists
 556 licensed under s. 480.041, by hand or by any electrical or
 557 mechanical device, on or off the premises. The term "unlicensed
 558 massage establishment" does not include an establishment
 559 licensed under s. 480.043 which routinely provides medical
 560 services by state-licensed health care practitioners and massage
 561 therapists licensed under s. 480.041.

562 Section 11. This act shall take effect July 1, 2023.