

By the Committee on Comprehensive Planning; and Senator Miller

316-1819-03

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; requiring
7 that such establishment be approved by the
8 county or municipality and the district school
9 board; providing an effective date.

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

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

15 847.0134 Prohibition of adult entertainment
16 establishment that displays, sells, or distributes materials
17 harmful to minors within 2,500 feet of a school.--

18 (1) Except for those establishments that are legally
19 operating or have been granted a permit from a local
20 government to operate as adult entertainment establishments on
21 or before July 1, 2001, an adult entertainment establishment
22 that sells, rents, loans, distributes, transmits, shows, or
23 exhibits any obscene material, as described in s. 847.0133, or
24 presents live entertainment or a motion picture, slide, or
25 other exhibit that, in whole or in part, depicts nudity,
26 sexual conduct, sexual excitement, sexual battery, sexual
27 bestiality, or sadomasochistic abuse and that is harmful to
28 minors, as described in s. 847.001, may not be located within
29 2,500 feet of the real property that comprises a public or
30 private elementary school, middle school, or secondary school
31 unless the county or municipality approves the location under

1 proceedings as provided in s. 125.66(4) for counties or s.
2 166.041(3)(c) for municipalities and the district school board
3 consents to the location at a meeting of the district school
4 board held pursuant to s. 1001.372.

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

8 Section 2. This act shall take effect July 1, 2003.

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 SB 198

13 The Committee Substitute restores the distance within which an
14 adult entertainment establishment may not be located from
15 2,000 feet to 2,500 feet of a school, and a grandfather
16 provision for adult entertainment establishments permitted on
17 or before July 1, 2001.

18 In addition, the Committee Substitute requires an adult
19 entertainment establishment locating within 2,500 feet of a
20 school, in addition to the approval of the county or
21 municipality, to obtain approval of the district school board.
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