

By the Committee on Comprehensive Planning; and Senator Miller

316-1108-04

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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, 2004 ~~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 1001.372.

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, 2004.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 Senate Bill 640

14 The CS revises a grandfather provision to exempt an adult
15 entertainment establishment that is legally operating within
16 2,500 of a school on or before July 1, 2004, from having to
17 obtain the district school board's consent to the location.
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