

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/CS/HB 7005 — Massage Establishments

by Judiciary Committee; Justice Appropriations Subcommittee; Health Quality Subcommittee; Criminal Justice Subcommittee; and Rep. Kerner and others (CS/CS/CS/SB 500 by Health Policy Committee; Community Affairs Committee; Regulated Industries Committee; and Senators Clemens and Sobel)

The bill amends various provisions relating to Massage Establishments. The bill amends s. 480.033, F.S., to include a college or university eligible to participate in the William L. Boyd, IV Florida Resident Access Grant Program (established in s. 1009.89, F.S.) in the definition of a board-approved massage school. The bill provides that denial of a license or a disciplinary action may be based on advertising to induce or attempt to induce, or to engage or attempt to engage, a client in unlawful sexual misconduct described in s. 480.0485, F.S.

The bill creates s. 480.0475, F.S., to prohibit the operation of certain massage establishments between the hours of midnight and 5 a.m.

The bill exempts specified types of massage establishments based on the location of the facility or the type of supervision over those persons performing massages. The bill prohibits the use of a massage establishment as a principal domicile in areas that are not zoned for residential use by local ordinance.

The bill provides that a person who violates s. 480.0475, F.S., commits a misdemeanor of the first degree punishable as provided in s. 775.082 or s. 775.083, F.S. A subsequent violation is a felony of the third degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S. Current violations of ch. 480, F.S., are misdemeanors of the first degree.

The bill amends s. 823.05, F.S., to declare that a massage establishment that operates in violation of the restrictions on hours of operation, or that fails to immediately present to an investigator of the department or a law enforcement officer, all required government identification for each employee or for any person performing massage in the establishment is a nuisance and may be abated or enjoined pursuant to ss. 60.05 and 60.06, F.S.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 38-0; House 117-0