

**TRAIN FOR SUCCESS INC**  
**LAWS AND RULES GOVERNING THE MASSAGE THERAPY ACT 2 HR**

**LAWS AND RULES GOVERNING THE MASSAGE THERAPY ACT 2 Hr**

Prepared by Dr. Conroy Broomfield Th.D., B.S. in Justice and Law Administration, LPN and Michelle Broomfield RN.

## **PURPOSE**

The purpose of this course is to provide the Massage Therapists with information regarding the laws and rules that governs the Massage Therapy practice. Two continuing education credits will be awarded after successful completion of the course. This course meets the Florida state Massage Therapist license renewal requirements, is offered online and covers the Medical Practice Act (Chapter 456, F.S.), the Massage Practice Act (Chapter 480, F.S.) and Rule Title 64B7, F.A.C. which govern the practice of Massage Therapy.

## **GOALS / OBJECTIVES**

At the conclusion of this course, the participants will be able to:

1. Discuss the laws and rules relating to Massage establishments, requisites, licensure, inspection,
2. Describe License renewal requirements,
3. Discuss Examinations requirements,
4. Describe issues regarding Fees; disposition,
5. Describe the laws and rules regarding grounds for disciplinary action by the board, penalties,
6. Discuss laws and rules relating to advertisement,
7. Describe Massage establishments; prohibited practices,
8. Discuss laws and rules relating to sexual misconduct in the practice of massage therapy,
9. Discuss power of county or municipality to regulate massage,
10. Describe the documents required while working in a massage establishment.

# **INTRODUCTION**

This course covers the Medical Practice Act (Chapter 456, F.S.), the Massage Practice Act (Chapter 480, F.S.) and Rule Title 64B7, F.A.C. which govern the practice of Massage Therapy. The massage therapist needs to have a knowledge of anatomy and physiology, understand the relationship between the structure of the tissues being treated and the function as well as the total function of the body.

The laws and rules governing the massage therapists are in place to ensure that Massage therapy is therapeutic,

The regulations are will help to protect the public from practitioners who are not qualified and make sure that the health, safety, and welfare of the public is maintained.



# **CHAPTER 480**

## **MESSAGE PRACTICE**

Chapter 480 Message Practice includes:

- [480.031](#) Short title.
- [480.032](#) Purpose.
- [480.033](#) Definitions.
- [480.034](#) Exemptions.
- [480.035](#) Board of Massage Therapy.
- [480.036](#) Accountability of board members.
- [480.039](#) Investigative services.
- [480.041](#) Massage therapists; qualifications; licensure; endorsement.
- [480.0415](#) License renewal.
- [480.042](#) Examinations.
- [480.043](#) Massage establishments; requisites; licensure; inspection.
- [480.044](#) Fees; disposition.
- [480.046](#) Grounds for disciplinary action by the board.
- [480.0465](#) Advertisement.
- [480.047](#) Penalties.
- [480.0475](#) Massage establishments; prohibited practices.
- [480.0485](#) Sexual misconduct in the practice of massage therapy.
- [480.049](#) Civil proceedings.
- [480.052](#) Power of county or municipality to regulate massage.
- [480.0535](#) Documents required while working in a massage establishment.

According to 480.03, short title; this act shall be known and may be cited as the “Massage Practice Act.”

#### 480.032 Purpose

The Legislature recognizes that the practice of massage is potentially dangerous to the public in that massage therapists must have a knowledge of anatomy and physiology and an understanding of the relationship between the structure and the function of the tissues being treated and the total function of the body. Massage is therapeutic, and regulations are necessary to protect the public from unqualified practitioners. It is therefore deemed necessary in the interest of public health, safety, and welfare to regulate the practice of massage in this state; however, restrictions shall be imposed to the extent necessary to protect the public from significant and discernible danger to health and yet not in such a manner which will unreasonably affect the competitive market. Further, consumer protection for both health and economic matters shall be afforded the public through legal remedies provided for in this act.

## Exemptions

#### 480.034 Exemptions

- (1) Nothing in this act shall modify or repeal any provision of chapters 458-464, inclusive, or of chapter 476, chapter 477, or chapter 486.
- (2) Athletic trainers employed by or on behalf of a professional athletic team performing or training within this state shall be exempt from the provisions of this act.

- (3) The state and its political subdivisions are exempt from the registration requirements of this act.
- (4) An exemption granted is effective to the extent that an exempted person's practice or profession overlaps with the practice of massage.

# **Board of Massage Therapy**

## **480.035 Board of Massage Therapy**

- (1) The Board of Massage Therapy is created within the department. The board shall consist of seven members, who shall be appointed by the Governor and whose function it shall be to carry out the provisions of this act.
- (2) Five members of the board shall be licensed massage therapists and shall have been engaged in the practice of massage for not less than 5 consecutive years prior to the date of appointment to the board. The Governor shall appoint each member for a term of 4 years. Two members of the board shall be laypersons. Each board member shall be a high school graduate or shall have received a high school equivalency diploma. Each board member shall be a citizen of the United States and a resident of this state for not less than 5 years. The appointments will be subject to confirmation by the Senate.
- (3) The Governor may at any time fill vacancies on the board for the remainder of unexpired terms. Each member of the board shall hold over after the expiration of her or his term until her or his successor has been

duly appointed and qualified. No board member shall serve more than two terms, whether full or partial.

(4) The board shall, in the month of January, elect from its number a chair and a vice chair.

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

(6) Board members shall receive per diem and mileage as provided in s. 112.061 from the place of residence to the place of meeting and return.

(7) The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

## **Accountability of board members**

### **480.036 Accountability of board members**

Each board member shall be held accountable to the Governor for the proper performance of all duties and obligations of such board member's office. The Governor shall cause to be investigated any complaints or unfavorable reports received concerning the actions of the board or its individual members and shall take appropriate action thereon, which may include removal of any board member for malfeasance, misfeasance, neglect of duty, commission of a felony, incompetency, or permanent inability to perform official duties.

# **Investigative services**

## **480.039 Investigative services**

The department shall provide all investigative services required in carrying out the provisions of this act.

## **Massage therapists, qualifications, licensure, endorsement**

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

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

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

(c) Has received a passing grade on an examination administered by the department.

(2) Every person desiring to be examined for licensure as a massage therapist shall apply to the department in writing upon forms prepared and furnished by the department. Such applicants shall be subject to the provisions of s. 480.046(1). Applicants may take an examination administered by the department only upon meeting the requirements of this section as determined by the board.



- (3) An applicant must submit to background screening under s. 456.0135.
- (4) Upon an applicant's passing the examination and paying the initial licensure fee, the department shall issue to the applicant a license, valid until the next scheduled renewal date, to practice massage.
- (5) The board shall adopt rules:
  - (a) Establishing a minimum training program for apprentices.
  - (b) Providing for educational standards, examination, and certification for the practice of colonic irrigation, as defined in s. 480.033(6), by massage therapists.
  - (c) Specifying licensing procedures for practitioners desiring to be licensed in this state who hold an active license and have practiced in any other state, territory, or jurisdiction of the United States or any foreign national jurisdiction which has licensing standards substantially similar to, equivalent to, or more stringent than the standards of this state.
- (6) Massage therapists who were issued a license before July 1, 2014, must submit to the background screening requirements of s. 456.0135 by January 31, 2015.

## **Deny an application**

- (7) The board shall deny an application for a new or renewal license if an applicant has been convicted or found guilty of, or enters a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 796.07(2)(a) which is reclassified under s. 796.07(7) or a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:
  - (a) Section 787.01, relating to kidnapping.
  - (b) Section 787.02, relating to false imprisonment.

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- (c) Section 787.025, relating to luring or enticing a child.
- (d) Section 787.06, relating to human trafficking.
- (e) Section 787.07, relating to human smuggling.
- (f) Section 794.011, relating to sexual battery.
- (g) Section 794.08, relating to female genital mutilation.
- (h) Former s. 796.03, relating to procuring a person under the age of 18 for prostitution.
- (i) Former s. 796.035, relating to the selling or buying of minors into prostitution.
- (j) Section 796.04, relating to forcing, compelling, or coercing another to become a prostitute.
- (k) Section 796.05, relating to deriving support from the proceeds of prostitution.
- (l) Section 796.07(4)(a)3., relating to a felony of the third degree for a third or subsequent violation of s. 796.07, relating to prohibiting prostitution and related acts.
- (m) Section 800.04, relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.
- (n) Section 825.1025(2)(b), relating to lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person.
- (o) Section 827.071, relating to sexual performance by a child.
- (p) Section 847.0133, relating to the protection of minors.
- (q) Section 847.0135, relating to computer pornography.
- (r) Section 847.0138, relating to the transmission of material harmful to minors to a minor by electronic device or equipment.
- (s) Section 847.0145, relating to the selling or buying of minors.

# License renewal

## 480.0415 License renewal

The board shall prescribe by rule the method for renewal of biennial licensure which shall include continuing education requirements not to exceed 25 classroom hours per biennium. The board shall by rule establish criteria for the approval of continuing education programs or courses. The programs or courses approved by the board may include correspondence courses that meet the criteria for continuing education courses held in a classroom setting.

# Examinations

## 480.042 Examinations

(1) The board shall specify by rule the general areas of competency to be covered by examinations for licensure. These rules shall include the relative weight assigned in grading each area, the grading criteria to be used by the examiner, and the score necessary to achieve a passing grade. The board shall ensure that examinations adequately measure an applicant's competency. Professional testing services may be utilized to formulate the examinations.

(2) The board shall ensure that examinations comply with state and federal equal employment opportunity guidelines.

- (3) The department shall, in accordance with rules established by the board, examine persons who file applications for licensure under this act in all matters pertaining to the practice of massage. A written examination shall be offered at least once yearly and at such other times as the department shall deem necessary.
- (4) The board shall adopt rules providing for reexamination of applicants who have failed the examination.
- (5) All licensing examinations shall be conducted in such manner that the applicant shall be known to the department by number until her or his examination is completed and the proper grade determined. An accurate record of each examination shall be made; and that record, together with all examination papers, shall be filed with the State Surgeon General and shall be kept for reference and inspection for a period of not less than 2 years immediately following the examination.

## **Massage establishments, requisites, licensure, inspection**

480.043 Massage establishments; requisites; licensure; inspection

- (1) No massage establishment shall be allowed to operate without a license granted by the department in accordance with rules adopted by the board.
- (2) A person who has an ownership interest in an establishment shall submit to the background screening requirements under s. 456.0135.

However, if a corporation submits proof of having more than \$250,000 of business assets in this state, the department shall require the owner, officer, or individual directly involved in the management of the establishment to submit to the background screening requirements of s. 456.0135. The department may adopt rules regarding the type of proof that may be submitted by a corporation.

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

(4) Any person, firm, or corporation desiring to operate a massage establishment in the state shall submit to the department an application, upon forms provided by the department, accompanied by any information requested by the department and an application fee.

(5) Upon receiving the application, the department may cause an investigation to be made of the proposed massage establishment.

(6) If, based upon the application and any necessary investigation, the department determines that the proposed establishment would fail to meet the standards adopted by the board under subsection (3), the department shall deny the application for license. Such denial shall be in writing and shall list the reasons for denial. Upon correction of any deficiencies, an applicant previously denied permission to operate a massage establishment may reapply for licensure.

(7) If, based upon the application and any necessary investigation, the department determines that the proposed massage establishment may reasonably be expected to meet the standards adopted by the department under subsection (3), the department shall grant the license under such restrictions as it shall deem proper as soon as the original licensing fee is paid.

(8) The department shall deny an application for a new or renewal license if a person with an ownership interest in the establishment or, for a corporation that has more than \$250,000 of business assets in this state, the owner, officer, or individual directly involved in the management of the

establishment has been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 796.07(2)(a) which is reclassified under s. 796.07(7) or a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:

- (a) Section 787.01, relating to kidnapping.
- (b) Section 787.02, relating to false imprisonment.
- (c) Section 787.025, relating to luring or enticing a child.
- (d) Section 787.06, relating to human trafficking.
- (e) Section 787.07, relating to human smuggling.
- (f) Section 794.011, relating to sexual battery.
- (g) Section 794.08, relating to female genital mutilation.
- (h) Former s. 796.03, relating to procuring a person under the age of 18 for prostitution.
- (i) Former s. 796.035, relating to selling or buying of minors into prostitution.
- (j) Section 796.04, relating to forcing, compelling, or coercing another to become a prostitute.
- (k) Section 796.05, relating to deriving support from the proceeds of prostitution.
- (l) Section 796.07(4)(a)3., relating to a felony of the third degree for a third or subsequent violation of s. 796.07, relating to prohibiting prostitution and related acts.
- (m) Section 800.04, relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.
- (n) Section 825.1025(2)(b), relating to lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person.
- (o) Section 827.071, relating to sexual performance by a child.

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- (p) Section 847.0133, relating to the protection of minors.
- (q) Section 847.0135, relating to computer pornography.
- (r) Section 847.0138, relating to the transmission of material harmful to minors to a minor by electronic device or equipment.
- (s) Section 847.0145, relating to the selling or buying of minors.
- (9)(a) Once issued, no license for operation of a massage establishment may be transferred from one owner to another.
- (b) A license may be transferred from one location to another only after inspection and approval by the board and receipt of an application and inspection fee set by rule of the board, not to exceed \$125.
- (c) A license may be transferred from one business name to another after approval by the board and receipt of an application fee set by rule of the board, not to exceed \$25.
- (10) Renewal of license registration for massage establishments shall be accomplished pursuant to rules adopted by the board. The board is further authorized to adopt rules governing delinquent renewal of licenses and may impose penalty fees for delinquent renewal.
- (11) The board is authorized to adopt rules governing the periodic inspection of massage establishments licensed under this act.
- (12) A person with an ownership interest in or, for a corporation that has more than \$250,000 of business assets in this state, the owner, officer, or individual directly involved in the management of an establishment that was issued a license before July 1, 2014, shall submit to the background screening requirements of s. 456.0135 before January 31, 2015.
- (13) This section does not apply to a physician licensed under chapter 458, chapter 459, or chapter 460 who employs a licensed massage therapist to perform massage on the physician's patients at the physician's place of practice. This subsection does not restrict investigations by the department for violations of chapter 456 or this chapter.

# Fees; disposition

## 480.044 Fees; disposition

- (1) The board shall set fees according to the following schedule:
  - (a) Massage therapist application and examination fee: not to exceed \$250.
  - (b) Massage therapist initial licensure fee: not to exceed \$150.
  - (c) Establishment application fee: not to exceed \$200.
  - (d) Establishment licensure fee: not to exceed \$150.
  - (e) Biennial establishment renewal fee: not to exceed \$150.
  - (f) Biennial massage therapist licensure renewal fee: not to exceed \$200.
  - (g) Massage therapist reexamination fee: not to exceed \$250.
  - (h) Fee for apprentice: not to exceed \$100.
  - (i) Colonics examination fee: not to exceed \$100.
  - (j) Colonics reexamination fee: not to exceed \$100.
  - (k) Application and reactivation for inactive status of a massage therapist license fee: not to exceed \$250.
  - (l) Renewal fee for inactive status: not to exceed \$250.
- (2) The department shall impose a late fee not to exceed \$150 on a delinquent renewal of a massage establishment license.
- (3) The board may establish by rule an application fee not to exceed \$100 for anyone seeking approval to provide continuing education courses and may provide by rule for a fee not to exceed \$50 for renewal of providership.
- (4) The department is authorized to charge the cost of any original license or permit, as set forth in this chapter, for the issuance of any duplicate



licenses or permits requested by any massage therapist or massage establishment.

(5) All moneys collected by the department from fees authorized by this act shall be paid into the Medical Quality Assurance Trust Fund in the department and shall be applied in accordance with the provisions of s. 456.025. The Legislature may appropriate any excess moneys from this fund to the General Revenue Fund.

## **Grounds for disciplinary action by the board**

480.046 Grounds for disciplinary action by the board

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

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

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

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

(d) False, deceptive, or misleading advertising.

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- (e) Advertising to induce or attempt to induce, or to engage or attempt to engage, the client in unlawful sexual misconduct as described in s. 480.0485.
- (f) Aiding, assisting, procuring, or advising any unlicensed person to practice massage contrary to the provisions of this chapter or to a rule of the department or the board.
- (g) Making deceptive, untrue, or fraudulent representations in the practice of massage.
- (h) Being unable to practice massage with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon probable cause, authority to compel a massage therapist to submit to a mental or physical examination by physicians designated by the department. Failure of a massage therapist to submit to such examination when so directed, unless the failure was due to circumstances beyond her or his control, shall constitute an admission of the allegations against her or him, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A massage therapist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of massage with reasonable skill and safety to clients.
- (i) Gross or repeated malpractice or the failure to practice massage with that level of care, skill, and treatment which is recognized by a reasonably prudent massage therapist as being acceptable under similar conditions and circumstances.
- (j) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.
- (k) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform.

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- (l) Violating a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the department.
  - (m) Refusing to permit the department to inspect the business premises of the licensee during regular business hours.
  - (n) Failing to keep the equipment and premises of the massage establishment in a clean and sanitary condition.
  - (o) Practicing massage at a site, location, or place which is not duly licensed as a massage establishment, except that a massage therapist, as provided by rules adopted by the board, may provide massage services, excluding colonic irrigation, at the residence of a client, at the office of the client, at a sports event, at a convention, or at a trade show.
  - (p) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.
- (2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).
- (3) The board shall have the power to revoke or suspend the license of a massage establishment licensed under this act, or to deny subsequent licensure of such an establishment, in either of the following cases:
- (a) Upon proof that a license has been obtained by fraud or misrepresentation.
  - (b) Upon proof that the holder of a license is guilty of fraud or deceit or of gross negligence, incompetency, or misconduct in the operation of the establishment so licensed.
- (4) Disciplinary proceedings shall be conducted pursuant to the provisions of chapter 120.

# Advertisement

## 480.0465 Advertisement

Each massage therapist or massage establishment licensed under the provisions of this act shall include the number of the license in any advertisement of massage services appearing in a newspaper, airwave transmission, telephone directory, or other advertising medium. Pending licensure of a new massage establishment pursuant to the provisions of s. 480.043(7), the license number of a licensed massage therapist who is an owner or principal officer of the establishment may be used in lieu of the license number for the establishment.

# Penalties

## 480.047 Penalties

- (1) It is unlawful for any person to:
  - (a) Hold himself or herself out as a massage therapist or to practice massage unless duly licensed under this chapter or unless otherwise specifically exempted from licensure under this chapter.
  - (b) Operate any massage establishment unless it has been duly licensed as provided herein, except that nothing herein shall be construed to prevent the teaching of massage in this state at a board-approved massage school.
  - (c) Permit an employed person to practice massage unless duly licensed as provided herein.
  - (d) Present as his or her own the license of another.

- (e) Allow the use of his or her license by an unlicensed person.
  - (f) Give false or forged evidence to the department in obtaining any license provided for herein.
  - (g) Falsely impersonate any other license holder of like or different name.
  - (h) Use or attempt to use a license that has been revoked.
  - (i) Otherwise violate any of the provisions of this act.
- (2) Except as otherwise provided in this chapter, any person violating the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

## **Massage establishments; prohibited practices**

### **480.0475 Massage establishments; prohibited practices**

- (1) A person may not operate a massage establishment between the hours of midnight and 5 a.m. This subsection does not apply to a massage establishment:
- (a) Located on the premises of a health care facility as defined in s. 408.07; a health care clinic as defined in s. 400.9905(4); a hotel, motel, or bed and breakfast inn, as those terms are defined in s. 509.242; a timeshare property as defined in s. 721.05; a public airport as defined in s. 330.27; or a pari-mutuel facility as defined in s. 550.002;
  - (b) In which every massage performed between the hours of midnight and 5 a.m. is performed by a massage therapist acting under the prescription of a physician or physician assistant licensed under chapter 458, an

osteopathic physician or physician assistant licensed under chapter 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, an advanced practice registered nurse licensed under part I of chapter 464, or a dentist licensed under chapter 466; or

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

(2) A person operating a massage establishment **may not use or permit** the establishment to be used as a principal domicile unless the establishment is zoned for residential use under a local ordinance.

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

## **Sexual misconduct in the practice of massage therapy**

480.0485 Sexual misconduct in the practice of massage therapy

The massage therapist-patient relationship is founded on mutual trust. Sexual misconduct in the practice of massage therapy means violation of the massage therapist-patient relationship through which the massage

therapist uses that relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient. Sexual misconduct in the practice of massage therapy is prohibited.

## **Civil proceedings**

### **480.049 Civil proceedings**

As cumulative to any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of a restraining order, injunction, or writ of mandamus against any person who is or has been violating any of the provisions of this act or the lawful rules or orders of the department.

## **Power of county or municipality to regulate massage**

### **480.052 Power of county or municipality to regulate massage**

A county or municipality, within its jurisdiction, may regulate persons and establishments licensed under this chapter. Such regulation shall not exceed the powers of the state under this act or be inconsistent with this

act. This section shall not be construed to prohibit a county or municipality from enacting any regulation of persons or establishments not licensed pursuant to this act.

## **Documents required while working in a massage establishment**

### **480.0535 Documents required while working in a massage establishment**

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

- (a) A valid, unexpired driver license issued by any state, territory, or district of the United States;
- (b) A valid, unexpired identification card issued by any state, territory, or district of the United States;
- (c) A valid, unexpired United States passport;
- (d) A naturalization certificate issued by the United States Department of Homeland Security;
- (e) A valid, unexpired alien registration receipt card (green card); or



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

(2) A person operating a massage establishment must:

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

1. Valid government identification while in the establishment.

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

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

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

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

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

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

For more information regarding the Medical Practice Act ([Chapter 456, F.S.](#)) click on the link.

According to Rule Title 64B7, F.A.C. which govern the practice of Massage Therapy:

64B7-24 ORGANIZATION

64B7-25 EXAMINATION

64B7-26 MESSAGE ESTABLISHMENTS

64B7-27 FEE SCHEDULE

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- 64B7-28 BIENNIAL LICENSE RENEWAL
- 64B7-29 APPRENTICESHIP
- 64B7-30 DISCIPLINE
- 64B7-31 COLONIC IRRIGATION
- 64B7-32 BOARD APPROVED MASSAGE SCHOOL
- 64B7-33 ADVERTISEMENT

**CHAPTER 64B7-24**

(\*\* Please note the sections that have been repealed)\*\*

**ORGANIZATION**

- 64B7-24.008 Probable Cause Determination; Probable Cause Panel (Repealed)
- 64B7-24.0091 Attendance of Meetings by Board Members
- 64B7-24.016 Time for Payment of Civil Penalties
- 64B7-24.017 Board Business
- 64B7-24.018 Voluntary Relinquishment of License (Repealed)
- 64B7-24.020 Public Comment
- 64B7-24.021 Place of Practice Defined
- 64B7-24.008 Probable Cause Determination; Probable Cause Panel.

**64B7-24.0091 Attendance of Meetings by Board Members.**

Unexcused absences of a board member are absences not due to the following situations:

- (1) Medical problems of a board member or a board member's family including but not limited to illness, surgery, emergency care and/or hospitalization;
- (2) Death of a family member and/or attendance at the family member's funeral;
- (3) Any conflict, extraordinary circumstance, or event approved by the chairman of the board.

#### **64B7-24.016 Time for Payment of Civil Penalties.**

In cases where the Board imposes a civil penalty for violation of Chapter 456 or 480, F.S., or the rules promulgated thereunder, the penalty shall be paid within thirty (30) days of its imposition by order of the Board, or as otherwise directed by the Board.

#### **64B7-24.017 Board Business.**

According to 64B7-24.017, for the purposes of Section 456.011(4), F.S., the Board defines "other business involving the Board" as:

- (1) All regularly scheduled meetings of Board committees; and,
- (2) Whenever a board member has been requested by the State Surgeon General or the Department staff to participate in a meeting or in the preparation, administration, or grading of the examination.
- (3) Meetings or business at the direction or request of the Board.

#### **64B7-24.018 Voluntary Relinquishment of License.**

Rulemaking Authority 456.072, 480.035, 480.046 FS. Law Implemented 456.072 FS. History—New 4-1-14, Repealed 11-18-15.

# Public Comment

## **64B7-24.020 Public Comment**

The Board of Massage Therapy invites and encourages all members of the public to provide comment on matters or propositions before the Board or a committee of the Board. The opportunity to provide comment shall be subject to the following:

- (1) Members of the public will be given an opportunity to provide comment on subject matters before the Board after an agenda item is introduced at a properly noticed board meeting.
- (2) Members of the public shall be limited to three (3) minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Board members, staff or board counsel. The chair of the Board may extend the time to provide comment if time permits.
- (3) Members of the public shall notify board staff in writing of their interest to be heard on a proposition or matter before the Board. The notification shall identify the person or entity, indicate support, opposition, or neutrality, and identify who will speak on behalf of a group or faction of persons consisting of three (3) or more persons. Any person or entity appearing before the Board may use a pseudonym if he or she does not wish to be identified.

# **Place of Practice**

## **Defined**

According to 64B7-24.021 place of practice defined;

(1) The reporting requirements of Section 456.035, F.S., require each licensee to provide to the Board a current mailing address and a “place of practice.” The current mailing address and place of practice may be one and the same, or may be two different addresses if the licensee does not receive mail at his or her place of practice.

(2) “Place of practice” shall mean:

(a) A massage establishment maintained by the licensed massage therapist, or

(b) The massage establishment at which the licensed massage therapist provides massage therapy, or

(c) The medical office at which the licensed massage therapist provides massage therapy, or

(d) If the licensed massage therapist practices at more than one location, one such location as selected by the licensed massage therapist;

(e) If the licensed massage therapist provides massage therapy only at the location of clients, the place of practice is the residence address of the therapist.

Rulemaking Authority 456.036 FS. Law Implemented 456.036 FS. History—New 2-18-16.

## **CHAPTER 64B7-25**

### **EXAMINATION**

64B7-25.001      Examination Requirements

**64B7-25.0011      Colonic Irrigation Application (Repealed)**

**64B7-25.0012      HIV/AIDS Course Required for Initial Licensure  
(Repealed)**

**64B7-25.0025      Security and Monitoring Procedures for Licensure  
Examination (Repealed)**

64B7-25.004      Endorsements

**64B7-25.006      Expiration of Incomplete Applications (Repealed)**

According to 64B7-25.001 regarding Examination Requirements,

(1) The Department shall issue a license by examination to a person who:

(a) Pays to the Department the initial licensure fee set forth in subsection 64B7-27.100, F.A.C.;

(b) Submits a completed application on form DH-MQA 1115, "Massage Therapist Licensure Application," (Rev. 7/16). The form and the attached instructions are incorporated herein by reference and may be obtained from the Board Office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at

<http://floridasmassagetherapy.gov/applications/massage-app.pdf> or  
<http://www.flrules.org/Gateway/reference.asp?No=Ref-07947>. To apply on-line, visit <https://flhealthsource.gov/mqa-services>;

(c) Provides proof of graduation per Rule 64B7-32.002, F.A.C., from a Board-approved massage school as defined in Section 480.033(9). F.S.;

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(d) Presents certification to the Board of successful completion of an approved examination for licensure; and,

(e) Submits to the background screening provisions as set forth in Section 456.0135, F.S.

(2) Prior to the practice of colon hydrotherapy, any licensed massage therapist or massage therapy apprentice must:

(a) Submit a completed application entitled Application for Colon Hydrotherapy Upgrade to Massage Therapist License with Instructions, form DH-MQA 1247 (Rev. 01/13). The form is incorporated herein by reference and may be obtained from the Board Office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at <http://floridasmassagetherapy.gov/applications/massage-colon-upgrade.pdf> or <http://www.flrules.org/Gateway/reference.asp?No=Ref-09173>. To apply on-line, visit <http://fflhealthsource.gov/mqa-services>;

(b) Provide proof of completion of a course of study in colonic irrigation at a Board approved massage school per Rule 64B7-32.005, F.A.C., or a course of study equal to or more stringent than the course of study in colonic irrigation in subsection 64B7-32.005(3), F.A.C., with an approved provider or school in another state, or a colonic irrigation apprenticeship per Rule 64B7-29.007, F.A.C.; and,

(c) Present certification to the Board of successful completion of an approved examination for colonic irrigation.

(3) The Board approves the following examinations for licensure:

(a) The Massage and Bodywork Licensing Examination administered by the Federation of State Massage Therapy Boards;

(b) National Certification Board for Therapeutic Massage and Bodywork Examination;

(c) National Certification Examination for Therapeutic Massage;

(d) National Exam for State Licensure option administered by the National Certification Board for Therapeutic Massage and Bodywork.

(e) The state examination in Florida, offered prior to 1996.

(4) The Board approves the following examination for certification in colonic irrigation: The National Board for Colon Hydrotherapy Examination.

#### 64B7-25.0011 Colonic Irrigation Application.

Rulemaking Authority 480.041(4)(b) FS. Law Implemented 480.041(4)(b) FS. History—New 11-25-80, Amended 7-12-82, Formerly 21L-25.011, Amended 3-12-90, Formerly 21L-25.0011, Amended 9-30-93, 9-15-94, 7-2-96, Formerly 61G11-25.0011, Amended 11-2-00, 6-19-13, **Repealed 3-22-18.**

#### 64B7-25.0012 HIV/AIDS Course Required for Initial Licensure.

Rulemaking Authority 456.034(5) FS. Law Implemented 456.034(4) FS. History—New 9-15-94, Formerly 61G11-25.0012, Amended 1-26-00, **Repealed** by Section 1, Chapter 2012-115, Laws of Florida, 7-1-12.

#### 64B7-25.0025 Security and Monitoring Procedures for Licensure Examination.

Rulemaking Authority 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History—New 2-8-82, Formerly 21L-24.18, 21L-24.018, 64B7-24.018, 61G11-25.0025, Amended 2-4-99, **Repealed** 5-2-12.

## Endorsements

According to 64B7-25.004 regarding Endorsements,

The Department shall issue a license by endorsement to a person who:

(1) Pays to the Department the initial licensure fee set forth in subsection 64B7-27.001, F.A.C.;



- (2) Submits a completed application on form DH-MQA 1115, "Massage Therapist Licensure Application," (Rev. 7/16), adopted and incorporated by reference in Rule 64B7-25.001, F.A.C.;
- (3) Is currently licensed and has practiced massage under the laws of another state, and was required, in order to be so licensed to meet standards of education or apprenticeship training substantially similar to, equivalent to, or more stringent than those required for licensure by Sections 456, 480, F.S., and Rule Title 64B7, F.A.C.
- (4) Demonstrates that the out-of-state license was issued upon the satisfactory completion of an examination comparable to the examination approved by the Board or presents certification to the Board of successful completion of an approved examination for licensure subsequent to the issuance of the out-of-state license;
- (5) Has no outstanding or unresolved complaints filed in any jurisdiction where licensure is held; and,
- (6) Completes a 10 hour Florida Laws and Rules course offered by a Board approved school or Board approved continuing education provider.

64B7-25.006 Expiration of Incomplete Applications.

Rulemaking Authority 480.035(7) FS. Law Implemented 456.013, 480.041 FS. History—New 6-22-99, **Repealed 5-2-12.**

## **CHAPTER 64B7-26**

### **MASSAGE ESTABLISHMENTS**

- 64B7-26.001 Definitions
- 64B7-26.002 Licensure of Massage Establishments
- 64B7-26.003 Massage Establishment Operations
- 64B7-26.004 Inspection Upon Application for License

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64B7-26.005      Periodic Inspections

64B7-26.007      Transfer of Massage Establishment License

64B7-26.010 Sexual Activity Prohibited

64B7-26.001 Definitions.

(1) The term “owner” means the sole proprietor, partnership, limited partnership or corporation that operates the massage establishment.

(2) The term “business name” means the name under which the owner applies for the establishment license to provide massage therapy, if different from the name of the owner.

According to 64B7-26.002 regarding Licensure of Massage Establishments,

(1) Each establishment, shall obtain a license from the Department as required by Section 480.043(1), F.S., by submitting a completed form DH-MQA 1263, “Massage Establishment Licensure Application” (Rev. 11/15), incorporated herein by reference, together with the fee set forth in subsection 64B7-27.100(2), F.A.C. The form and the attached instructions may be obtained from the Board office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at <http://floridasmassagetherapy.gov/applications/app-bus-original-mt.pdf> or <http://www.flrules.org/Gateway/reference.asp?No=Ref-06532>.

(2) The application for licensure shall be submitted in the name of the owner or owners of the establishment. If the owner is a partnership, limited partnership or corporation, the application shall be submitted in the name of the business entity and shall be signed by an authorized representative.

(3) An owner operating an establishment under a fictitious name as defined in Section 865.09, F.S., must provide such name to the Board on the application for licensure. Any advertisement by the establishment of massage therapy must include the fictitious name, and must comply with Rule 64B7-33.001, F.A.C.

(4) The applicant shall submit proof confirming property damage and bodily injury liability insurance coverage for the proposed establishment. If the establishment is operated under a business name, the proof of insurance shall include both the name of the owner and the business name.

According to 64B7-26.003 regarding Massage Establishment Operations,

(1) Facilities, each establishment shall meet the following facility requirements:

(a) Comply with all local building code requirements.

(b) Provide for the use of clients a bathroom with at least one toilet and one sink with running water. Such facilities shall be equipped with toilet tissue, soap dispenser with soap or other hand cleaning materials, sanitary towels or other hand-drying device such as a wall-mounted electric blow dryer, and waste receptacle.

(c) Maintain toilet facilities in a common area of the establishment. Establishments located in buildings housing multiple businesses under one roof such as arcades, shopping malls, terminals, hotels, etc., may substitute centralized toilet facilities. Such central facilities shall be within three hundred (300) feet of the massage establishment.

(d) If equipped with a whirlpool bath, sauna, steam cabinet and/or steam room, maintain clean shower facilities on the premises.

(2) Personnel. A licensed massage therapist must be on the premises of the establishment if a client is in a treatment room for the purpose of receiving massage therapy.

(3) Safety and sanitary requirements. Each establishment shall:

(a) Provide for safe and unobstructed human passage in the public areas of the premises; provide for removal of garbage and refuse; and provide for safe storage or removal of flammable materials.

(b) Maintain a fire extinguisher in good working condition on the premises. As used herein "good working condition" means meeting the standards for

approval by the State Fire Marshal. Such standards are presently contained in Chapter 69A-21, F.A.C.

(c) Exterminate all vermin, insects, termites, and rodents on the premises.

(d) Maintain all equipment used to perform massage services on the premises in a safe and sanitary condition, including the regular application of cleansers and bactericidal agents to the massage table. Unless clean sheets, towels, or other coverings are used to cover the massage table for each client, “regular application,” as used herein, means after the massage of each client. If clean coverings are used for each client, then “regular application” shall mean at least one time a day and also whenever oils or other substances visibly accumulate on the massage table surface.

(e) Maintain a sufficient supply of clean drapes for the purpose of draping each client while the client is being massaged, and launder before reuse all materials furnished for the personal use of the client, such as drapes, towels and linens. As used herein “drapes” means towels, gowns, or sheets.

(f) Maintain lavatories for hand cleansing and/or a chemical germicidal designed to disinfect and cleanse hands without the use of a lavatory in the treatment room itself or within 20 feet of the treatment area.

(g) Maintain all bathroom and shower facilities and fixtures in good repair, well-lighted and ventilated.

(4) Financial responsibility and insurance coverage. Each establishment shall maintain property damage and bodily injury liability insurance coverage. The original or a copy of such policy shall be available on the premises of the establishment.

#### **According to 64B7-26.004 Inspection Upon Application for License;**

Upon receipt of an application for a massage establishment license, employees of the Department shall cause an inspection to be made of the site. Such inspection shall be to confirm that the site is to be utilized for “massage” as defined by Section 480.033(4), F.S., and that the criteria enunciated in Rule 64B7-26.003, F.A.C., are satisfied.

**According to 64B7-26.005 regarding Periodic Inspections,**

The Department shall make periodic inspections of all massage establishments licensed in this state no less than once each year. Such inspection shall include, but not be limited to, whether the establishment is in compliance with Rule 64B7-26.003, F.A.C., governing the establishment's operation facilities, personnel, safety, sanitary requirements, and a review of existing insurance coverage.

According to 64B7-26.007 regarding transfer of massage establishment license,

(1) When there is no change of ownership or location, the owner may change the business name of the establishment. The owner shall apply for a change of business name by submitting a completed Form DH-MQA 1264 "Massage Establishment Change of Location/Name Application" (Rev. 6/14), incorporated herein by reference, accompanied by the application fee provided in paragraph 64B7-27.100(2)(d), F.A.C. The form and the attached instructions may be obtained from the Board Office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at <http://floridasmassagetherapy.gov> or <http://www.flrules.org/Gateway/reference.asp?No=Ref-04618>. When a massage establishment business name is changed, without a change in ownership or location, a new establishment inspection is not required.

(2) When there is no change of ownership, the owner of a massage establishment may transfer the license from one location to another. The owner shall apply for a change of location by submitting a completed Form DH-MQA 1264 "Massage Establishment Change of Location/Name Application" (Rev. 6/14), accompanied by the application fee provided in paragraph 64B7-27.100(2)(e), F.A.C. A massage establishment license may not be transferred from one location to another until after inspection by the department.

According to 64B7-26.010 Sexual Activity Prohibited;

(1) Sexual activity by any person or persons in any massage establishment is absolutely prohibited.

(2) No massage establishment owner shall engage in or permit any person or persons to engage in sexual activity in such owner's massage establishment or use such establishment to make arrangements to engage in sexual activity in any other place.

(3) No licensed massage therapist shall use the therapist-client relationship to engage in sexual activity with any client or to make arrangements to engage in sexual activity with any client.

(4) As used in this rule, "sexual activity" means any direct or indirect physical contact by any person or between persons which is intended to erotically stimulate either person or both or which is likely to cause such stimulation and includes sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse. For purposes of this subsection, masturbation means the manipulation of any body tissue with the intent to cause sexual arousal. As used herein, sexual activity can involve the use of any device or object and is not dependent on whether penetration, orgasm, or ejaculation has occurred.

## **CHAPTER 64B7-27**

### **FEE SCHEDULE**

64B7-27.002	Application for Licensure; Fees (Repealed)
64B7-27.003	Massage Establishment (Repealed)
64B7-27.004	Re-examination (Repealed)
64B7-27.005	Apprentice (Repealed)

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64B7-27.006	Biennial Renewal Fee for Massage Therapist (Repealed)
64B7-27.007	Biennial Renewal Fee for Massage Establishments (Repealed)
64B7-27.008	Initial Fee for Licensure (Repealed)
64B7-27.010	Renewal Fee for Inactive License (Repealed)
64B7-27.011	Reactivation Fee for Inactive License (Repealed)
64B7-27.012	Licensure of Establishment Fee (Repealed)
64B7-27.014	Duplicate License Fees (Repealed)
64B7-27.015	Delinquency Fee (Repealed)
64B7-27.016	Change in Status Fee (Repealed)
64B7-27.017	Unlicensed Activity Fee (Repealed)
64B7-27.018	Fee for Retired Status License (Repealed)
64B7-27.019	Fee for Reactivation of Retired Status License (Repealed)
64B7-27.100	Fees

**64B7-27.002 Application for Licensure; Fees.**

Rulemaking Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1) FS. History—New 11-27-79, Amended 2-6-85, Formerly 21L-27.02, 21L-27.002, Amended 6-28-94, 11-22-94, 9-9-96, 1-29-97, Formerly 61G11-27.002, Amended 10-12-99, 5-5-04, Repealed 2-27-12.

**64B7-27.003 Massage Establishment.**

Rulemaking Authority 480.035(7), 480.044(1) FS. Law Implemented 480.043(7), 480.044(1)(c) FS. History—New 11-27-79, Amended 7-9-80, 11-20-84, Formerly 21L-27.03, Amended 1-7-86, Formerly 21L-27.003, Amended 1-9-95, Formerly 61G11-27.003, Amended 6-15-98, 7-30-02, Repealed 2-27-12.

**64B7-27.004 Re-examination.**

Rulemaking Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1)(g) FS. History—New 11-27-79, Formerly 21L-27.04, Amended 6-17-86, 5-17-90, Formerly 21L-27.004, Amended 12-12-94, 9-18-95, 9-9-96, Formerly 61G11-27.004, Amended 1-7-03, Repealed 2-27-12.

**64B7-27.005 Apprentice.**



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Rulemaking Authority 480.044(1) FS. Law Implemented 480.044(1)(h) FS. History–New 11-27-79, Formerly 21L-27.05, 21L-27.005, 61G11-27.005, Amended 2-16-99, Repealed 2-27-12.

64B7-27.006 Biennial Renewal Fee for Massage Therapist.

Rulemaking Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1), (1)(f) FS. History–New 11-27-79, Amended 11-20-84, Formerly 21L-27.06, Amended 12-18-88, Formerly 21L-27.006, 61G11-27.006, Amended 7-30-02, 9-19-10, Repealed 2-27-12.

64B7-27.007 Biennial Renewal Fee for Massage Establishments.

Rulemaking Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1)(e) FS. History–New 11-27-79, Amended 7-9-80, Formerly 21L-27.07, Amended 12-18-88, Formerly 21L-27.007, 61G11-27.007, Amended 7-30-02, 9-19-10, Repealed 2-27-12.

64B7-27.008 Initial Fee for Licensure.

Rulemaking Authority 456.013(2), 456.025(1), 480.035(7), 480.044(1) FS. Law Implemented 456.013(2), 456.025(1), 480.044(1) FS. History–New 5-13-82, Amended 11-11-82, 1-7-86, Formerly 21L-27.08, Amended 12-18-88, Formerly 21L-27.008, Amended 1-29-97, Formerly 61G11-27.008, Amended 7-30-02, 10-13-10, Repealed 2-27-12.

64B7-27.010 Renewal Fee for Inactive License.

Rulemaking Authority 480.0425, 480.044(1) FS. Law Implemented 480.044(1), (1)(l) FS. History–New 12-18-84, Formerly 21L-27.10, 21L-27.010, 61G11-27.010, Amended 7-30-02, 9-19-10, Repealed 2-27-12.

64B7-27.011 Reactivation Fee for Inactive License.

Rulemaking Authority 480.0425 FS. Law Implemented 456.025(1), 456.036(4), 480.044(1)(l) FS. History–New 12-18-84, Formerly 21L-27.11, Amended 1-30-90, Formerly 21L-27.011, 61G11-27.011, Repealed 2-27-12.

64B7-27.012 Licensure of Establishment Fee.

Rulemaking Authority 456.013(2), 480.035(7), 480.044(1) FS. Law Implemented 456.013(2), 480.044(1)(d) FS. History–New 2-6-85, Formerly 21L-27.12, 21L-27.012, 61G11-27.012, Amended 8-16-98, 7-30-02, 9-19-10, Repealed 2-27-12.

64B7-27.014 Duplicate License Fees.

Rulemaking Authority 456.025(10) FS. Law Implemented 456.025(10) FS. History–New 1-30-90, Formerly 21L-27.014, 61G11-27.014, Repealed 2-27-12.

64B7-27.015 Delinquency Fee.



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Rulemaking Authority 456.036(7) FS. Law Implemented 456.036(7) FS. History—New 12-12-94, Formerly 61G11-27.015, Amended 7-30-02, Repealed 2-27-12.

64B7-27.016 Change in Status Fee.

Rulemaking Authority 456.036(8) FS. Law Implemented 456.036(8) FS. History—New 12-12-94, Formerly 61G11-27.016, Amended 7-30-02, Repealed 2-27-12.

64B7-27.017 Unlicensed Activity Fee.

Rulemaking Authority 456.065(3) FS. Law Implemented 456.065(3) FS. History—New 7-30-02, Repealed 2-27-12.

64B7-27.018 Fee for Retired Status License.

Rulemaking Authority 456.036 FS. Law Implemented 456.036 FS. History—New 12-13-05, Repealed 2-27-12.

64B7-27.019 Fee for Reactivation of Retired Status License.

Rulemaking Authority 456.036 FS. Law Implemented 456.036 FS. History—New 12-13-05, Repealed 2-27-12.

### **64B7-27.100 Fees.**

(1) Fees applicable to massage therapists:

(a) Application fee for applicants graduating from a board-approved massage program: \$50.00.

(b) Application fee for applicants completing an apprenticeship program: \$100.00.

(c) Initial licensure fee: \$100.00.

(d) Renewal fee (active or inactive license): \$100.00.

(e) Delinquent license fee: \$100.00.

(f) Reactivation fee: \$100.00.

(g) Change in status fee: \$50.00.

(h) Retired status fee: \$50.00.

(2) Fees applicable to massage establishments:

- (a) Application fee: \$150.00.
- (b) Initial licensure fee: \$100.00.
- (c) Renewal fee: \$100.00.
- (d) Change of business application fee: \$25.00.
- (e) Transfer of location application fee: \$125.00.
- (f) Delinquent license fee: \$75.00.

(3) Other fees:

- (a) Duplicate license fee: \$25.00.
- (b) Unlicensed activity fee: \$5.00.

Rulemaking Authority 456.013(2), 456.025(1), 456.036(7), (8), 456.065(3), 480.035(7), 480.044 FS. Law Implemented 456.013(2), 456.025(1), (10), 456.036(4), 456.065(3), 480.043(7), 480.044 FS. History—New 2-26-12, Amended 4-30-14.

## **CHAPTER 64B7-28**

### **BIENNIAL LICENSE RENEWAL**

- 64B7-28.001      Biennial Renewal of Massage Therapist's License  
(Repealed)
- 64B7-28.0015    Place of Practice Defined (Repealed)
- 64B7-28.002      Biennial Renewal of Massage Establishment License
- 64B7-28.003      Biennial Period, Year Defined (Repealed)

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- 64B7-28.0041 Inactive Status and Renewal of Inactive Status  
(Repealed)
- 64B7-28.0042 Requirements for Reactivation of an Inactive License
- 64B7-28.0043 Delinquent Status License
- 64B7-28.0044 Retired Status and Reactivation of Retired Status License
- 64B7-28.007 Exemption of Spouses of Members of Armed Forces  
From Licensure Renewal Provisions
- 64B7-28.008 Display of Licenses
- 64B7-28.009 Continuing Education
- 64B7-28.0095 Continuing Education for Pro Bono Services
- 64B7-28.010 Requirements for Board Approval of Continuing  
Education Programs

**64B7-28.001 Biennial Renewal of Massage Therapist's License.**

Rulemaking Authority 456.013(7), 456.034, 480.035(7), 480.0415, 480.044 FS. Law Implemented 456.013(7), 456.034, 480.0415, 480.044(1)(f), (m) FS. History—New 11-27-79, Amended 12-18-84, Formerly 21L-28.01, Amended 3-12-90, 1-3-91, Formerly 21L-28.001, Amended 9-30-93, 6-12-95, 9-25-95, 7-17-97, Formerly 61G11-28.001, Amended 4-28-99, 7-30-02, 7-31-12, Repealed 11-18-15.

**64B7-28.0015 Place of Practice Defined**

Rulemaking Authority 456.036 FS. Law Implemented 456.036 FS. History—New 2-15-96, Formerly 61G11-28.0015, Amended 11-25-97, Repealed 1-10-16.

**64B7-28.002 Biennial Renewal of Massage Establishment License.**

All license renewals for massage establishments shall meet the requirements as set forth in Chapter 480, F.S., and these rules. All massage establishments shall renew their licenses on or before August 31 of each biennial year, according to the fee schedule as set forth in Rule 64B7-27.100, F.A.C., and the insurance coverage requirements of subsection 64B7-26.002(4), F.A.C. If, however, the massage establishment does not renew its license timely, the license shall be considered

delinquent. If a massage establishment is operating with a delinquent license, said establishment is in violation of Section 480.047(1)(b), F.S., and is subject to the criminal penalties as provided for in Section 480.047(2), F.S. In order to renew a delinquent license, the massage establishment shall pay the late fee for delinquent renewal in the amount of seventy-five dollars (\$75.00) as set forth in Section 480.044(2), F.S., and the biennial renewal fee as specified in Rule 64B7-27.100, F.A.C.

Rulemaking Authority 480.035(7), 480.043(8), 480.044 FS. Law Implemented 480.043(8), 480.044(1)(e), 480.067(1)(b) FS. History—New 11-27-79, Formerly 21L-28.02, Amended 1-7-86, 1-30-90, 1-3-91, Formerly 21L-28.002, 61G11-28.002, Amended 9-21-04.

#### **64B7-28.003 Biennial Period, Year Defined.**

Rulemaking Authority 480.035(7), 480.0415, 480.043(8) FS. Law Implemented 480.0415, 480.043(8) FS. History—New 11-27-79, Formerly 21L-28.03, Amended 1-7-86, 1-3-91, Formerly 21L-28.003, 61G11-28.003, Amended 7-30-02, Repealed 5-2-12.

#### **64B7-28.0041 Inactive Status and Renewal of Inactive Status.**

Rulemaking Authority 456.036(16), 480.0425(2) FS. Law Implemented 456.036(16), 480.0425 FS. History—New 9-18-95, Formerly 61G11-28.0041, Repealed 11-16-15.

**According to 64B7-28.0042** requirements for reactivation of an inactive license,

An inactive license shall be reactivated upon demonstration that the licensee has paid the reactivation fee set forth in paragraph 64B7-27.100(1)(f), F.A.C., and has complied with the following requirements:

(1) As a condition to the reactivation of an inactive license, a massage therapist must submit proof of having completed the appropriate continuing education requirements as set forth in Rule 64B7-28.009, F.A.C.

(2) However, any licensee whose license has been inactive for more than two consecutive biennial licensure cycles and who has not practiced for two out of the previous four years in another jurisdiction shall be required to appear before the Board and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. At the time of such appearance, the licensee must:

- (a) Show compliance with subsection (1), above;
  - (b) Account for any activities related to the practice of massage therapy in this or any other jurisdiction during the period that the license was inactive and establish an absence of malpractice or disciplinary actions pending in any jurisdiction;
  - (c) Prove compliance with Section 456.065, F.S., and subsection 64B7-28.001(2), F.A.C.
- (3) The Department shall not reactivate the license of any massage therapist who has:
- (a) Committed any act or offense in this or any other jurisdiction which would constitute the basis for disciplining a licensee pursuant to Section 480.046, F.S.
  - (b) Failed to comply with the provisions of Section 456.036, F.S., and subsections 64B7-28.001(2) and (3), F.A.C.
- (4) Any licensed massage therapist whose license has been in an inactive or retired status for more than two consecutive biennial licensure cycles shall be required to successfully complete and pass the NBCHT, prior to resuming the practice of colonic irrigation.
- (5) Any applicant for massage therapist licensure or licensed massage therapist, who in conjunction with previous massage therapist licensure was certified to practice colonic irrigation, shall be required to successfully complete and pass the NBCHT prior to practicing colon hydrotherapy.

Rulemaking Authority 456.036(16), 480.035(7), 480.0425 FS. Law Implemented 456.036, 480.0425 FS. History—New 9-18-95, Formerly 61G11-28.0042, Amended 10-12-03, 10-2-16.

**According to 64B7-28.0043** regarding delinquent status license,

- (1) The failure of any license holder to either renew the license or elect inactive status before the license expires shall cause the license to become delinquent.

(2) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to be renewed or made inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(3) The delinquent status licensee who applies for license renewal or inactive status shall:

(a) Apply to the department for either license renewal as required by Section 480.0415, F.S., or inactive status as required by Section 456.036, F.S.

(b) Pay to the Board either the license renewal fee as set forth in Rule 64B7-27.006, F.A.C., or the inactive status fee as set forth in Rule 64B7-27.010, F.A.C.; the delinquency fee as set forth in Rule 64B7-27.015, F.A.C., and the change of status fee as set forth in Rule 64B7-27.016, F.A.C., if applicable; and,

(c) If renewal is elected, demonstrate compliance with the continuing education requirements found in Rule 64B7-28.009, F.A.C.

Rulemaking Authority 456.036(6), (7), 480.035(7), 480.0415 FS. Law Implemented 456.036(6), (7), 480.0415 FS. History—New 9-18-95, Formerly 61G11-28.0043.

### **According to 64B7-28.0044 Retired Status and Reactivation of Retired Status License,**

(1) A licensee may place an active or inactive license in retired status at any time. If the license is placed in retired status at the time of renewal the licensee shall pay the retired status fee set forth in Rule 64B7-27.100, F.A.C. If the licensee chooses to place the license in retired status at any time other than at the time of license renewal the licensee shall pay a change of status processing fee of \$50.00 and the retired status fee.

(2) A licensee may reactivate a retired status license at any time, subject to meeting the following requirements:

- (a) Paying the reactivation fee described at Rule 64B7-27.100, F.A.C.;
- (b) Demonstrating satisfaction of the continuing education requirements that would have been imposed on an active status licensee under this title for each licensure biennial period in which the licensee was on retired status.

Rulemaking Authority 456.013, 456.034, 456.036, 480.035(7), 480.0415, 480.044 FS. Law Implemented 456.013, 456.034, 456.036, 480.0415, 480.044 FS. History—New 1-26-06.

**According to 64B7-28.007 Exemption of Spouses of Members of Armed Forces From Licensure Renewal Provisions,**

A licensee who is the spouse of a member of the Armed Forces and was caused to be absent from Florida for a period of at least six consecutive months because of the spouse's duties with the armed forces and who at the time the absence became necessary was in good standing with the Board of Massage and entitled to practice massage in Florida shall be exempt from all licensure renewal provisions under these rules. The licensee must show satisfactory proof of the absence and the spouse's military status.

Rulemaking Authority 456.024(2) FS. Law Implemented 456.024(2) FS. History—New 12-18-84, Formerly 21L-28.07, 21L-28.007, Formerly 61G11-28.007.

**According to 64B7-28.008 display of licenses,**

(1) Each licensed practitioner shall conspicuously display a current license issued by the Department, or photo copy thereof, at each location at which he or she practices.

(a) Effective on August 1, 2012, for each initial license or duplicate license issued the licensee must attach to the displayed license a 2 inch by 2 inch photograph of the individual whose name appears on the certificate which was taken within the previous two years.

(b) Effective on September 1, 2013, the licensee must attach to the displayed license a 2 by 2 inch photograph of the individual whose name appears on the certificate which was taken within the previous two years.

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(2) Each apprentice shall conspicuously display his or her apprentice certificate issued by the Board office, in the establishment for which it has been issued. Effective on August 1, 2012, the licensee must attach to the displayed license a 2 inch by 2 inch photograph of the individual whose name appears on the certificate which was taken within the previous two years.

(3) The owner of each massage establishment shall conspicuously display a current establishment license issued by the Department on the premises.

Rulemaking Authority 480.035(7) FS. Law Implemented 456.072(1)(t), 480.043(2) FS. History—New 4-21-86, Formerly 21L-28.008, 61G11-28.008, Amended 1-26-00, 5-8-12.

According to 64B7-28.009 regarding Continuing Education,

(1) During each biennium, each licensee shall complete a minimum of one classroom hour of continuing education from a Board-approved provider for each month the license is active, up to a maximum requirement of 24 months for the renewal period.

(2) For the purposes of this chapter a “classroom hour” shall be defined as no less than 50 minutes of any one clock hour during which the student participates in a learning activity of the continuing education provider.

(3) Continuing education for licensees who are renewing their license for the first time shall include the following:

(a) Two classroom hours of instruction on prevention of medical errors that meet the requirements of Section 456.013(7), F.S.

(b) The remaining classroom hours may be satisfied by completing instruction in any of the subject matter listed in paragraphs 64B7-28.009(4)(a)-(d), F.A.C., of this rule.

(4) The continuing education requirement for all other licensees, not renewing for the first time, shall include the following:

(a) At least twelve (12) of the classroom hours of instruction must be relevant to and focus on massage therapy techniques, skills, and protocols as defined in Section 480.033(3), F.S. The instruction must be provided in



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the presence of the Board approved instructor(s) and must include hands-on participation by the licensee and/or a demonstration by the instructor(s).

(b) Two classroom hours of instruction in professional ethics. This requirement may be satisfied by attending two continuous hours of a meeting of the Board, provided the licensee does not have a disciplinary or licensure matter on the agenda and the licensee signs in and out of the meeting to demonstrate compliance.

(c) Two classroom hours of instruction on Chapters 456 and 480, F.S., and the rules promulgated by the Board. This requirement may be satisfied by attending two continuous hours of a meeting of the board, provided the licensee does not have a disciplinary or licensure matter on the agenda and the licensee signs in and out of the meeting to demonstrate compliance.

(d) Two classroom hours of instruction on prevention of medical errors that meet the requirements of Section 456.013(7), F.S.

Rulemaking Authority 456.013(7), (8), 480.035(7), 480.0415 FS. Law Implemented 456.013(7), (9), 480.0415 FS. History—New 4-21-86, Amended 2-25-88, 8-29-88, 1-30-90, 10-2-90, Formerly 21L-28.009, Amended 8-16-94, 6-5-95, 2-12-97, Formerly 61G11-28.009, Amended 8-16-98, 3-15-99, 9-20-99, 11-28-02, 2-13-05, 3-1-07, 5-1-07, 1-2-14, 9-1-15.

According to 64B7-28.0095 regarding continuing education for Pro Bono Services,

(1) Up to 6 hours of continuing education per biennium in satisfaction of the live classroom hours that include instruction, Rule 64B7-28.0095, F.A.C., Continuing Education for Pro Bono Services.

(2) Up to 6 hours of continuing education per biennium in satisfaction of the live classroom hours that include instruction, demonstration and/or hands on practice in Rule 64B7-28.009, F.A.C., may be awarded, on an hour per hour basis, for the performance of pro bono services to the indigent, underserved populations or in areas of critical need within the state where the licensee practices. The standard for determining indigence shall be that

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recognized by the Federal Poverty income guidelines produced by the United States Department of Health and Human Services.

(3) In order to receive credit under this rule, the licensee must receive prior approval from the Board by submitting a formal request for approval on form DH-MQA 1243 "Request for Approval of Continuing Education for Pro Bono Services For the Biennial Renewal period of \_\_\_\_\_ (rev. 04/13)" <http://www.flrules.org/Gateway/reference.asp?No=Ref-03420>, hereby adopted and incorporated by reference, and can be obtained from the Department of Health's website at <http://www.doh.state.fl.us/MQA/massage>, which must include the following information:

- (a) The type, nature and extent of services to be rendered;
- (b) The location where the services will be rendered;
- (c) The number of patients expected to be served; and,
- (d) A statement indicating that the patients to be served are indigent, underserved or in an area of critical need.

(4) A statement of completion of preapproved services performed must be submitted on form DH-MQA 1244 (rev. 4/13) "Statement of Performance of Continuing Education Credits for Preapproved Pro Bono Services for the Biennial Renewal Period of \_\_\_\_\_ Pursuant to Rule 64B7-28.0095, F.A.C.," incorporated herein by reference, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03421>. The form can be obtained from the Board of Massage Therapy, ATTN: Pro Bono Services, 4052 Bald Cypress Way #C-06, Tallahassee, FL 32399-3256 or from the following website: <http://www.doh.state.fl.us/MQA/massage>.

(5) Approval for pro bono services is only granted for the biennium for which it is sought. The licensee must request approval for each biennium they wish to receive credit for pro bono services.

Rulemaking Authority 456.013, 480.0415 FS. Law Implemented 456.013, 480.0415 FS. History—New 5-5-04, Amended 12-6-06, 2-28-12, 12-8-13.

64B7-28.010 Requirements for Board Approval of Continuing Education Programs.

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(1) In order to receive Board approval as a provider to provide one or more programs, an applicant shall:

(a) Submit a completed Massage Continuing Education Programs Provider Registration Application, Form B: Course Offering Data Form, Form #DH-MQA 1258 (rev. 7/13/13), and Massage Continuing Education Provider Application – Form C: Instructor Qualifications Form, Form #DH-MQA 1259 (rev. 7/13/13), incorporated herein by reference, and a non-refundable application fee of \$100.00. Copies of the forms may be obtained at the following website

[https://www.cebroke.com/public/pb\\_educational\\_providers.aspx](https://www.cebroke.com/public/pb_educational_providers.aspx), or  
<http://www.flrules.org/Gateway/reference.asp?No=Ref-03640>, and  
<http://www.flrules.org/Gateway/reference.asp?No=Ref-03641>.

(b) Sign and abide by written agreement to:

1. Provide an identifiable person to be responsible for ensuring that each program presented under their Board of Massage Therapy provider registration number meets program requirements set forth in subsection (2) or (3), below.

2. Retain a “sign-in-sheet” with the signature of participants and copies of any promotional materials for at least 4 years following the course.

3. Provide each participant with a certificate of attendance verifying the program has been completed. The certificate shall not be issued until completion of the program and shall contain the provider’s name and registration number, title of program and program number, instructor, date, number of contact hours of credit, the licensee’s name and license number.

4. Notify the Board of any significant changes relative to the maintenance of standards as set forth in these rules.

(2) Each continuing education program presented to meet the requirements of paragraph 64B7-28.009(2)(a), F.A.C., shall:

(a) Be taught via live classroom instruction including hands-on instruction and/or demonstration;

(b) Have stated learning objectives;

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(c) Be instructed by a person who meets at least one of the following criteria:

1. Holds a minimum of a bachelor's degree from a college or university which is accredited by a regional accrediting body recognized by the U.S. Department of Education or a substantially equivalent accrediting body of a foreign sovereign state, with a major in a subject directly related to the content of the program to be offered, or

2. Has graduated from a school of massage or an apprenticeship program which has a curriculum equivalent to requirements in this state and was approved by a state licensing authority, a nationally recognized massage therapy association, or a substantially equivalent accrediting body, or the Board, and has completed three years of professional experience in the practice of massage; and,

a. Has, within the last five years of practical experience, had a minimum of two years teaching experience in the subject matter to be offered, or

b. Has taught the same courses on this approved subject a minimum of 3 times in the past 2 years before a professional convention, professional group or at a massage therapy school, or

c. Has completed specialized training in the subject matter and has a minimum of two years of practical experience in the subject, or

3. Is licensed as a massage therapist in another state or foreign sovereign state having standards of education or apprenticeship training substantially similar to or more stringent than those required for licensure in Florida and has practiced massage therapy for a minimum of 10 years; and,

a. Has, within the last five years of practical experience, had a minimum of two years teaching experience in the subject matter to be offered, or

b. Has taught the same courses on this approved subject a minimum of 3 times in the past 2 years before a professional convention, professional group or at a massage therapy school, or

c. Has completed specialized training in the subject matter and has a minimum of two years of practical experience in the subject, or

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4. Has taught at a school of massage which has a curriculum equivalent to requirements in this state and was approved by a state licensing authority, a nationally recognized massage therapy association, or a substantially equivalent accrediting body, or the Board for a minimum of two years; and,

a. Has, within the last five years of practical experience, had a minimum of two years teaching experience in the subject matter to be offered, or

b. Has taught the same courses on this approved subject a minimum of 3 times in the past 2 years before a professional convention, professional group or at a massage therapy school, or

c. Has completed specialized training in the subject matter and has a minimum of two years of practical experience in the subject.

(3) Each continuing education program presented to meet the requirements of paragraphs 64B7-28.009(2)(b), (c), (d), or subsection (3), F.A.C., shall:

(a) Be taught via live classroom instruction or by correspondence, home study, video or digital media, or distance learning;

(b) Have stated learning objectives;

(c) Include a test graded by the provider if the course is not taught via live classroom instruction;

(d) Be instructed by a person who meets at least one of the following criteria:

1. Holds a minimum of a bachelor's degree from a college or university which is accredited by a regional accrediting body recognized by the U.S. Department of Education or a substantially equivalent accrediting body of a foreign sovereign state, with a major in a subject directly related to the content of the program to be offered, or

2. Has, within the last five years of practical experience, had a minimum of two years teaching experience in the subject matter to be offered, or

3. Has taught the same courses on this approved subject a minimum of 3 times in the past 2 years before a professional convention, professional group, or at a massage therapy school, or

4. Has completed specialized training in the subject matter and has a minimum of two years of practical experience in the subject.

(4) The Board retains the right and authority to audit and/or monitor programs given by any provider. The Board will reject individual programs given by a provider if the provider has disseminated any false or misleading information in connection with the continuing education program, or if the program provider has failed to conform to and abide by the written agreement and rules of the Board.

(5) One classroom hour of continuing education is defined as no less than 50 uninterrupted minutes of learning.

(6) Presenters/moderators/instructors of courses shall not receive credit for courses they present.

(7) A provider of Board approved programs must revise and update all course materials that are affected by changes occurring during the biennial renewal period. The Board will rescind approval of any program that is found to be obsolete, erroneous, and/or outside the scope of practice, or if the Board determines the program provider has violated the Board's rules or Chapter 456 or 480, F.S. The revised course materials must be submitted with the biennial renewal form and renewal fee.

(8) Provider registration numbers must be renewed biennially on or before August 31 of the biennial renewal year. The provider must return the renewal form provided by the department together with a renewal fee of \$50.00. If the renewal form and renewal fee are not received by the department on or before August 31 of the biennial year, the provider must submit a new application for approval of any continuing education programs offered for license renewal or initial licensure requirements, and, if any programs are approved, receive a new provider registration number.

(9) The following courses, that meet the criteria for approval under this section, are approved by the Board:

(a) Organized and accepted courses of study offered by providers approved by the National Certification Board for Therapeutic Massage and Bodywork;

- (b) Organized courses offered by a Board Approved Massage School;
- (c) Continuing education courses offered by or sponsored by the Florida Board of Massage Therapy;
- (d) Continuing education courses sponsored by the Florida State Massage Therapy Association; and,
- (e) Continuing education courses sponsored by the American Massage Therapy Association or the American Massage Therapy Association Florida Chapter.
- (f) Continuing education courses offered by the Associated Bodywork and Massage Professionals.

Rulemaking Authority 456.013(8), (9), 456.025(7), 456.036, 480.035(7), 480.0415 FS. Law Implemented 456.013(8), (9), 456.025(7), 456.036, 480.0415 FS. History—New 4-21-86, Amended 9-14-87, 8-29-88, 2-8-89, 3-12-90, 1-3-91, Formerly 21L-28.010, Amended 9-30-93, 8-16-94, 6-12-95, 2-12-97, Formerly 61G11-28.010, Amended 2-18-98, 10-26-98, 9-20-99, 11-4-99, 11-21-02, 10-12-03, 12-13-05, 7-5-06, 2-25-07, 5-8-07, 1-26-14, 3-21-18.

## **CHAPTER 64B7-29**

### **APPRENTICESHIP**

#### **Chapter 64b7-29 apprenticeship includes:**

<a href="#"><u>64B7-29.001</u></a>	Definitions
64B7-29.002	Qualification
64B7-29.003	Massage Apprenticeship Training Program
64B7-29.004	Termination
64B7-29.005	Extension of Apprenticeship (Repealed)
64B7-29.006	Change of Sponsoring Massage Therapist
<a href="#"><u>64B7-29.007</u></a>	Colonic Irrigation Apprenticeship Program



### **64B7-29.002 Qualification.**

Persons seeking to be apprentices shall meet the following requirements:

- (1) The applicant must complete form DH-MQA 1265, "Massage Apprentice Application," 7/16, and pay the fee set forth in paragraph 64B7-27.100(1)(b), F.A.C. The form is incorporated herein by reference at <http://www.flrules.org/Gateway/reference.asp?No=Ref-08077>, or may be obtained from the Board Office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399.
- (2) A massage apprentice applicant may not be enrolled simultaneously as a student in a Board-approved massage school.

Rulemaking Authority 456.013, 480.035(7), 480.041(5)(a) FS. Law Implemented 456.013, 480.041(5)(a), 480.047(1) FS. History—New 11-27-79, Amended 7-9-80, Formerly 21L-29.02, 21L-29.002, Amended 10-20-96, Formerly 61G11-29.002, Amended 10-27-99, 4-11-17, 12-18-17.

According to 64B7-29.003 regarding Massage Apprenticeship Training Program,

- (1) All apprenticeship training shall be conducted by the sponsor, in a qualified establishment.
- (2) Apprenticeship training shall be completed in four quarters of three months each and must be completed within 12 months. Apprenticeship training must be completed at a rate of no more than 500 hours per quarter.
- (3) The course of study for a massage apprentice must include:
  - (a) 300 hours of Anatomy
  - (b) 300 hours of Physiology
  - (c) 20 hours of Basic Massage Theory and History
  - (d) 50 hours of Theory and Practice of Hydrotherapy
  - (e) 25 hours of Florida Laws and Rules regulating the practice of massage therapy
  - (f) 50 hours of Allied Modalities



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- (g) 700 hours of Clinical Practicum
- (h) 3 hours of HIV/AIDS instruction.
- (4) The massage apprentice must complete within the first quarter:
  - (a) 100 hours of Anatomy
  - (b) 100 hours of Physiology
  - (c) 15 hours of Florida Laws and Rules regulating the practice of massage therapy.
- (5) The sponsor must report completed training hours to the Department quarterly. Each quarterly report must include the following:
  - (a) The name and certificate number of the apprentice
  - (b) The name and license number of the sponsor
  - (c) The name and license number of the qualified establishment
  - (d) The starting and ending date of the quarter
  - (e) The number of hours completed in each area of the course of study in the quarter
  - (f) The total number of hours completed in each area of the course of study during the apprenticeship
  - (g) The signature of the sponsor.
- (6) Massage apprenticeship training is complete once four quarterly reports have been submitted to the Department that demonstrate completion of the training program.

Rulemaking Authority 480.035(7), 480.041(1)(b) FS. Law Implemented 480.041(1)(b) FS. History—New 11-27-79, Amended 11-25-80, 12-18-84, Formerly 21L-29.03, Amended 4-7-86, 11-4-86, 12-22-92, Formerly 21L-29.003, Amended 6-5-95, Formerly 61G11-29.003, Amended 11-21-02, 12-18-17.

### **64B7-29.004 Termination**

According 64B7-29.004 regarding termination,

(1) If an apprentice or sponsor terminates training, the sponsor must notify the Department within 30 days.

(2) If disciplinary action is taken against the sponsor or qualified establishment, the apprenticeship shall be terminated.

Rulemaking Authority 480.035(7), 480.041(1)(b) FS. Law Implemented 480.041(1)(b) FS. History—New 11-27-79, Formerly 21L-29.04, 21L-29.004, 61G11-29.004, Amended 11-21-02, 12-18-17.

### **64B7-29.005 Extension of Apprenticeship**

Rulemaking Authority 480.035(7), 480.041(4)(a), 464.006 FS. Law Implemented 480.032, 480.041(1)(b), (4)(a), 464.006 FS. History—New 11-27-79, Amended 11-11-82, Formerly 21L-29.05, Amended 11-4-86, Formerly 21L-29.005, 61G11-29.005, Repealed 11-16-15.

### **64B7-29.006 Change of Sponsoring Massage Therapist.**

If for any reason the sponsor is no longer able to train an apprentice, the sponsor or the apprentice must notify the Department within 30 days if the apprentice desires to remain in the apprenticeship program. The apprentice must secure another sponsor. The apprentice shall receive credit for training received from the prior sponsor as reported by the prior sponsor to the Department.

Rulemaking Authority 480.035(7), 480.041(5)(a) FS. Law Implemented 480.041(1)(b), (5)(a) FS. History—New 11-27-79, Formerly 21L-29.06, 21L-29.006, 61G11-29.006, Amended 12-18-17.

## **CHAPTER 64B7-30 DISCIPLINE**

Chapter 64b7-30 discipline includes:

64B7-30.001	Misconduct and Negligence in the Practice of Massage Therapy
64B7-30.002	Disciplinary Guidelines
64B7-30.004	Citations
64B7-30.005	Mediation
64B7-30.006	Notice of Noncompliance
64B7-30.007	Probable Cause Panel
64B7-30.008	Probationary Conditions and Definitions

### **64B7-30.001 Misconduct and Negligence in the Practice of Massage Therapy.**

The following acts shall constitute the failure to practice massage therapy with that level of care, skill, and treatment which is recognized by a reasonably prudent similar massage therapist as being acceptable under similar conditions and circumstances:

- (1) Administering treatment in a negligent manner.
- (2) Violating the confidentiality of information or knowledge concerning a client.
- (3) Offering massage therapy at a sports event, convention or trade show without obtaining the written approval of the owner or property manager of the site at which the sports event, convention or trade show is held.
- (4) Failure to explain expected draping techniques to a client. As used in this rule, draping means towels, gowns, sheets or clothing.

(5) Failure to appropriately drape a client. Appropriate draping of a client shall include draping of the buttocks and genitalia of all clients, and breasts of female clients, unless the client gives specific informed consent to be undraped.

Rulemaking Authority 480.035(7), 480.046(1)(h) FS. Law Implemented 480.032, 480.046(1), (1)(h), (2) FS. History—New 9-5-84, Amended 9-25-85, 1-1-86, Formerly 21L-30.01, Amended 3-26-87, 1-29-89, 11-15-92, Formerly 21L-30.001, Amended 2-13-95, Formerly 61G11-30.001, Amended 9-14-98.

## **64B7-30.002 Disciplinary Guidelines**

According to 64B7-30.002 regarding disciplinary guidelines,

(1) When the Board finds that an applicant, apprentice, or licensee whom it regulates under Chapter 480, F.S., has committed any of the acts set forth in Sections 480.041, 480.043, 480.0485, 480.046, 480.047 and 456.072, F.S., and/or Division 64B7, F.A.C., it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines after consideration of the aggravating and mitigating factors set forth in subsection (4), of this rule. Discipline may include any of the following: letter of concern, reprimand, license with conditions, probation, suspension, revocation and/or fines.

(2) If the offense is for fraud or making a false or fraudulent representation, the recommended penalties are:

(a) Licensee:

1. First offense: \$10,000 fine,
2. Second offense: \$10,000 fine and suspension,
3. Subsequent offense: \$10,000 fine and revocation.

(b) Applicant:

1. First offense: \$10,000 fine and a denial of licensure,

2. Subsequent offense: \$10,000 fine, denial of licensure, and prohibition on reapplication for 2 to 5 yrs.

(c) Massage Establishment:

1. \$10,000, revocation of the license, and prohibition of reapplication by the holder of the license for a period of 2 yrs.

2. In addition, if owned by a Licensed Massage Therapist:

a. First offense: \$10,000 fine and suspension of owner's massage therapy license.

b. Subsequent offense: \$10,000 fine and revocation of the owner's massage therapy license.

(3) Disciplinary Guidelines.

Click to [See PENALTY RANGE](#) – 64B7-30

(4) Based upon consideration of aggravating or mitigating factors, present in an individual case, the Board may deviate from the penalties for the violations charged. The Board shall consider as aggravating or mitigating factors the following:

(a) The danger to the public;

(b) The length of time since the violation;

(c) The number of times the licensee has been previously disciplined by the Board;

(d) The length of time licensee has practiced;

(e) The actual damage, physical or otherwise, caused by the violation;

(f) The deterrent effect of the penalty imposed;

(g) The effect of the penalty upon the licensee's livelihood;

(h) Any effort of rehabilitation by the licensee;

- (i) The actual knowledge of the licensee pertaining to the violation;
  - (j) Attempts by licensee to correct or stop violation or refusal by licensee to correct or stop violation;
  - (k) Related violations against licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;
  - (l) Actual negligence of the licensee pertaining to any violation;
  - (m) Penalties imposed for related offenses under subsections (1) and (2), above;
  - (n) Any other mitigating or aggravating circumstances.
- (5) When the Board finds any person guilty of the grounds set forth in subsection (1), or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1), or a violation of the applicable practice act which occurred prior to obtaining a license, it shall enter an order imposing one or more of the following penalties:
- (a) Refusal to certify, or to certify with restrictions, an application for a license.
  - (b) Suspension or permanent revocation of a license.
  - (c) Restriction of practice.
  - (d) Imposition of an administrative fine not to exceed \$10,000 for each Count or separate offense.
  - (e) Issuance of a reprimand.
  - (f) Placement of the licensee on probation for a period of time and subject to such conditions as the Board may specify. Those conditions shall include requiring the licensee to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violations found.
  - (g) Corrective action.

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(6) The provisions of subsections (1) through (4), above, are not intended and shall not be construed to limit the ability of the Board to informally dispose of disciplinary actions by stipulation, agreed settlement, or consent order pursuant to Section 120.57(4), F.S.

(7) The provisions of subsections (1) through (4), above, are not intended and shall not be construed to limit the ability of the Board to pursue or recommend the Department pursue collateral, civil or criminal actions when appropriate.

(8) In any proceeding where the Board is authorized to take disciplinary action, the Board will also impose costs of investigation and prosecution as authorized by Section 456.072(4), F.S.

(9) Whenever the Board, in accordance with this rule, imposes a monetary fine against a respondent in an Administrative Complaint, it shall also impose a suspension of the respondent's license until the fine is paid. However, to enable the respondent to pay the monies fine, the Board shall stay the imposition of the suspension for the same time period as specified, in accordance with Rule 64B7-24.016, F.A.C., for payment of the monies fine. If the fine is paid within the specified time, then the order of suspension shall not take effect; if the fine is paid after the order of suspension has taken effect, then the stay shall be lifted.

Rulemaking Authority 456.072(2), 456.079(1), (3), 480.035(7) FS. Law Implemented 456.072(2), 456.079(1), (3), 480.041, 480.043, 480.046, 480.047 FS. History—New 3-26-87, Formerly 21L-30.002, Amended 9-30-93, 12-12-93, 8-16-94, 10-1-95, 2-5-96, 5-12-96, 5-29-97, Formerly 61G11-30.002, Amended 2-18-98, 11-4-98, 1-26-00, 10-7-02, 10-12-03, 12-13-05, 5-19-13, 12-2-14.

According to 64B7-30.004 regarding citations,

(1) Definitions. As used in this rule:

(a) "Citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a subject in the manner provided in Section 456.077, F.S., for the purpose of assessing a penalty in an amount established by this rule;

(b) "Subject" means the licensee, applicant, person, partnership, corporation, or other entity alleged to have committed a violation designated in this rule.

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(2) In lieu of the disciplinary procedures contained in Section 456.072, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint which is the basis for the citation.

(3) The Board hereby designates the following as citation violations, which shall result in a penalty as specified below:

(a) Refusing to allow the department to inspect the business premises of the licensee during regular business hours as required by Section 480.046(1)(m), F.S., shall result in a penalty of \$500.00.

(b) Failing to display a license or certificate as required by Rule 64B7-28.008, F.A.C., shall result in a penalty of \$250.00.

(c) Failing to keep the equipment and premises of a massage establishment in a clean and sanitary condition as required by Section 480.046(1)(n), F.S., shall result in a penalty of \$250.00.

(d) Failing to maintain property damage and bodily injury liability insurance coverage as required by subsection 64B7-26.003(4), F.A.C., shall result in a penalty of \$250.00.

(e) Failure to include the license number of either the massage therapist or the massage establishment in advertisements as required by Section 480.0465, F.S., shall result in a penalty of \$250.00.

(f) Practicing with a delinquent license in violation of Section 480.047(1)(a), F.S., or operating a massage establishment with a delinquent establishment license in violation of Section 480.047(1)(b), F.S., when the license has become delinquent automatically for failure to renew, so long as the license is reactivated within 90 days of becoming delinquent, shall result in a penalty of \$250.00. Practice for more than 90 days after a license has become delinquent shall not be a citation violation.

(g) Violations of Rule 64B7-28.009, F.A.C., by licensees provided that the violation did not involve bribery or fraudulent misrepresentation, shall result in a penalty of \$25.00 per hour for each hour of deficit of the continuing education hour requirement, and completion of the required continuing education.



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(h) Failure of a massage therapist to notify the Board of a change of address as required by Section 456.035(1), F.S., shall result in a penalty of \$250.00.

(i) False, misleading or deceptive advertising by advertising massage therapy services under a name under which a license has not been issued in violation of Section 480.046(1)(d), F.S., shall result in a penalty of \$250.00.

(j) Violating Section 456.072(1)(h), F.S., by tendering a check that is dishonored by the institution upon which it is drawn shall result in a penalty of \$250.00.

(k) Failing to identify to a patient verbally or in writing, which may include wearing of a name tag, that a licensee is practicing as a licensed massage therapist, in violation of Section 456.072(1)(t), F.S., shall result in a penalty of \$100.00.

(l) Failure to disclose conviction of or entry of a plea to a criminal offense on initial application for licensure for any licensee whose initial application was submitted prior to July 1, 2014, shall result in a fine of \$500.00 for each conviction or plea not disclosed on the application.

(4) In addition to the fines imposed herein, the costs of investigation and prosecution for each offense shall be assessed in the citation.

(5) All fines and costs imposed in a citation shall be paid within 90 days of the date the citation is filed.

Rulemaking Authority 456.072, 456.077 FS. Law Implemented 456.072, 456.077 FS. History—New 1-1-92, Amended 11-15-92, Formerly 21L-30.004, Amended 9-30-93, 12-12-93, 4-21-97, Formerly 61G11-30.004, Amended 8-16-98, 7-18-99, 7-27-00, 10-12-03, 8-9-04, 5-1-07, 8-11-10, 6-7-16, 4-16-18.

According to 64B7-30.005 regarding mediation,

Pursuant to Section 456.078, F.S., the Board designates first time violations of the following as appropriate for mediation:

(1) Violation of Section 480.0465, F.S.: failure to include license number in an advertisement.

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- (2) Violation of Section 480.047(1)(a) or Section 480.046(1)(f) or (k), F.S.: practicing or allowing another person to practice on a delinquent license for 60 days or less.
- (3) Violation of Section 480.046(1)(n), F.S., if the violation did not present an immediate threat to public health.
- (4) Violation of Section 480.046(1)(o), F.S.: practicing at an establishment with a license delinquent 60 days or less.
- (5) Violation of Section 456.072(1)(i), F.S.: failure to report a licensee known to be in violation.
- (6) Violation of Section 456.072(1)(k), F.S.: failure to perform a legal obligation.
- (7) Violation of Section 456.072(1)(u), F.S.: failure to comply with Sections 381.026 and 381.0261, F.S.
- (8) Violation of Section 456.072(1)(x), F.S.: failure to report convictions to the Board.
- (9) Violation of Rule 64B7-28.008, F.A.C.: failure to display a license or certificate.
- (10) Violation of Rule 64B7-26.003(4), F.A.C.: failure to maintain insurance coverage.
- (11) Violation of Section 456.035(1), F.S.: failure to notify change of address.
- (12) Violation of Section 456.072(1)(t), F.S.: failure to properly identify licensee.

Rulemaking Authority 456.078 FS. Law Implemented 456.078 FS. History—New 1-2-95, Amended 4-21-97, Formerly 61G11-30.005, Amended 12-19-04, 5-15-13, 4-12-16, 4-16-18.

According to 64B7-30.006 notice of noncompliance,

Pursuant to Sections 120.695 and 456.073(3), F.S., the Board designates the following as minor violations for which a notice of noncompliance may be issued for the first violation thereof:

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- (1) Failure to provide written notice of licensee's current mailing address and place of practice in violation of Rule 64B7-28.015, F.A.C.
- (2) Failure to have proof of active insurance available at an establishment as required by subsection 64B7-26.003(4), F.A.C.
- (3) Failure to include license number or numbers in any advertisement as required by Section 480.0465, F.S.

Rulemaking Authority 120.695, 456.073(3), 480.035(7) FS. Law Implemented 120.695, 456.073(3) FS. History—New 2-5-96, Formerly 61G11-30.006, Amended 9-14-98, 10-12-03, 12-19-04, 12-31-17.

According to 64B7-30.007 probable cause panel,

The determination of probable cause shall be made by the probable cause panel of the board. The probable cause panel shall consist of two members, and may include a former board member. The chair of the board shall appoint the panel members.

Rulemaking Authority 456.073(4) FS. Law Implemented 456.073(4) FS. History—New 1-26-00.

64B7-30.008 probationary conditions and definitions state that

- (1) Indirect Supervision. Whenever a license is placed on probation or otherwise restricted in such a manner as to require the respondent to practice under indirect supervision, the term indirect supervision does not require that the monitoring practitioner practice on the same premises as the respondent; however, the monitor shall practice within a reasonable geographic proximity to the respondent, which shall be within 20 miles unless otherwise authorized by the Board, and shall be readily available for consultation.
- (2) Direct Supervision. Whenever a license is placed on probation or otherwise restricted in such a manner as to require the respondent to practice under direct supervision, the term direct supervision requires that the respondent practice only if the supervisor is on the premises.
- (3) Provisions governing all supervised or monitored practitioners.

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(a) The supervisor/monitor shall be furnished with copies of the Administrative Complaint, Final Order, Stipulation (if applicable), and other relevant orders.

(b) The respondent shall not practice without a supervisor/monitor unless otherwise ordered. The respondent shall appear at the next meeting of the Board with his proposed supervisor/monitor unless otherwise ordered.

(c) After the next meeting of the Board, the respondent shall only practice under the supervision of the supervisor/monitor. If for any reason the approved supervisor/monitor is unwilling or unable to serve, the respondent and the supervisor/monitor shall immediately notify the Executive Director of the Board, and the respondent shall cease practice until a temporary supervisor/monitor is approved. The Chairman of the Board shall approve a temporary supervisor/monitor who shall serve in that capacity until the next meeting of the Board, at which time the Board shall accept or reject a new proposed supervisor/monitor. If the Board rejects the proposed supervisor, the respondent shall cease practice until the Board approves a new supervisor/monitor.

(d) The supervisor/monitor must be a licensee under Chapter 480, F.S., in good standing and without restriction or limitation on his license. In addition, the Board shall reject any proposed supervisor/monitor on the basis that he or she has previously been subject to any disciplinary action against his/her license. The supervisor/monitor must be actively engaged in the same or similar specialty area unless otherwise provided by the Board. The Board will also reject any proposed supervisor/monitor whom the Board finds has violated the Board's rules or Chapter 456 or 480, F.S.

(4) For purpose of determining the dates when reports are due, the date the Final Order is filed shall constitute the beginning of the quarter.

(a) All quarterly reports shall be provided to the Board office no later than three months from the filing date of the Final Order.

(b) All semiannual reports shall be provided to the Board office no later than six months from the filing date of the Final Order.

(c) All annual reports shall be provided to the Board office no later than twelve months from the filing date of the Final Order.

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Rulemaking Authority 456.072(3), 480.035(7), 480.046 FS. Law Implemented 456.072(3), 480.046 FS. History—New 11-28-02.

## CHAPTER 64B7-31

### COLONIC IRRIGATION

#### 64B7-31.001 Colon Hydrotherapy (Repealed)

Rulemaking Authority 456.036, 480.035(7), 480.041(4) FS. Law Implemented 456.036, 480.032, 480.033, 480.041(4) FS. History—New 12-18-84, Formerly 21L-31.01, Amended 1-30-90, 2-13-91, Formerly 21L-31.001, 61G11-31.001, Amended 1-26-00, 5-5-04, 2-27-06, 8-9-10, **Repealed 1-31-17.**

#### Chapter 64b7-32 Board Approved Massage School:

##### 64B7-32.001 Definitions

##### 64B7-32.002 Proof of Graduation

##### 64B7-32.003 Minimum Requirements for Board Approved Massage Schools

##### 64B7-32.004 Standards for Transfer of Credit (Repealed)

##### 64B7-32.005 Minimum Standards for Colonics Irrigation Training

##### 64B7-32.001 Definitions.

(1) “Classroom hour” means no less than 50 minutes of any one clock hour during which the student participates in a learning activity of the school while in the physical presence of a faculty member.

(2) “Graduate” means a student who has completed a course of study at a Board approved massage school, as defined in section 480.033(9), F.S.

(3) “Graduate list” means an electronic list submitted by an in-state Board approved massage school in a method designed by the Board office, which identifies students who have met all educational and institutional requirements for graduation.

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(4) “Approved signer” means a faculty member, school owner, or registrar who is designated by the Board approved massage school to sign transcripts or graduate lists.

Rulemaking Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History—New 3-25-86, Formerly 21L-32.001, 61G11-32.001, Amended 9-3-12, 12-31-17.

#### 64B7-32.002 Proof of Graduation.

To be acknowledged as a graduate, the Board’s administrative office must receive:

- (1) A graduate list which identifies the applicant, or
- (2) An official transcript, indicating that the applicant has met all educational and institutional requirements. An official transcript must:
  - (a) Indicate dates of enrollment and graduation.
  - (b) Contain a list of courses which satisfy the course of study requirements in paragraph 64B7-32.003(1)(b), F.A.C., and indicate completion of courses by the applicant during enrollment.
  - (c) Be signed by an approved signer.
  - (d) Be sent directly from the school or custodian of records to the Board office in a sealed envelope.

Rulemaking Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History—New 3-25-86, Formerly 21L-32.002, Amended 2-13-95, 2-21-96, Formerly 61G11-32.002, Amended 2-26-12, 12-8-13, 3-10-16, 12-31-17.

According to 64B7-32.003 regarding minimum requirements for Board Approved Massage Schools,

- (1) In order to receive and maintain Board approval, an in-state school, and any satellite location of a previously approved in-state school, must:
  - (a) Submit a completed application on form DH-MQA 1266, Rev. 1/18, “Application for Massage Therapy School Approval,” The form is incorporated herein by reference and may be obtained from the Board office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or

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from the website located at

<http://floridasmassagetherapy.gov/applications/app-mt-school.pdf> or  
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09169>. To apply on-line, visit <http://flhealthsource.gov/mqa-services>.

(b) Meet the requirements of and be licensed by the Department of Education pursuant to chapter 1005, F.S., or be within the public school system of the State of Florida; and,

(c) Offer a course of study that includes, at a minimum, the 500 classroom hours listed below, completed at a rate of no more than 6 classroom hours per day and no more than [30 classroom hours per calendar week](#) (Click link for more information).

#### 64B7-33.001 Advertisement

According to chapter 64b7-33 regarding advertisement,

(1) Each massage therapist or massage establishment licensed under the provisions of this act shall include the number of the license in any advertisement of massage services.

(2) Any advertisement of massage services in any advertising medium as defined herein shall include the license number of each licensed massage therapist and each licensed massage establishment whose name appears in the advertisement.

(3) For purposes of this rule, “advertising medium” means: any newspaper, airwave or computer transmission, telephone directory listing other than an in-column listing consisting only of a name, address, and telephone number, business card, handbill, flyer, sign other than a building directory listing all building tenants and their room or suite numbers, or other form of written advertising.

(4) No provision herein shall be construed to prohibit the use of a properly registered corporate or fictitious name, if registered according to Florida Law.

Rulemaking Authority 480.035(7) FS. Law Implemented 480.046(1)(d), (f), 480.0465 FS. History—New 12-7-92, Formerly 21L-33.001, Amended 2-13-95, 7-13-97, Formerly 61G11-33.001, Amended 11-21-02, 12-13-05, 11-2-06.

# **TAKE THE EXAMINATION**



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