

**ORDINANCE NO. 19-48**

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA,  
REGARDING PUBLIC HEALTH; PROVIDING FINDINGS;  
AMENDING CHAPTER 2-19 OF THE MANATEE COUNTY  
CODE OF ORDINANCES TO ADD A NEW ARTICLE IX  
ESTABLISHING REGULATIONS FOR PERSONS AND  
ENTITIES HOLDING THEMSELVES OUT AS MASSAGE  
THERAPISTS AND MASSAGE ESTABLISHMENTS;  
PROVIDING FOR CODIFICATION; PROVIDING FOR  
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the State of Florida has acknowledged that the practice of massage affects the public health, safety and welfare, and has found that it is in the public interest to set standards of qualifications, education, training and experience for massage therapists; and

**WHEREAS**, Section 480.052, Florida Statutes, authorizes counties and municipalities to regulate persons and establishments, whether licensed or unlicensed, that engage in the business or practice of massage; and

**WHEREAS**, the Manatee County Board of County Commissioners ("Board") finds that the practice of massage, and places of business providing massage for compensation, affect the public health, safety, and welfare; and

**WHEREAS**, the Board finds that regulating those persons and entities engaged in the business or practice of massage is in the best interest of Manatee County to protect the health, safety, and welfare of its residents, visitors and workers.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and to exercise the authority set forth in, Section 480.052, Florida Statutes.

Section 2. Findings. The Board of County Commissioners adopts the recitals set forth above in this Ordinance as findings of the Board.

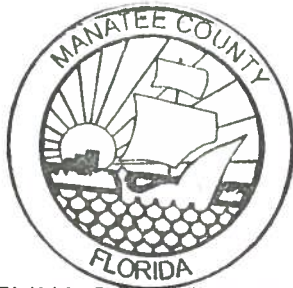
Section 3. Amendment of Chapter 2-19 of the Code. Chapter 2-19 of the Code is hereby amended to include a new Article IX as set forth in Exhibit "A" to this Ordinance.

Section 4. Codification. The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this Ordinance into the Code.

Section 5. Severability. If any section, sentence, clause or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses or provisions of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective as provided by law.

**DULY ADOPTED** with a quorum present and voting this 10th day of December 2019.



**BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA**

By: Stephen R. Johnson  
Chairperson

ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: Robin Roth, DC  
Deputy Clerk

Exhibit "A"  
Amendment to Chapter 2-19  
Licenses and Miscellaneous Business Regulations  
Manatee County Code of Ordinances

**ARTICLE IX. – MASSAGE THERAPISTS AND MASSAGE ESTABLISHMENTS**

**Sec. 2-19-109. – Purpose.**

Pursuant to Section 480.052, Florida Statutes, it is the purpose of this article to regulate those persons and entities holding themselves out as massage therapists and massage establishments, and to regulate employees of such businesses, as an exercise of the county's police power in order to protect the health, safety, and general welfare of the citizens of the county.

**Sec. 2-19-110. – Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

*County administrator* means the Manatee County Administrator or his or her designee.

*Employees* means and shall encompass those persons in direct employ and those persons acting as independent contractors.

*Establishment* shall have the meaning set forth in Section 480.033, Florida Statutes.

*Establishment Owner* shall have the meaning set forth in Section 480.033, Florida Statutes.

*Manatee County Sheriff* means the Sheriff of Manatee County, Florida, or the sheriff's officers or deputies.

*Massage* shall have the meaning set forth in Section 480.033, Florida Statutes.

*Massage establishment* shall mean an establishment that holds itself out as providing massage as defined in Section 480.033, Florida Statutes.

*Massage therapist* shall have the meaning set forth in Section 480.033, Florida Statutes.

*Premises* means the real property, or portion thereof, upon which the massage establishment is located, including, but not limited to, the establishment and the grounds, private walkways, and parking lots and/or parking garages under the ownership or control of the establishment.

**Sec. 2-19-111. – Penalty.**

Any person violating any of the provisions of this article shall be punished as provided in section 2-1-6 of this Code. For violations of this article that are continuous with respect to time, each day the violation continues is a separate offense. For violations of this article that are not continuous with respect to time, each violation is a separate offense. Nothing in this section and no action taken hereunder shall be held to exclude such other civil, criminal or administrative proceedings as may be authorized by other provisions of this Code or any of the laws in force in the county, or to exempt anyone violating this Code or any part of said laws from any penalty which may be incurred.

**Sec. 2-19-112. – Scope of regulations.**

- (a) This article shall not apply to and shall not be enforced against any hospital or other professional health care establishment, including, but not limited to, a physician's, physical therapist's, or chiropractor's office, nursing home, or hospice, that is separately licensed as such by the state.
- (b) All persons or entities holding themselves out as massage therapists or massage establishments and their employees shall comply with sections 2-19-113 and 2-19-114 of this article.

**Sec. 2-19-113. – General operating provisions.**

- (a) Any person or entity holding themselves out as a massage establishment shall keep on file, on the premises, a list of all persons who perform any service on the premises, their home addresses and home or mobile telephone numbers, their duties and services performed, and whether such person has a license or provisional permit issued by the state pursuant to the Florida Massage Practice Act. The establishment owner or operator must also keep on file, on the premises, a copy of the two most-recent state permit applications.
- (b) All persons and entities holding themselves out as massage establishments and their employees, including without limitation, all persons performing massage, shall be licensed in accordance with state law. No person who is required to have a state mandated license shall perform any service on the premises until such person has procured such license. Managers and supervisors shall inspect and verify that each person who performs services on the premises who is required to have a valid state license does in fact have the required license, and that such license is available for inspection on the premises at all times. No person on the premises engaging in massage for which a state license is required shall refuse to provide a copy of the person's state massage therapist license upon request by any customer or county official.

- (c) Records required to be maintained under this article shall be kept for a minimum of three years. Records shall be made available to the county administrator for inspection or copying during business hours, at the massage establishment's business location in the county.
- (d) A readable sign shall be posted at the main entrance identifying the business. Signs shall comply with the sign requirements of the Manatee County Land Development Code.
- (e) All persons and entities holding themselves out as massage establishments shall, at all times, operate and maintain the premises in accordance with all applicable laws and regulations, including without limitation the Florida Massage Practice Act and all rules and regulations adopted pursuant thereto, Florida Statutes, the Florida Administrative Code, this Code, the Manatee County Land Development Code and the Florida Building Code.
- (f) All employees and other persons on the premises, with the exception of customers receiving a massage from a state licensed massage therapist, shall be completely clothed. For the purposes of this article, the term "completely clothed" means having on the upper portion of the body, either a blouse or a shirt which shall cover all the upper body except the arms and neck, and means having on the lower body either pants or shorts, and said pants or shorts must cover from the waist down to the middle of the thigh. All clothes worn in compliance with this article shall be entirely opaque.
- (g) Minimum lighting shall be provided in accordance with the county's building code.
- (h) Doors that permit entry into any room where massage is provided may not be equipped with locks or any device designed to prevent, impede, or delay entry into a room. Massage establishment exterior doors may be equipped with locks, but shall remain unlocked while the establishment is open. Exterior doors may remain locked while the establishment is open only if there is no more than one employee on the premises of the establishment.
- (i) Futons, beds, and mattresses shall not be permitted in any massage establishment. Sofas shall not be permitted in any massage establishment except in the customer waiting room, which room shall include the front entrance to the establishment.
- (j) It shall be unlawful to operate a massage establishment with storefront windows that have material and glazing applied or affixed that reduces light transmission through the windows to less than 32 percent, plus or minus 3 percent, or increase light reflectance to more than 20 percent.
- (k) Massage establishments and their employees shall ensure that storefront windows are not blocked by curtains, blinds, or similar material during those times when the establishment is occupied by patrons or is open to the public.

**Sec. 2-19-114. – Inspection.**

All persons and entities holding themselves out as massage establishments and their employees shall permit the county administrator, Manatee County Sheriff, or their designees or agents to inspect, from time to time on an occasional basis, the premises of the establishment for the purpose of ensuring compliance with this article. Such establishments and employees shall permit such inspections on weekdays between 9:00 a.m. and 5:00 p.m. as well as during those times when the establishment is occupied by any of its staff or is open to the public. This section shall be construed to authorize only reasonable inspections of the premises pursuant to this article.

**Sec. 2-19-115. – Remedies.**

- (a) Any premises, building, dwelling or other structure in which massages are conducted in violation of this article is declared to be a public nuisance, harmful to the public health, safety, and welfare. The county may bring an action in the circuit court to restrain, prohibit and/or enjoin the use of such premises.
- (b) The operation of a business in violation of this article is declared to be a public nuisance, harmful to the public health, safety, and welfare. The county may bring an action in the circuit court to restrain, prohibit and/or enjoin such operation.

**Sec. 2-19-116. – Conflict with State law.**

Nothing in this article is intended to conflict with the provisions of the Florida Constitution or any Florida Statute. In the event of a conflict between this article and either the Florida Constitution or the Florida Statutes, then the provisions of the Florida Constitution or Florida Statutes, as applicable, shall control.

# BRADENTON HERALD

Bradenton.com

## AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
663148	0004475346	NOTICE OF PUBLIC HEARING NOTICE IS HER	NOTICE OF PUBLIC HEARING	\$69.03	1	5.90 In

**Attention:** Tracy Hanrahan

MANATEE CO-CTY ATTY OFFICE  
PO BOX 1000  
BRADENTON, FL 342060000

**NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN** pursuant to Section 125.66, Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing on the **10th day of December, 2019, at 9:00 a.m.**, or as soon thereafter in the Commission Chambers on the First Floor of the Manatee County Government Administrative Center, located at 1112 Manatee Avenue West, Bradenton, Florida, 34205, to consider, act upon, adopt, or reject the following ordinance:

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING PUBLIC HEALTH; PROVIDING FINDINGS; AMENDING CHAPTER 2-19 OF THE MANATEE COUNTY CODE OF ORDINANCES TO ADD A NEW ARTICLE IX ESTABLISHING REGULATIONS FOR PERSONS AND ENTITIES HOLDING THEMSELVES OUT AS MASSAGE THERAPISTS AND MASSAGE ESTABLISHMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Copies of proposed **ORDINANCE 19-48** may be inspected by the public during normal business hours in the Office of the County Attorney, 1112 Manatee Avenue West, Suite 969, Bradenton, Florida. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

According to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he/she will need a record of the proceedings and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony and evidence upon which the appeal is to be based.

**THE STATE OF TEXAS  
COUNTY OF DALLAS**

Before the undersigned authority personally appeared KELLY ROVELO, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Public Notice**, was published in said newspaper in the issue(s) of:

1 Insertion(s)

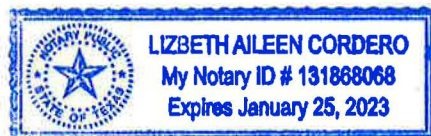
Published On:  
November 27, 2019

**THE STATE OF FLORIDA  
COUNTY OF MANATEE**

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

  
\_\_\_\_\_  
(Signature of Affiant)

Sown to and subscribed before me this  
2nd day of December in the year of 2019



  
\_\_\_\_\_  
SEAL & Notary Public

Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

December 12, 2019

Honorable Angelina Coloneso  
Clerk of the Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 34206

Attention: Robin Toth

Dear Ms. Coloneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of **Manatee County Ordinance 19-48, which was filed in this office on December 12, 2019.**

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb



**From:** [ords@municode.com](mailto:ords@municode.com)  
**To:** [tammy.larsen@mymanatee.org](mailto:tammy.larsen@mymanatee.org); [Robin Toth](#)  
**Subject:** Manatee County, FL Code of Ordinances - 1981 (10428) Supplement 110  
**Date:** Friday, December 13, 2019 10:01:47 AM  
**Attachments:** [ATT00001.bin](#)  
[ATT00002.bin](#)

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\*\*\*\*THIS IS AN AUTOMATICALLY GENERATED EMAIL\*\*\*\*

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 110

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 19-46	12/10/2019	12/13/2019	PDF
Ordinance No. 19-48	12/10/2019	12/13/2019	Word



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



We can post newly enacted ordinances in the online Code after each meeting.