

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Miller

316-1917-02

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A bill to be entitled
An act relating to adult entertainment establishments; amending s. 847.0134, F.S.; revising the prohibition against locating an adult entertainment establishment within a specified distance from a school; requiring that such establishment be approved by the county or municipality and the district school board; providing an effective date.

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

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

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

(1) Except for those establishments that are legally operating or have been granted a permit from a local government to operate as adult entertainment establishments on or before July 1, 2001, an adult entertainment establishment that sells, rents, loans, distributes, transmits, shows, or exhibits any obscene material, as described in s. 847.0133, or presents live entertainment or a motion picture, slide, or other exhibit that, in whole or in part, depicts nudity, sexual conduct, sexual excitement, sexual battery, sexual bestiality, or sadomasochistic abuse and that is harmful to minors, as described in s. 847.001, may not be located within 2,500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality

1 approves the location under proceedings as provided in s.
2 125.66(4) for counties or s. 166.041(3)(c) for municipalities
3 and the district school board consents to the location at a
4 meeting of the district school board held pursuant to s.
5 230.16.

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

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

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 SB 0428

14 The CS restores the distance within which an adult
15 entertainment facility may not be located from 2,000 feet to
16 2,500 feet, and a grandfather provision for an adult
17 entertainment establishment permitted on or before July 1,
18 2001. In addition, the CS requires a school board, in addition
19 to the appropriate county or municipality, to approve the
20 location of a new adult entertainment facility within 2,500
21 feet of a school.
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