

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 7043 PCB RBP 10-02 Outdoor Theaters  
**SPONSOR(S):** Roads, Bridges & Ports Policy Committee; Workman  
**TIED BILLS:** **IDEN./SIM. BILLS:**

	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
Orig. Comm.:	Roads, Bridges & Ports Policy Committee	13 Y, 0 N	Johnson	Miller
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**SUMMARY ANALYSIS**

Chapter 555, F.S., was created in 1953, to provide for the safe ingress and egress to and from public roads by preventing hazardous conditions and locations in constructing outdoor theaters such as drive-in movie theaters. This law applies to outdoor theaters constructed after June 2, 1953. The law contains provisions for entrances and exits to the theater, minimum storage space for vehicles so they do not back-up into the highway, the location of the movie screen, the location of the tower, and the lighting of entrances and exits. The theater owner must prove compliance with these regulations before being issued an occupational license.

The bill repeals ch. 555, F.S., relating to outdoor theaters. This removes the statutory requirements concerning the ingress and egress to and from public roads that specifically apply to outdoor theaters.

The Department of Transportation has an access management program, which addresses the design and placement of driveways and medians in order to reduce traffic conflicts. The design of entrances and exits for outdoor theaters can be addressed through these access management guidelines. Other regulatory provisions of ch. 555, F.S., would be addressed through local land development regulations. Of the six drive-in theaters currently operating in Florida, the newest one opened in 1967.

The bill does not have a fiscal impact.

The bill has an effective date of July 1, 2010.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

Chapter 555, F.S., was created in 1953, to provide for the safe ingress and egress to and from public roads by preventing hazardous conditions and locations in constructing outdoor theaters such as drive-ins.<sup>1</sup> This law applies to outdoor theaters constructed after June 2, 1953. The law contains provisions for entrances and exits to the theater, minimum storage space for vehicles so they do not back-up into the highway, the orientation of the movie screen, the location of the tower, and lighting of entrances and exits. The theater owner must prove compliance with these regulations prior to being issued an occupational license. The last time any section of this chapter was amended was in 1979.

##### Proposed Changes

The bill repeals ch. 555, F.S., relating to outdoor theaters. This removes the statutory requirements concerning the ingress and egress to and from public roads that specifically apply to outdoor theaters. There are currently about six drive-in theaters operating in Florida and about 173 theaters that have closed. Of the ones that are open, the newest one was opened in 1967.<sup>2</sup>

The Department of Transportation has an access management program, which addresses the design and placement of driveways and medians in order to reduce traffic conflicts.<sup>3</sup> The design of entrances and exits for outdoor theaters can be addressed through these access management guidelines. Other regulatory provisions of ch. 555, F.S., would be addressed through local land development regulations.

The bill has an effective date of July 1, 2010.

#### B. SECTION DIRECTORY:

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<sup>1</sup> Ch. 28085, L.O.F.

<sup>2</sup> <http://www.driveintheater.com> (January 21, 2010).

<sup>3</sup> Information on the Department of Transportation's access management program is available at <http://www.dot.state.fl.us/planning/systems/sm/accman/>.

- Section 1 Repeals ch. 555, F.S.; relating to outdoor theaters; removing provisions for entrances, exits, enclosures, vehicle storage, screen orientation, tower location, and driveway lighting; removing requirements for a qualifying certificate to prove compliance with agency regulations prior to issuance of an occupational license by the tax collector.
- Section 2 Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

### D. FISCAL COMMENTS:

None

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that the counties or municipalities have to raise revenue in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None

### B. RULE-MAKING AUTHORITY:

None

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None

#### IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

None