


FILED DATE - **APR 07 2026**

Department of Health

By: 
Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

IN RE: Emergency Suspension of the License of
Michael Edward Banner, L.M.T.
License Number: MA 81656
Case Number: 2026-08101

ORDER OF EMERGENCY SUSPENSION OF LICENSE

Joseph A. Ladapo, MD, PhD, State Surgeon General, ORDERS the emergency suspension of the license of Michael Edward Banner, L.M.T., (Banner) to practice as a massage therapist in the State of Florida. Banner holds license number MA 81656. Banner's address of record is 10332 Shady Drive, Hudson, Florida 34669. The following findings of fact and conclusions of law support the emergency suspension of Banner's license to practice as a massage therapist in the State of Florida.

FINDINGS OF FACT

1. The Department of Health (Department) is the state agency charged with regulating massage therapists in the State of Florida, pursuant to chapters 20, 456, and 480, Florida Statutes. Section 456.074(7), Florida Statutes, authorizes the State Surgeon General to summarily suspend Banner's license to practice as a massage therapist in the State of Florida.

2. At all times material to this Order, Banner was licensed to practice massage therapy in the State of Florida, pursuant to chapter 480.

3. At all times material to this Order, Banner practiced as a massage therapist at Massage Luxe.

4. On or about October 20, 2025, Patient J.S. presented to Massage Luxe.

5. In preparation for the massage, Patient J.S. disrobed to her lower undergarments, lay face-down on the massage table, and covered herself with the provided drape.

6. During the massage, Patient J.S. turned over onto her back and Banner began massaging her shoulders and upper chest.

7. While massaging Patient J.S.'s upper chest, Banner massaged downward and slid his hands under the drape and over Patient J.S.'s breasts.

8. Banner brought his hands back up over Patient J.S.'s breasts and pinched and/or twisted both of her nipples.

9. Patient J.S. did not consent to Respondent massaging her breasts.

10. The massage therapist-patient relationship is founded on mutual trust. The practice of massage therapy places patients in isolated, vulnerable settings where they can be subject to abuse by their massage therapists. Due to

the potential for abuse that is inherent under these circumstances, massage therapists must possess good judgment and good moral character in order to practice massage therapy professionally and within the boundaries of the generally accepted examination or treatment of a patient. Massage therapists must also refrain from engaging in conduct that harms the patient or places the patient in a situation that violates their safety and welfare.

11. Banner willfully abused his position as a massage therapist to sexually violate a patient who trusted him to act professionally and within the boundaries of the generally accepted practice of massage therapy. Banner's predatory actions indicate that Banner lacks the good judgment and good moral character necessary to safely practice massage therapy. Therefore, Banner's continued practice as a massage therapist constitutes an immediate, serious danger to the health, safety, or welfare to the public.

12. Banner's lack of good judgment and good moral character, his disregard for his patient's physical and emotional well-being, his apparent comfort in behaving outside the bounds of massage therapy, and his failure to recognize that his actions were causing his patient distress demonstrate a significant disregard for the laws and rules that govern massage therapists and indicate that there is a significant likelihood that Banner's conduct will continue.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction over this matter pursuant to section 20.43, Florida Statutes, and chapters 456 and 480 as set forth above.

2. Section 480.046(1)(p), Florida Statutes, subjects a massage therapist to discipline, including suspension, for violating any provision of chapters 480 or 456 or any rules adopted pursuant thereto.

3. Section 480.0485, Florida Statutes, prohibits sexual misconduct in the practice of massage therapy and defines sexual misconduct, in pertinent part, as

a:

[V]iolation 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.

4. Section 480.033(15), Florida Statutes, defines sexual activity to mean any direct or indirect contact by any employee or person, or between any employees or persons, with the intent to abuse, humiliate, harass, degrade, or arouse, or gratify the sexual desire of, any employee or person, or which is likely

to cause such abuse, humiliation, harassment, degradation, or arousal, or sexual gratification:

- (a) With or without the consent of the employee or person.
- (b) With or without verbal or nonverbal communication that the sexual activity is undesired.
- (c) With or without the use of any device or object.
- (d) With or without the occurrence of penetration, orgasm, or ejaculation.
- (e) Including, but not limited to, intentional contact with the genitalia, groin, femoral triangle, anus, buttocks, gluteal cleft, breast or nipples, mouth, or tongue.
- (f) Including, but not limited to, the intentional removal of any drape without specific written informed consent of the patient.

5. Banner violated section 480.046(1)(p) through a violation of section 480.0485 by using the massage therapist-patient relationship to engage, or attempt to engage, Patient J.S. in sexual activity outside the scope of practice or generally accepted examination and treatment in one or more of the following ways:

- a. By touching and/or massaging Patient J.S.'s breasts; and/or
- b. By pinching and/or twisting Patient J.S.'s nipple(s).

6. Section 456.074(7) mandates the Department issue an emergency order suspending the license of any licensee upon a finding of the State Surgeon General that probable cause exists to believe that the licensee has committed

sexual misconduct as defined and prohibited in section 456.063(1), Florida Statutes, or the applicable practice act, and that such action constitutes an immediate serious danger to the public.

7. Banner's continued practice of massage therapy constitutes an immediate danger to the health, safety, or welfare of the public.


8. Therefore, the Department is mandated to summarily suspend Banner's license to practice as a massage therapist in accordance with section 456.074(7).

WHEREFORE, in accordance with section 456.074(7), it is **ORDERED THAT:**

1. The license of Michael Edward Banner, L.M.T., license number MA 81656, is hereby immediately suspended.

2. A proceeding seeking formal discipline of the license of Banner to practice as a massage therapist will be promptly instituted and acted upon in compliance with section 120.569, Florida Statutes.

DONE and ORDERED this 4/7/2026.

Signed by:

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Joseph A. Ladapo, MD, PhD
State Surgeon General

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NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to section 120.68, Florida Statutes, this Order shall be judicially reviewable. Review proceedings are governed by Rule 9.100, Florida Rules of Appellate Procedure. Such proceedings are commenced by filing a Petition for Review, accompanied by a filing fee prescribed by law, with the District Court of Appeal and providing a copy of that Petition to the Department of Health Agency Clerk within 30 days of the date this Order is filed.