

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2066

SPONSOR: Education Committee and Senator Hargrett

SUBJECT: Adult entertainment establishments

DATE: April 17, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Esner</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill prohibits adult entertainment establishments within 2,500 feet of the real property that comprises a public or private school. Violation will constitute a third degree felony.

This bill has an effective date of July 1, 2000.

This bill creates section 847.0134 of the Florida Statutes.

II. Present Situation:

Currently, local governments may have ordinances restricting the location of an adult establishment but location of such establishments is not addressed in Florida Statutes. The statutes do address exposing minors to harmful motion pictures, exhibitions, shows, presentations or representations (s.847.013, F.S.).

The statutes are very clear regarding the protection of minors, any person under the age of 18 years, about the selling, renting, loaning, giving away, distributing, transmitting, or showing obscene material to a minor (s. 847.0133, F.S.). Obscene material is defined in s. 847.0133, F.S., as any obscene book, magazine, periodical, pamphlet, newspaper, comic book, story paper, written or printed story or article, writing paper, card, picture, drawing, photograph, motion picture film, figure, image, videotape, videocassette, phonograph record, or wire or tape or other recording, or any written, printed, or recorded matter of any such character, or any article or instrument for obscene use, or purporting to be for obscene use or purposes.

Section 286.0115, F.S., provides for quasi-judicial proceedings on local government land use matters. Specifically, s. 286.0115, F.S., prohibits a "local public official" from ex parte communication and requires any person, at the request of a party or party-intervenor, to be sworn in as a witness, to be subject to cross-examination by other parties or party-intervenors, and to be qualified as an expert witness if the person is attesting to be an expert. This section outlines

procedures that remove the presumption of prejudice arising from ex parte communications and provides that any such communications be noted in a public forum and incorporated as part of the official record of the proceedings.

III. Effect of Proposed Changes:

The bill prohibits an adult entertainment establishment or other adult establishment that displays, sells, or distributes materials harmful to minors within 2,500 feet of a public or private school after July 1, 2000 except the establishments already in operation. A violation will result in a third degree felony.

This bill is effective July 1, 2000.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

May limit the number of adult entertainment establishments licensed for business.

C. Government Sector Impact:

Local government would need to monitor the request for licenses of adult entertainment establishments to ensure location is 2,500 feet from a public or private school.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
