

By Senator Hooper

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1 A bill to be entitled
2 An act relating to massage therapy; renaming ch. 480,
3 F.S., as "Massage Therapy Practice"; amending s.
4 480.031, F.S.; conforming a provision to changes made
5 by the act; amending s. 480.032, F.S.; revising the
6 purpose of ch. 480, F.S.; amending s. 480.033, F.S.;
7 revising terms and definitions; amending s. 480.041,
8 F.S.; revising requirements for licensure as a massage
9 therapist; conforming provisions to changes made by
10 the act; providing applicability for persons who were
11 issued a license as a massage apprentice before a
12 specified date; repealing s. 480.042, F.S., relating
13 to examinations; amending ss. 477.013, 477.0135,
14 480.034, 480.035, 480.043, 480.046, 480.0465, 480.047,
15 480.052, 480.0535, 627.6407, 627.6619, 627.736, and
16 641.31 F.S.; conforming provisions to changes made by
17 the act; making technical changes; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Chapter 480, Florida Statutes, entitled "Massage
23 Practice," is renamed "Massage Therapy Practice."

24 Section 2. Section 480.031, Florida Statutes, is amended to
25 read:

26 480.031 Short title.—This act ~~shall be known and~~ may be
27 cited as the "Massage Therapy Practice Act."

28 Section 3. Section 480.032, Florida Statutes, is amended to
29 read:

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30 480.032 Purpose.—The Legislature recognizes that the
31 practice of massage therapy is potentially dangerous to the
32 public in that massage therapists must have a knowledge of
33 anatomy and physiology and an understanding of the relationship
34 between the structure and the function of the tissues being
35 treated and the total function of the body. Massage therapy is a
36 therapeutic health care practice, and regulations are necessary
37 to protect the public from unqualified practitioners. It is
38 therefore deemed necessary in the interest of public health,
39 safety, and welfare to regulate the practice of massage therapy
40 in this state; however, restrictions shall be imposed to the
41 extent necessary to protect the public from significant and
42 discernible danger to health and yet not in such a manner which
43 will unreasonably affect the competitive market. Further,
44 consumer protection for both health and economic matters shall
45 be afforded the public through legal remedies provided for in
46 this act.

47 Section 4. Subsections (3), (4), (5), (7), and (9) of
48 section 480.033, Florida Statutes, are amended to read:

49 480.033 Definitions.—As used in this act:

50 (3) "Massage therapy" means the manipulation of the soft
51 tissues of the human body with the hand, foot, knee, arm, or
52 elbow, regardless of whether ~~or not~~ such manipulation is aided
53 by hydrotherapy, including colonic irrigation, or thermal
54 therapy; any electrical or mechanical device; or the application
55 to the human body of a chemical or herbal preparation, an over-
56 the-counter topical agent, or a topical agent prescribed by a
57 health care practitioner applied in accordance with board rule.

58 (4) "Massage therapist" means a person licensed as required

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59 by this act, who administers massage therapy for compensation
60 and assesses or evaluates persons for massage therapy treatment.

61 (5) "Apprentice" means a person approved by the board to
62 study colon irrigation ~~massage~~ under the instruction of a
63 licensed massage therapist practicing colon irrigation.

64 (7) "Establishment" or "massage establishment" means a site
65 or premises, or portion thereof, wherein a massage therapist
66 practices massage therapy.

67 (9) "Board-approved massage therapy school" means a
68 facility that meets minimum standards for training and
69 curriculum as determined by rule of the board and that is
70 licensed by the Department of Education pursuant to chapter 1005
71 or the equivalent licensing authority of another state or is
72 within the public school system of this state or a college or
73 university that is eligible to participate in the William L.
74 Boyd, IV, Effective Access to Student Education Grant Program.

75 Section 5. Subsections (1), (2), and (4) of section
76 480.041, Florida Statutes, are amended, and subsection (8) is
77 added to that section, to read:

78 480.041 Massage therapists; qualifications; licensure;
79 endorsement.—

80 (1) Any person is qualified for licensure as a massage
81 therapist under this act who:

82 (a) Is at least 18 years of age or has received a high
83 school diploma or high school equivalency diploma;

84 (b) Has completed a course of study at a board-approved
85 massage therapy school ~~or has completed an apprenticeship~~
86 ~~program that meets standards adopted by the board;~~ and

87 (c) Has received a passing grade on a national ~~an~~

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88 examination designated ~~administered~~ by the board ~~department~~.

89 (2) Every person desiring to be examined for licensure as a
90 massage therapist shall apply to the department in writing upon
91 forms prepared and furnished by the department. Such applicants
92 are ~~shall be~~ subject to the ~~provisions of~~ s. 480.046(1).

93 ~~Applicants may take an examination administered by the~~
94 ~~department only upon meeting the requirements of this section as~~
95 ~~determined by the board.~~

96 (4) Upon an applicant's passing the examination and paying
97 the initial licensure fee, the department shall issue to the
98 applicant a license, valid until the next scheduled renewal
99 date, to practice massage therapy.

100 (8) A person issued a license as a massage apprentice
101 before July 1, 2020, may continue that apprenticeship and
102 perform massage therapy as authorized under that license until
103 its expiration. After completing his or her apprenticeship and
104 before July 1, 2022, a massage apprentice may apply to the board
105 for full licensure and the board must grant the application if
106 the applicant meets all other applicable licensure requirements.

107 Section 6. Section 480.042, Florida Statutes, is repealed.

108 Section 7. Subsection (13) of section 477.013, Florida
109 Statutes, is amended to read:

110 477.013 Definitions.—As used in this chapter:

111 (13) "Skin care services" means the treatment of the skin
112 of the body, other than the head, face, and scalp, by the use of
113 a sponge, brush, cloth, or similar device to apply or remove a
114 chemical preparation or other substance, except that chemical
115 peels may be removed by peeling an applied preparation from the
116 skin by hand. Skin care services must be performed by a licensed

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117 cosmetologist or facial specialist within a licensed cosmetology
118 or specialty salon, and such services may not involve massage
119 therapy, as defined in s. 480.033(3), through manipulation of
120 the superficial tissue.

121 Section 8. Paragraph (a) of subsection (1) of section
122 477.0135, Florida Statutes, is amended to read:

123 477.0135 Exemptions.—

124 (1) This chapter does not apply to the following persons
125 when practicing pursuant to their professional or occupational
126 responsibilities and duties:

127 (a) Persons authorized under the laws of this state to
128 practice medicine, surgery, osteopathic medicine, chiropractic
129 medicine, massage therapy, naturopathy, or podiatric medicine.

130 Section 9. Subsection (4) of section 480.034, Florida
131 Statutes, is amended to read:

132 480.034 Exemptions.—

133 (4) An exemption granted is effective to the extent that an
134 exempted person's practice or profession overlaps with the
135 practice of massage therapy.

136 Section 10. Subsection (2) of section 480.035, Florida
137 Statutes, is amended to read:

138 480.035 Board of Massage Therapy.—

139 (2) Five members of the board shall be licensed massage
140 therapists and shall have been engaged in the practice of
141 massage therapy for not less than 5 consecutive years prior to
142 the date of appointment to the board. The Governor shall appoint
143 each member for a term of 4 years. Two members of the board
144 shall be laypersons. Each board member shall be a high school
145 graduate or shall have received a high school equivalency

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146 diploma. Each board member shall be a citizen of the United
147 States and a resident of this state for not less than 5 years.
148 The appointments are ~~will be~~ subject to confirmation by the
149 Senate.

150 Section 11. Subsection (14) of section 480.043, Florida
151 Statutes, is amended to read:

152 480.043 Massage establishments; requisites; licensure;
153 inspection; human trafficking awareness training and policies.-

154 (14) Except for the requirements of subsection (13), this
155 section does not apply to a physician licensed under chapter
156 457, chapter 458, chapter 459, or chapter 460 who employs a
157 licensed massage therapist to perform massage therapy on the
158 physician's patients at the physician's place of practice. This
159 subsection does not restrict investigations by the department
160 for violations of chapter 456 or this chapter.

161 Section 12. Paragraphs (a), (b), (c), (f), (g), (h), (i),
162 and (o) of subsection (1) of section 480.046, Florida Statutes,
163 are amended to read:

164 480.046 Grounds for disciplinary action by the board.-

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

167 (a) Attempting to procure a license to practice massage
168 therapy by bribery or fraudulent misrepresentation.

169 (b) Having a license to practice massage therapy revoked,
170 suspended, or otherwise acted against, including the denial of
171 licensure, by the licensing authority of another state,
172 territory, or country.

173 (c) Being convicted or found guilty, regardless of
174 adjudication, of a crime in any jurisdiction which directly

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175 relates to the practice of massage therapy or to the ability to
176 practice massage therapy. Any plea of nolo contendere shall be
177 considered a conviction for purposes of this chapter.

178 (f) Aiding, assisting, procuring, or advising any
179 unlicensed person to practice massage therapy contrary to ~~the~~
180 ~~provisions of~~ this chapter or to department or board ~~a rule of~~
181 ~~the department or the board~~.

182 (g) Making deceptive, untrue, or fraudulent representations
183 in the practice of massage therapy.

184 (h) Being unable to practice massage therapy with
185 reasonable skill and safety by reason of illness or use of
186 alcohol, drugs, narcotics, chemicals, or any other type of
187 material or as a result of any mental or physical condition. In
188 enforcing this paragraph, the department ~~shall have~~, upon
189 probable cause, may authority to ~~compel~~ a massage therapist to
190 submit to a mental or physical examination by physicians
191 designated by the department. Failure of a massage therapist to
192 submit to such examination when so directed, unless the failure
193 was due to circumstances beyond her or his control, constitutes
194 ~~shall constitute~~ an admission of the allegations against her or
195 him, consequent upon which a default and final order may be
196 entered without the taking of testimony or presentation of
197 evidence. A massage therapist affected under this paragraph
198 shall at reasonable intervals be afforded an opportunity to
199 demonstrate that she or he can resume the competent practice of
200 massage therapy with reasonable skill and safety to clients.

201 (i) Gross or repeated malpractice or the failure to
202 practice massage therapy with that level of care, skill, and
203 treatment which is recognized by a reasonably prudent massage

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204 therapist as being acceptable under similar conditions and
205 circumstances.

206 (o) Practicing massage therapy at a site, location, or
207 place which is not duly licensed as a massage establishment,
208 except that a massage therapist, as provided by ~~rules adopted by~~
209 ~~the board rule~~, may provide massage therapy services, excluding
210 colonic irrigation, at the residence of a client, at the office
211 of the client, at a sports event, at a convention, or at a trade
212 show.

213 Section 13. Section 480.0465, Florida Statutes, is amended
214 to read:

215 480.0465 Advertisement.—Each massage therapist or massage
216 establishment licensed under ~~the provisions of~~ this act shall
217 include the number of the license in any advertisement of
218 massage therapy services appearing in a newspaper, airwave
219 transmission, telephone directory, or other advertising medium.
220 Pending licensure of a new massage establishment pursuant to ~~the~~
221 ~~provisions of~~ s. 480.043(7), the license number of a licensed
222 massage therapist who is an owner or principal officer of the
223 establishment may be used in lieu of the license number for the
224 establishment.

225 Section 14. Paragraphs (a), (b), and (c) of subsection (1)
226 of section 480.047, Florida Statutes, are amended to read:

227 480.047 Penalties.—

228 (1) It is unlawful for any person to:

229 (a) Hold himself or herself out as a massage therapist or
230 to practice massage therapy unless duly licensed under this
231 chapter or unless otherwise specifically exempted from licensure
232 under this chapter.

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233 (b) Operate any massage establishment unless it has been
234 duly licensed as provided herein, except that nothing herein
235 shall be construed to prevent the teaching of massage therapy in
236 this state at a board-approved massage therapy school.

237 (c) Permit an employed person to practice massage therapy
238 unless duly licensed as provided herein.

239 Section 15. Section 480.052, Florida Statutes, is amended
240 to read:

241 480.052 Power of county or municipality to regulate massage
242 therapy.—A county or municipality, within its jurisdiction, may
243 regulate persons and establishments licensed under this chapter.
244 Such regulation shall not exceed the powers of the state under
245 this act or be inconsistent with this act. This section shall
246 not be construed to prohibit a county or municipality from
247 enacting any regulation of persons or establishments not
248 licensed pursuant to this act.

249 Section 16. Subsections (1) and (2) of section 480.0535,
250 Florida Statutes, are amended to read:

251 480.0535 Documents required while working in a massage
252 establishment.—

253 (1) In order to provide the department and law enforcement
254 agencies the means to more effectively identify, investigate,
255 and arrest persons engaging in human trafficking, a person
256 employed by a massage establishment and any person performing
257 massage therapy therein must immediately present, upon the
258 request of an investigator of the department or a law
259 enforcement officer, valid government identification while in
260 the establishment. A valid government identification for the
261 purposes of this section is:

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

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

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

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

269 (e) A valid, unexpired alien registration receipt card
270 (green card); or

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

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

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

276 1. Valid government identification while in the
277 establishment.

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

281 (b) Ensure that each employee and any person performing
282 massage therapy in the massage establishment is able to
283 immediately present, upon the request of an investigator of the
284 department or a law enforcement officer, valid government
285 identification while in the establishment.

286 Section 17. Section 627.6407, Florida Statutes, is amended
287 to read:

288 627.6407 Massage.—Any policy of health insurance that
289 provides coverage for massage shall also cover the services of
290 persons licensed to practice massage therapy pursuant to chapter

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291 480, where the massage therapy, as defined in chapter 480, has
292 been prescribed by a physician licensed under chapter 458,
293 chapter 459, chapter 460, or chapter 461, as being medically
294 necessary and the prescription specifies the number of
295 treatments.

296 Section 18. Section 627.6619, Florida Statutes, is amended
297 to read:

298 627.6619 Massage.—Any policy of health insurance that
299 provides coverage for massage shall also cover the services of
300 persons licensed to practice massage therapy pursuant to chapter
301 480, where the massage therapy, as defined in chapter 480, has
302 been prescribed by a physician licensed under chapter 458,
303 chapter 459, chapter 460, or chapter 461, as being medically
304 necessary and the prescription specifies the number of
305 treatments.

306 Section 19. Paragraph (a) of subsection (1) of section
307 627.736, Florida Statutes, is amended to read:

308 627.736 Required personal injury protection benefits;
309 exclusions; priority; claims.—

310 (1) REQUIRED BENEFITS.—An insurance policy complying with
311 the security requirements of s. 627.733 must provide personal
312 injury protection to the named insured, relatives residing in
313 the same household, persons operating the insured motor vehicle,
314 passengers in the motor vehicle, and other persons struck by the
315 motor vehicle and suffering bodily injury while not an occupant
316 of a self-propelled vehicle, subject to subsection (2) and
317 paragraph (4) (e), to a limit of \$10,000 in medical and
318 disability benefits and \$5,000 in death benefits resulting from
319 bodily injury, sickness, disease, or death arising out of the

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320 ownership, maintenance, or use of a motor vehicle as follows:

321 (a) *Medical benefits.*—Eighty percent of all reasonable
322 expenses for medically necessary medical, surgical, X-ray,
323 dental, and rehabilitative services, including prosthetic
324 devices and medically necessary ambulance, hospital, and nursing
325 services if the individual receives initial services and care
326 pursuant to subparagraph 1. within 14 days after the motor
327 vehicle accident. The medical benefits provide reimbursement
328 only for:

329 1. Initial services and care that are lawfully provided,
330 supervised, ordered, or prescribed by a physician licensed under
331 chapter 458 or chapter 459, a dentist licensed under chapter
332 466, or a chiropractic physician licensed under chapter 460 or
333 that are provided in a hospital or in a facility that owns, or
334 is wholly owned by, a hospital. Initial services and care may
335 also be provided by a person or entity licensed under part III
336 of chapter 401 which provides emergency transportation and
337 treatment.

338 2. Upon referral by a provider described in subparagraph
339 1., followup services and care consistent with the underlying
340 medical diagnosis rendered pursuant to subparagraph 1. which may
341 be provided, supervised, ordered, or prescribed only by a
342 physician licensed under chapter 458 or chapter 459, a
343 chiropractic physician licensed under chapter 460, a dentist
344 licensed under chapter 466, or, to the extent permitted by
345 applicable law and under the supervision of such physician,
346 osteopathic physician, chiropractic physician, or dentist, by a
347 physician assistant licensed under chapter 458 or chapter 459 or
348 an advanced practice registered nurse licensed under chapter

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349 464. Followup services and care may also be provided by the
350 following persons or entities:

351 a. A hospital or ambulatory surgical center licensed under
352 chapter 395.

353 b. An entity wholly owned by one or more physicians
354 licensed under chapter 458 or chapter 459, chiropractic
355 physicians licensed under chapter 460, or dentists licensed
356 under chapter 466 or by such practitioners and the spouse,
357 parent, child, or sibling of such practitioners.

358 c. An entity that owns or is wholly owned, directly or
359 indirectly, by a hospital or hospitals.

360 d. A physical therapist licensed under chapter 486, based
361 upon a referral by a provider described in this subparagraph.

362 e. A health care clinic licensed under part X of chapter
363 400 which is accredited by an accrediting organization whose
364 standards incorporate comparable regulations required by this
365 state, or

366 (I) Has a medical director licensed under chapter 458,
367 chapter 459, or chapter 460;

368 (II) Has been continuously licensed for more than 3 years
369 or is a publicly traded corporation that issues securities
370 traded on an exchange registered with the United States
371 Securities and Exchange Commission as a national securities
372 exchange; and

373 (III) Provides at least four of the following medical
374 specialties:

375 (A) General medicine.

376 (B) Radiography.

377 (C) Orthopedic medicine.

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378 (D) Physical medicine.

379 (E) Physical therapy.

380 (F) Physical rehabilitation.

381 (G) Prescribing or dispensing outpatient prescription
382 medication.

383 (H) Laboratory services.

384 3. Reimbursement for services and care provided in
385 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician
386 licensed under chapter 458 or chapter 459, a dentist licensed
387 under chapter 466, a physician assistant licensed under chapter
388 458 or chapter 459, or an advanced practice registered nurse
389 licensed under chapter 464 has determined that the injured
390 person had an emergency medical condition.

391 4. Reimbursement for services and care provided in
392 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a
393 provider listed in subparagraph 1. or subparagraph 2. determines
394 that the injured person did not have an emergency medical
395 condition.

396 5. Medical benefits do not include massage therapy as
397 defined in s. 480.033 or acupuncture as defined in s. 457.102,
398 regardless of the person, entity, or licensee providing massage
399 therapy or acupuncture, and a licensed massage therapist or
400 licensed acupuncturist may not be reimbursed for medical
401 benefits under this section.

402 6. The Financial Services Commission shall adopt by rule
403 the form that must be used by an insurer and a health care
404 provider specified in sub-subparagraph 2.b., sub-subparagraph
405 2.c., or sub-subparagraph 2.e. to document that the health care
406 provider meets the criteria of this paragraph. Such rule must

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407 include a requirement for a sworn statement or affidavit.
408

409 Only insurers writing motor vehicle liability insurance in this
410 state may provide the required benefits of this section, and
411 such insurer may not require the purchase of any other motor
412 vehicle coverage other than the purchase of property damage
413 liability coverage as required by s. 627.7275 as a condition for
414 providing such benefits. Insurers may not require that property
415 damage liability insurance in an amount greater than \$10,000 be
416 purchased in conjunction with personal injury protection. Such
417 insurers shall make benefits and required property damage
418 liability insurance coverage available through normal marketing
419 channels. An insurer writing motor vehicle liability insurance
420 in this state who fails to comply with such availability
421 requirement as a general business practice violates part IX of
422 chapter 626, and such violation constitutes an unfair method of
423 competition or an unfair or deceptive act or practice involving
424 the business of insurance. An insurer committing such violation
425 is subject to the penalties provided under that part, as well as
426 those provided elsewhere in the insurance code.

427 Section 20. Subsection (37) of section 641.31, Florida
428 Statutes, is amended to read:

429 641.31 Health maintenance contracts.—

430 (37) All health maintenance contracts that provide coverage
431 for massage must also cover the services of persons licensed to
432 practice massage therapy pursuant to chapter 480 if the massage
433 is prescribed by a contracted physician licensed under chapter
434 458, chapter 459, chapter 460, or chapter 461 as medically
435 necessary and the prescription specifies the number of

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436 treatments. Such massage services are subject to the same terms,
437 conditions, and limitations as those of other covered services.

438 Section 21. This act shall take effect July 1, 2020.