

By Senator Miller

21-441-02

1                                   A bill to be entitled  
2           An act relating to adult entertainment  
3           establishments; amending s. 847.0134, F.S.;  
4           revising the prohibition against locating an  
5           adult entertainment establishment within a  
6           specified distance from a school to eliminate  
7           the exceptions that are provided for an  
8           establishment operating before a specified date  
9           and an establishment approved by a county or  
10          municipality; revising the distance from a  
11          school within which an adult entertainment  
12          establishment is prohibited from being located;  
13          providing an effective date.

15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. Section 847.0134, Florida Statutes, is  
18 amended to read:

19           847.0134 Prohibition of adult entertainment  
20 establishment that displays, sells, or distributes materials  
21 harmful to minors within 2,000 ~~2,500~~ feet of a school.--

22           (1) ~~Except for those establishments that are legally~~  
23 ~~operating or have been granted a permit from a local~~  
24 ~~government to operate as adult entertainment establishments on~~  
25 ~~or before July 1, 2001,~~An adult entertainment establishment  
26 that sells, rents, loans, distributes, transmits, shows, or  
27 exhibits any obscene material, as described in s. 847.0133, or  
28 presents live entertainment or a motion picture, slide, or  
29 other exhibit that, in whole or in part, depicts nudity,  
30 sexual conduct, sexual excitement, sexual battery, sexual  
31 bestiality, or sadomasochistic abuse and that is harmful to

1 minors, as described in s. 847.001, may not be located within  
2 2,000 ~~2,500~~ feet of the real property that comprises a public  
3 or private elementary school, middle school, or secondary  
4 school ~~unless the county or municipality approves the location~~  
5 ~~under proceedings as provided in s. 125.66(4) for counties or~~  
6 ~~s. 166.041(3)(c) for municipalities.~~

7 (2) A violation of this section constitutes a felony  
8 of the third degree, punishable as provided in s. 775.082 or  
9 s. 775.083.

10 Section 2. This act shall take effect July 1, 2002.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

SENATE SUMMARY

Removes the exceptions to the law which allow an adult entertainment establishment to be located near a public or private elementary school, middle school, or secondary school if the establishment was legally operating before July 1, 2001, or if the establishment is approved by a county or municipality. Changes the prohibition against locating an adult entertainment establishment within 2,500 feet from a school to prohibit locating such an establishment within 2,000 feet from a school.