

Adult Entertainment Ordinance
Leon County,
Florida

§ 11-140
LEON COUNTY CODE
LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE VII. ADULT ENTERTAINMENT*

Sec. 11-161. Short title.

This article shall be known as the adult entertainment ordinance of the county.
(Code 1980, § 14-41)

Sec. 11-162. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advertisement shall mean a display, notice or other information designed to attract public attention, including but not limited to, handbills, signs, billboards, soundtracks, placards, signboards and written notices.

Alcoholic beverage shall mean distilled spirits and all beverages containing one-half of one percent or more alcohol by volume. The percentage of alcohol by volume shall be determined by measuring the volume of the standard ethyl alcohol in the beverage and comparing it with the volume of the remainder of the ingredients as though such remainder ingredients were distilled water.

Commercial shall mean operated for pecuniary gain, which shall be presumed for any establishment which has received an occupational license. For purposes of this article, operating for peculiar gain shall not depend on actual profit or loss.

Establishment shall mean a physical plant or location, or the commercial activities or operations being conducted, or both together, as the context of this article may require.

Nude or semi-nude entertainment shall consist of the following:

(1) The actual or simulated displaying of the genitals, vulva, pubic area, buttocks, anus or anal cleft or cleavage.

(2) The actual or simulated displaying by a female of the area of the human breast at or below the areola.

Person shall mean individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, government officials, government entities and all other groups or combinations.

Premises shall mean a physical plant or location, which is enclosed by walls or any other enclosing structural device, or which is covered by a single roof or with a single shared entrance, if not covered by a single roof and shall include any structure, structures or land, or contiguous structures or land, within 300 feet of the physical plant or location where such structures or land and the physical plant or location are under common ownership, control or possession.
(Code 1980, § 14-46)

*Cross reference— Public nudity, § 11-301 et seq.

Cross reference—Definitions and terms of construction generally, § 1-2.

Sec. 11-163. Legislative authorization.

This article is enacted in the interest of the public health, peace, safety, morals and general welfare of the citizens and inhabitants of the county, pursuant to Fla. Const. art. VIII, § 1(f), and F.S. §§ 125.01(1)(o), 125.01(1)(w), and under the authority of the county to regulate the sale and consumption of alcoholic beverages, pursuant to the 21st Amendment to the Constitution of the United States.
(Code 1980, § 14-42)

Sec. 11-164. Findings of fact.

The Board of County Commissioners finds that:

- (1) There is presently in the county an increasing trend toward nude and semi-nude acts, exhibitions and entertainment, and toward the utilization of nude and semi-nude employees engaged in other service-oriented aspects of and by the commercial establishments subject hereto.
- (2) The competitive commercial exploitation of such nudity and semi-nudity is adverse to the public's interest in the quality of life, tone of commerce and total community environment in the county.
- (3) The commercial exploitation of nudity and semi-nudity consists of the use of nude and semi-nude entertainment in connection with or for the promotion of the sale of goods or services, and the receipt of money by the person engaging in nude or semi-nude entertainment in exchange for or as consideration for a nude or semi-nude performance by such individual.
- (4) The commercial exploitation of nude and seminude acts, exhibitions and entertainment frequently occurs in commercial establishments either selling or allowing consumption of alcoholic beverages on the premises.
- (5) There is a direct relationship between the consumption of alcoholic beverages and the nude and semi-nude activities mentioned above, prohibited hereunder, and more fully described hereinafter and an increase in criminal activities, moral degradation, and disturbances of the peace and good order of the community, and the concurrence of these activities is hazardous to the health and safety of those persons in attendance, and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole.
- (6) The combination of the sale or consumption of alcoholic beverages with the performance of nude and semi-nude acts, exhibitions and entertainment is adverse to the public's interest in the quality of life, tone of commerce and total community environment in the county.

(7) In order to preserve the public peace and good order, and to safeguard the health, safety, morals and welfare of the community and citizens thereof it is necessary and advisable to prohibit nude and semi-nude acts, exhibitions and entertainment in commercial establishments at which alcoholic beverages are, or are available to be sold or consumed.

(8) In order to preserve the public peace and good order, and to safeguard the health, safety, morals and welfare of the community and citizens thereof it is necessary and advisable to regulate and restrict the conduct of owners, operators, agents, employees, entertainers, performers, patrons, spectators and persons on the premises of the commercial establishments subject hereto.
(Code 1980, § 14-44)

Sec. 11-165. Intent.

The intent of the Board of County Commissioners in adopting this article is:

(1) To prohibit nude and semi-nude entertainment, as defined, in commercial establishments at which alcoholic beverages, beer or wine is, or is available to be, sold, dispensed or consumed.

(2) To prohibit the commercial advertisement, promotion and exploitation of nude and semi-nude entertainment, as defined, in commercial establishments at which alcoholic beverages, beer or wine is, or is available to be, sold, dispensed or consumed.

(3) To proscribe conduct and activities which encourage the competitive commercial exploitation of nude and seminude entertainment in commercial establishments at which alcoholic beverages, beer or wine is, or is available to be, sold, dispensed or consumed.
(Code 1980, § 14-45)

Sec. 11-166. Enforcement.

(a) Any person may bring suit to restrain, enjoin or otherwise prevent the violation of this article in the circuit court of the county.

(b) Any person who violates any section of this article shall be punished as provided in section 1-9.

(c) If the owner, operator, lessor, lessee, manager, employer or any other person participating in the maintenance or operation of a commercial establishment at which alcoholic beverages are, or are available to be, sold, dispensed, consumed, possessed or offered for sale or consumption on the premises is convicted of a violation of this article, the county occupational license issued to such violator for such establishment may be revoked by action of the Board of County Commissioners upon due notice.

(d) If at any time the license of a commercial establishment is revoked pursuant to subsection (c) of this section, at least six months shall elapse before another license may be issued to the same establishment. Such license may be issued only after a public hearing held before the Board of County Commissioners.
(Code 1980, §14-50)

Sec. 11-167. Prohibition.

(a) It shall be unlawful for any person to engage in nude or semi-nude entertainment in any commercial establishment at which alcoholic beverages are, or are available to be, sold, dispensed, consumed, possessed or offered for sale or consumption on the premises.

(b) It shall be unlawful for any female person, while on the premises of a commercial establishment at which alcoholic beverages are, or are available to be, sold, dispensed, consumed, possessed or offered for sale or consumption on the premises, to expose to public view that area of the human female breast at or below the areola thereof or to employ any device or covering which is intended to give the appearance of or simulate such areas of the female breast as described herein.

(c) It shall be unlawful for any person, while on the premises of a commercial establishment at which alcoholic beverages are, or are available to be, sold, dispensed, consumed, possessed or offered for sale or consumption on the premises, to expose to public view his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage or to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus or anal cleft or cleavage.

(d) It shall be unlawful for any person owning, maintaining, operating or leasing any commercial establishment at which alcoholic beverages are, or are available to be, sold, dispensed, consumed, possessed or offered for sale or consumption on the premises to suffer or permit any person on the premises to engage in nude or semi-nude entertainment

(e) It shall be unlawful for any entertainer, performer or employee, while on the premises of a commercial establishment regulated under this article to dance in such a manner as to simulate sexual activity with any patron, spectator, employee or other person not employed therein.

(f) It shall be unlawful for any entertainer, performer or employee, while on the premises of a commercial establishment regulated under this article, to sit upon or straddle the leg, legs, lap or body of any patron, spectator or other person therein, or to engage in or simulate sexual activity while touching or being touched by such patron, spectator or other person.

(g) It shall be unlawful for any person owning, maintaining, operating or leasing a commercial establishment regulated under this article to suffer or permit any violation of subsection (e) or (f) of this section.

(h) It shall be unlawful for any person, while on the premises of a commercial establishment regulated under this article, to use or be present in areas partitioned or screened from public view that are designed to be occupied together or alone by any person or persons on the premises of such establishment for sexual contact or private dancing performances.

(i) It shall be unlawful for any person owning, maintaining, operating or leasing a commercial establishment regulated under this article to suffer or permit the construction, maintenance or use of areas partitioned or screened from public view that are designed to be occupied together or alone by any person or persons on the premises of such establishment for sexual contact or private dancing performances.

(j) It shall be unlawful for any person owning, maintaining, operating or leasing a commercial establishment regulated under this article to suffer or permit any outside advertisement which encourages, solicits, induces or promotes conduct or activities proscribed by this article in such establishment.

(Code 1980, § 14-47)

Sec. 11-168. Presumptions.

The following presumptions shall apply in actions brought for violation of this article:

(1) Any person who owns, maintains, operates, leases or enters a commercial establishment where nude or semi-nude entertainment actually takes place on the premises in violation of this article is presumed to be aware that said nude or semi-nude entertainment is taking place in the establishment.

(2) Any establishment which has received an occupational license to operate commercially is presumed to be a commercial establishment.

(Code 1980, § 14-48)

Sec. 11-169. Proof of alcoholic beverages.

(a) In all actions, civil or criminal, for violation of this article, proof that the beverage was an alcoholic beverage, may be made by any person who, by experience in the past in handling or use of alcoholic beverages, or who by taste, smell or drinking of such liquids has knowledge of the presence of the alcoholic content thereof or the intoxicating effect thereof may testify as to his opinion whether such beverage is an alcoholic beverage.

(b) The presence of alcoholic content of any beverage, may be shown by hydrometer or gravity test made in or away from the presence of the fact finder by any person who has knowledge of the use of such instrument.

(Code 1980, § 14-49)

Secs. 11-170 - 11-185. Reserved.

ARTICLE VIII. GAME ROOMS

Sec. 11-186. Short title.

This article shall be known as the game room ordinance of the county.

(Code 1980, § 14-61)

Sec. 11-187. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage shall mean distilled spirits and all beverages containing one-half of one percent or more alcohol by volume. The percentage of alcohol by volume shall be determined by measuring the volume of the standard ethyl alcohol in the beverage and comparing it with the volume of the remainder of the ingredients as though said remainder ingredients were distilled water.

Game machine shall mean any device which may be operated by inserting a coin, ball, disc or other device or by paying therefor, including but not limited to, pinball machines, electronic video games, automatic machines and any other similar gaming device. This definition does not include machines designed primarily to play music, automatic merchandise vendors or coin operated service devices with no game features operated to procure or receive merchandise.