

By the Committee on Health Policy; and Senator Rodriguez

588-01986-21

2021352c1

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.; revising a short title; amending s.
5 480.032, F.S.; revising the purpose of ch. 480, F.S.;
6 reordering and amending s. 480.033, F.S.; revising and
7 defining terms; amending ss. 477.013, 477.0135,
8 477.0265, 480.034, 480.035, 480.041, 480.043, 480.046,
9 480.0465, 480.047, 480.052, 480.0535, 627.6407,
10 627.6619, 627.736, 641.31, and 823.05, F.S.;
11 conforming provisions to changes made by the act;
12 making technical changes; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Chapter 480, Florida Statutes, entitled "Massage
17 Practice," is renamed "Massage Therapy Practice."

18 Section 2. Section 480.031, Florida Statutes, is amended to
19 read:

20 480.031 Short title.—This act ~~shall be known and~~ may be
21 cited as the "Massage Therapy Practice Act."

22 Section 3. Section 480.032, Florida Statutes, is amended to
23 read:

24 480.032 Purpose.—The Legislature recognizes that the
25 unregulated practice of massage therapy poses a danger ~~is~~
26 ~~potentially dangerous~~ to the public in that massage therapists
27 must have a knowledge of anatomy and physiology and an
28 understanding of the relationship between the structure and the
29 function of the tissues being treated and the total function of

588-01986-21

2021352c1

30 the body. Massage therapy is a therapeutic health care practice,
31 and regulations are necessary to protect the public from
32 unqualified practitioners. It is therefore deemed necessary in
33 the interest of public health, safety, and welfare to regulate
34 the practice of massage therapy in this state and, therefore,
35 ~~however,~~ restrictions must ~~shall~~ be imposed to the extent
36 necessary to protect the public from significant and discernible
37 danger to health ~~and yet not~~ in ~~such~~ a manner that does not
38 ~~which will~~ unreasonably affect the competitive market. Further,
39 consumer protection for both health and economic matters must
40 ~~shall~~ be afforded the public through legal remedies provided for
41 in this act.

42 Section 4. Section 480.033, Florida Statutes, is reordered
43 and amended to read:

44 480.033 Definitions.—As used in this act:

45 (2) ~~(1)~~ "Board" means the Board of Massage Therapy.

46 (5) ~~(2)~~ "Department" means the Department of Health.

47 (11) ~~(3)~~ "Massage therapy" means the manipulation of the
48 soft tissues of the human body with the hand, foot, knee, arm,
49 or elbow, regardless of whether ~~or not~~ such manipulation is
50 aided by hydrotherapy, including colonic irrigation, or thermal
51 therapy; any electrical or mechanical device; or the application
52 to the human body of a chemical or herbal preparation.

53 (10) ~~(4)~~ "Massage therapist" means a person licensed as
54 required by this act, who performs ~~administers~~ massage therapy,
55 including massage therapy assessment, for compensation.

56 (1) ~~(5)~~ "Apprentice" means a person approved by the board to
57 study colonic irrigation under the instruction of a licensed
58 massage therapist practicing colonic irrigation.

588-01986-21

2021352c1

59 (4)~~(6)~~ "Colonic irrigation" means a method of hydrotherapy
60 used to cleanse the colon with the aid of a mechanical device
61 and water.

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

65 (9)~~(8)~~ "Licensure" means the procedure by which a person,
66 hereinafter referred to as a "practitioner," applies to the
67 board for approval to practice massage therapy or to operate an
68 establishment.

69 (3)~~(9)~~ "Board-approved massage therapy school" means a
70 facility that meets minimum standards for training and
71 curriculum as determined by rule of the board and that is
72 licensed by the Department of Education pursuant to chapter 1005
73 or the equivalent licensing authority of another state or is
74 within the public school system of this state or a college or
75 university that is eligible to participate in the William L.
76 Boyd, IV, Effective Access to Student Education Grant Program.

77 (8)~~(10)~~ "Establishment owner" means a person who has
78 ownership interest in a massage establishment. The term includes
79 an individual who holds a massage establishment license, a
80 general partner of a partnership, an owner or officer of a
81 corporation, and a member of a limited liability company and its
82 subsidiaries who holds a massage establishment license.

83 (6)~~(11)~~ "Designated establishment manager" means a massage
84 therapist who holds a clear and active license without
85 restriction, who is responsible for the operation of a massage
86 establishment in accordance with the provisions of this chapter,
87 and who is designated the manager by the rules or practices at

588-01986-21

2021352c1

88 the establishment.

89 (12) "Massage therapy assessment" means the determination
90 of the course of massage therapy treatment.

91 Section 5. Subsection (13) of section 477.013, Florida
92 Statutes, is amended to read:

93 477.013 Definitions.—As used in this chapter:

94 (13) "Skin care services" means the treatment of the skin
95 of the body, other than the head, face, and scalp, by the use of
96 a sponge, brush, cloth, or similar device to apply or remove a
97 chemical preparation or other substance, except that chemical
98 peels may be removed by peeling an applied preparation from the
99 skin by hand. Skin care services must be performed by a licensed
100 cosmetologist or facial specialist within a licensed cosmetology
101 or specialty salon, and such services may not involve massage
102 therapy, as defined in s. 480.033 ~~s. 480.033(3)~~, through
103 manipulation of the superficial tissue.

104 Section 6. Paragraph (a) of subsection (1) of section
105 477.0135, Florida Statutes, is amended to read:

106 477.0135 Exemptions.—

107 (1) This chapter does not apply to the following persons
108 when practicing pursuant to their professional or occupational
109 responsibilities and duties:

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

113 Section 7. Paragraph (f) of subsection (1) of section
114 477.0265, Florida Statutes, is amended to read:

115 477.0265 Prohibited acts.—

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

588-01986-21

2021352c1

117 (f) Advertise or imply that skin care services, as
118 performed under this chapter, have any relationship to the
119 practice of massage therapy as defined in s. 480.033 ~~s.~~
120 ~~480.033(3)~~, except those practices or activities defined in s.
121 477.013.

122 Section 8. Subsection (4) of section 480.034, Florida
123 Statutes, is amended to read:

124 480.034 Exemptions.—

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

128 Section 9. Subsection (2) of section 480.035, Florida
129 Statutes, is amended to read:

130 480.035 Board of Massage Therapy.—

131 (2) Five members of the board shall be licensed massage
132 therapists and shall have been engaged in the practice of
133 massage therapy for not less than 5 consecutive years prior to
134 the date of appointment to the board. The Governor shall appoint
135 each member for a term of 4 years. Two members of the board
136 shall be laypersons. Each board member shall be a high school
137 graduate or shall have received a high school equivalency
138 diploma. Each board member shall be a citizen of the United
139 States and a resident of this state for not less than 5 years.
140 The appointments are ~~will be~~ subject to confirmation by the
141 Senate.

142 Section 10. Subsections (1) and (4) and paragraph (b) of
143 subsection (5) of section 480.041, Florida Statutes, are amended
144 to read:

145 480.041 Massage therapists; qualifications; licensure;

588-01986-21

2021352c1

146 endorsement.—

147 (1) Any person is qualified for licensure as a massage
148 therapist under this act who meets all of the following
149 requirements:

150 (a) Is at least 18 years of age or has received a high
151 school diploma or high school equivalency diploma.~~†~~

152 (b) Has completed a course of study at a board-approved
153 massage therapy school that meets standards adopted by the
154 board.~~†~~ and

155 (c) Has received a passing grade on a national examination
156 designated by the board.

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

161 (5) The board shall adopt rules:

162 (b) Providing for educational standards, examination, and
163 certification for the practice of colonic irrigation, as defined
164 in s. 480.033 ~~s. 480.033(6)~~, by massage therapists.

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

167 480.043 Massage establishments; requisites; licensure;
168 inspection; human trafficking awareness training and policies.—

169 (14) Except for the requirements of subsection (13), this
170 section does not apply to a physician licensed under chapter
171 457, chapter 458, chapter 459, or chapter 460 who employs a
172 licensed massage therapist to perform massage therapy on the
173 physician's patients at the physician's place of practice. This
174 subsection does not restrict investigations by the department

588-01986-21

2021352c1

175 for violations of chapter 456 or this chapter.

176 Section 12. Paragraphs (a), (b), (c), (f) through (i), and
177 (o) of subsection (1) of section 480.046, Florida Statutes, are
178 amended to read:

179 480.046 Grounds for disciplinary action by the board.—

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

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

184 (b) Having a license to practice massage therapy revoked,
185 suspended, or otherwise acted against, including the denial of
186 licensure, by the licensing authority of another state,
187 territory, or country.

188 (c) Being convicted or found guilty, regardless of
189 adjudication, of a crime in any jurisdiction which directly
190 relates to the practice of massage therapy or to the ability to
191 practice massage therapy. Any plea of nolo contendere shall be
192 considered a conviction for purposes of this chapter.

193 (f) Aiding, assisting, procuring, or advising any
194 unlicensed person to practice massage therapy contrary to ~~the~~
195 ~~provisions of~~ this chapter or to department or board a rule ~~of~~
196 ~~the department or the board~~.

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

199 (h) Being unable to practice massage therapy with
200 reasonable skill and safety by reason of illness or use of
201 alcohol, drugs, narcotics, chemicals, or any other type of
202 material or as a result of any mental or physical condition. In
203 enforcing this paragraph, the department ~~shall have~~, upon

588-01986-21

2021352c1

204 probable cause, may ~~authority to~~ compel a massage therapist to
205 submit to a mental or physical examination by physicians
206 designated by the department. Failure of a massage therapist to
207 submit to such examination when so directed, unless the failure
208 was due to circumstances beyond her or his control, constitutes
209 ~~shall constitute~~ an admission of the allegations against her or
210 him, consequent upon which a default and final order may be
211 entered without the taking of testimony or presentation of
212 evidence. A massage therapist affected under this paragraph
213 shall at reasonable intervals be afforded an opportunity to
214 demonstrate that she or he can resume the competent practice of
215 massage therapy with reasonable skill and safety to clients.

216 (i) Gross or repeated malpractice or the failure to
217 practice massage therapy with that level of care, skill, and
218 treatment which is recognized by a reasonably prudent massage
219 therapist as being acceptable under similar conditions and
220 circumstances.

221 (o) Practicing massage therapy at a site, location, or
222 place which is not duly licensed as a massage establishment,
223 except that a massage therapist, as provided by ~~rules adopted by~~
224 ~~the board~~ rule, may provide massage therapy services, excluding
225 colonic irrigation, at the residence of a client, at the office
226 of the client, at a sports event, at a convention, or at a trade
227 show.

228 Section 13. Section 480.0465, Florida Statutes, is amended
229 to read:

230 480.0465 Advertisement.—Each massage therapist or massage
231 establishment licensed under ~~the provisions of~~ this act shall
232 include the number of the license in any advertisement of

588-01986-21

2021352c1

233 massage therapy services appearing in a newspaper, airwave
234 transmission, telephone directory, or other advertising medium.
235 Pending licensure of a new massage establishment pursuant to ~~the~~
236 ~~provisions of~~ s. 480.043(7), the license number of a licensed
237 massage therapist who is an owner or principal officer of the
238 establishment may be used in lieu of the license number for the
239 establishment.

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

242 480.047 Penalties.—

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

244 (a) Hold himself or herself out as a massage therapist or
245 to practice massage therapy unless duly licensed under this
246 chapter or unless otherwise specifically exempted from licensure
247 under this chapter.

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

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

254 Section 15. Section 480.052, Florida Statutes, is amended
255 to read:

256 480.052 Power of county or municipality to regulate massage
257 therapy.—A county or municipality, within its jurisdiction, may
258 regulate persons and establishments licensed under this chapter.
259 Such regulation may ~~shall~~ not exceed the powers of the state
260 under this act or be inconsistent with this act. This section
261 may ~~shall~~ not be construed to prohibit a county or municipality

588-01986-21

2021352c1

262 from enacting any regulation of persons or establishments not
263 licensed pursuant to this act.

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

266 480.0535 Documents required while working in a massage
267 establishment.—

268 (1) In order to provide the department and law enforcement
269 agencies the means to more effectively identify, investigate,
270 and arrest persons engaging in human trafficking, a person
271 employed by a massage establishment and any person performing
272 massage therapy therein must immediately present, upon the
273 request of an investigator of the department or a law
274 enforcement officer, valid government identification while in
275 the establishment. Any of the following is a valid government
276 identification for the purposes of this section ~~is~~:

277 (a) A valid, unexpired driver license issued by any state,
278 territory, or district of the United States. †

279 (b) A valid, unexpired identification card issued by any
280 state, territory, or district of the United States. †

281 (c) A valid, unexpired United States passport. †

282 (d) A naturalization certificate issued by the United
283 States Department of Homeland Security. †

284 (e) A valid, unexpired alien registration receipt card
285 (green card). ~~† or~~

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

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

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

588-01986-21

2021352c1

291 1. Valid government identification while in the
292 establishment.

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

296 (b) Ensure that each employee and any person performing
297 massage therapy in the massage establishment is able to
298 immediately present, upon the request of an investigator of the
299 department or a law enforcement officer, valid government
300 identification while in the establishment.

301 Section 17. Section 627.6407, Florida Statutes, is amended
302 to read:

303 627.6407 Massage.—Any policy of health insurance that
304 provides coverage for massage shall also cover the services of
305 persons licensed to practice massage therapy pursuant to chapter
306 480, where the massage therapy, as defined in chapter 480, has
307 been prescribed by a physician licensed under chapter 458,
308 chapter 459, chapter 460, or chapter 461, as being medically
309 necessary and the prescription specifies the number of
310 treatments.

311 Section 18. Section 627.6619, Florida Statutes, is amended
312 to read:

313 627.6619 Massage.—Any policy of health insurance that
314 provides coverage for massage shall also cover the services of
315 persons licensed to practice massage therapy pursuant to chapter
316 480, where the massage therapy, as defined in chapter 480, has
317 been prescribed by a physician licensed under chapter 458,
318 chapter 459, chapter 460, or chapter 461, as being medically
319 necessary and the prescription specifies the number of

588-01986-21

2021352c1

320 treatments.

321 Section 19. Paragraph (a) of subsection (1) of section
322 627.736, Florida Statutes, is amended to read:

323 627.736 Required personal injury protection benefits;
324 exclusions; priority; claims.—

325 (1) REQUIRED BENEFITS.—An insurance policy complying with
326 the security requirements of s. 627.733 must provide personal
327 injury protection to the named insured, relatives residing in
328 the same household, persons operating the insured motor vehicle,
329 passengers in the motor vehicle, and other persons struck by the
330 motor vehicle and suffering bodily injury while not an occupant
331 of a self-propelled vehicle, subject to subsection (2) and
332 paragraph (4) (e), to a limit of \$10,000 in medical and
333 disability benefits and \$5,000 in death benefits resulting from
334 bodily injury, sickness, disease, or death arising out of the
335 ownership, maintenance, or use of a motor vehicle as follows:

336 (a) *Medical benefits.*—Eighty percent of all reasonable
337 expenses for medically necessary medical, surgical, X-ray,
338 dental, and rehabilitative services, including prosthetic
339 devices and medically necessary ambulance, hospital, and nursing
340 services if the individual receives initial services and care
341 pursuant to subparagraph 1. within 14 days after the motor
342 vehicle accident. The medical benefits provide reimbursement
343 only for:

344 1. Initial services and care that are lawfully provided,
345 supervised, ordered, or prescribed by a physician licensed under
346 chapter 458 or chapter 459, a dentist licensed under chapter
347 466, a chiropractic physician licensed under chapter 460, or an
348 advanced practice registered nurse registered under s. 464.0123

588-01986-21

2021352c1

349 or that are provided in a hospital or in a facility that owns,
350 or is wholly owned by, a hospital. Initial services and care may
351 also be provided by a person or entity licensed under part III
352 of chapter 401 which provides emergency transportation and
353 treatment.

354 2. Upon referral by a provider described in subparagraph
355 1., followup services and care consistent with the underlying
356 medical diagnosis rendered pursuant to subparagraph 1. which may
357 be provided, supervised, ordered, or prescribed only by a
358 physician licensed under chapter 458 or chapter 459, a
359 chiropractic physician licensed under chapter 460, a dentist
360 licensed under chapter 466, or an advanced practice registered
361 nurse registered under s. 464.0123, or, to the extent permitted
362 by applicable law and under the supervision of such physician,
363 osteopathic physician, chiropractic physician, or dentist, by a
364 physician assistant licensed under chapter 458 or chapter 459 or
365 an advanced practice registered nurse licensed under chapter
366 464. Followup services and care may also be provided by the
367 following persons or entities:

368 a. A hospital or ambulatory surgical center licensed under
369 chapter 395.

370 b. An entity wholly owned by one or more physicians
371 licensed under chapter 458 or chapter 459, chiropractic
372 physicians licensed under chapter 460, advanced practice
373 registered nurses registered under s. 464.0123, or dentists
374 licensed under chapter 466 or by such practitioners and the
375 spouse, parent, child, or sibling of such practitioners.

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

588-01986-21

2021352c1

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

380 e. A health care clinic licensed under part X of chapter
381 400 which is accredited by an accrediting organization whose
382 standards incorporate comparable regulations required by this
383 state, or

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

386 (II) Has been continuously licensed for more than 3 years
387 or is a publicly traded corporation that issues securities
388 traded on an exchange registered with the United States
389 Securities and Exchange Commission as a national securities
390 exchange; and

391 (III) Provides at least four of the following medical
392 specialties:

393 (A) General medicine.

394 (B) Radiography.

395 (C) Orthopedic medicine.

396 (D) Physical medicine.

397 (E) Physical therapy.

398 (F) Physical rehabilitation.

399 (G) Prescribing or dispensing outpatient prescription
400 medication.

401 (H) Laboratory services.

402 3. Reimbursement for services and care provided in
403 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician
404 licensed under chapter 458 or chapter 459, a dentist licensed
405 under chapter 466, a physician assistant licensed under chapter
406 458 or chapter 459, or an advanced practice registered nurse

588-01986-21

2021352c1

407 licensed under chapter 464 has determined that the injured
408 person had an emergency medical condition.

409 4. Reimbursement for services and care provided in
410 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a
411 provider listed in subparagraph 1. or subparagraph 2. determines
412 that the injured person did not have an emergency medical
413 condition.

414 5. Medical benefits do not include massage therapy as
415 defined in s. 480.033 or acupuncture as defined in s. 457.102,
416 regardless of the person, entity, or licensee providing massage
417 therapy or acupuncture, and a licensed massage therapist or
418 licensed acupuncturist may not be reimbursed for medical
419 benefits under this section.

420 6. The Financial Services Commission shall adopt by rule
421 the form that must be used by an insurer and a health care
422 provider specified in sub-subparagraph 2.b., sub-subparagraph
423 2.c., or sub-subparagraph 2.e. to document that the health care
424 provider meets the criteria of this paragraph. Such rule must
425 include a requirement for a sworn statement or affidavit.

426
427 Only insurers writing motor vehicle liability insurance in this
428 state may provide the required benefits of this section, and
429 such insurer may not require the purchase of any other motor
430 vehicle coverage other than the purchase of property damage
431 liability coverage as required by s. 627.7275 as a condition for
432 providing such benefits. Insurers may not require that property
433 damage liability insurance in an amount greater than \$10,000 be
434 purchased in conjunction with personal injury protection. Such
435 insurers shall make benefits and required property damage

588-01986-21

2021352c1

436 liability insurance coverage available through normal marketing
437 channels. An insurer writing motor vehicle liability insurance
438 in this state who fails to comply with such availability
439 requirement as a general business practice violates part IX of
440 chapter 626, and such violation constitutes an unfair method of
441 competition or an unfair or deceptive act or practice involving
442 the business of insurance. An insurer committing such violation
443 is subject to the penalties provided under that part, as well as
444 those provided elsewhere in the insurance code.

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

447 641.31 Health maintenance contracts.—

448 (37) All health maintenance contracts that provide coverage
449 for massage must also cover the services of persons licensed to
450 practice massage therapy pursuant to chapter 480 if the massage
451 is prescribed by a contracted physician licensed under chapter
452 458, chapter 459, chapter 460, or chapter 461 as medically
453 necessary and the prescription specifies the number of
454 treatments. Such massage services are subject to the same terms,
455 conditions, and limitations as those of other covered services.

456 Section 21. Subsection (3) of section 823.05, Florida
457 Statutes, is amended to read:

458 823.05 Places and groups engaged in certain activities
459 declared a nuisance; abatement and enjoinder.—

460 (3) A massage establishment as defined in s. 480.033 ~~s.~~
461 ~~480.033(7)~~ which operates in violation of s. 480.0475 or s.
462 480.0535(2) is declared a nuisance and may be abated or enjoined
463 as provided in ss. 60.05 and 60.06.

464 Section 22. This act shall take effect July 1, 2021.