

Adult Entertainment
Seminole County,
Florida

Seminole County, Florida

Chapter 45 - Business Regulations

PART3 ADULT ENTERTAINMENT

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WHEREAS, several court opinions have been handed down since the passage of the last revision of Part 3, Chapter 45, Seminole County Code, which decisions have affected the law of adult entertainment; and

WHEREAS, state legislation has been passed since the passage of the last revision of Part 3, Chapter 45, Seminole County Code, which has affected the law of adult entertainment; and

WHEREAS, the Board of County Commissioners of Seminole County finds and declares that physical contact within establishments at which the activities described below occur between employees and customers poses a threat to the health of both and promotes the spread of communicable and social diseases including, but not limited to, tuberculosis and AIDS; and

WHEREAS, the Board of County Commissioners of Seminole County finds and declares that requiring adult entertainment establishments to maintain employee records will help reduce the incidence of criminal activity by means of, among other things, facilitating the identification of potential witnesses or suspects, by preventing minors from working in such establishments, and by making it easier for health officials to control the spread of communicable and social diseases in such establishments. and

WHEREAS, the location of numerous adult entertainment establishments proximate to residential areas and other land uses adversely impacts neighborhoods, the overall quality of life in the community and the general trends of a positive community development; and

WHEREAS, the Board of County Commissioners of Seminole County in the exercise of its police powers to protect the public health, peace, safety and general welfare and in response to the concerns of the Sheriff of Seminole County and numerous residents of Seminole County, have, through public hearing, heard interested parties and citizens for and against the purposes of this Part and have reviewed the findings of numerous studies relating to the impact of Adult Entertainment Establishments that appear on the record of the public hearings held relating to this Ordinance and its predecessor; and

Cross Reference - For Land Development Regulation concerning Adult Entertainment Establishments see Chapter 2 and Section 30 1355, Land Development Code.

WHEREAS, the Board of County Commissioners of Seminole County finds and declares that establishments exist or may exist within Seminole County, Florida, where books, magazines, motion pictures, videos, prints, photographs, periodicals, records, novelties and/or devices which depict, illustrate, describe or relate to specified sexual activities are possessed, displayed, exhibited, distributed and/or sold; and

WHEREAS, the Board of County Commissioners of Seminole County finds and declares that establishments exist or may exist within Seminole County, Florida:

(a) where dancers, entertainers, performers, or other individuals, who, for any form of commercial gain, perform or are presented while displaying or exposing specified anatomical areas;

(b) where straddle dancing occurs; and

(c) where private modeling occurs; and

WHEREAS, the Board of County Commissioners of Seminole County finds and declares that when the activities described above are present in establishments within Seminole County, Florida, other activities which are illegal, immoral, or unhealthful tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include, but are not limited to, prostitution, pandering, solicitation for prostitution, lewd and lascivious behavior, exposing minors to harmful materials, possession, distribution and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and property; and

WHEREAS, the Board of County Commissioners of Seminole County finds and declares that when the activities described above are present in establishments within Seminole County, Florida, they tend to attract an undesirable number of transients, blight neighborhoods, adversely affect neighboring businesses, lower property values, promote crime, provide a threat to children, and ultimately lead residents and businesses to move to other locations; and

WHEREAS, the Board of County Commissioners of Seminole County finds and declares that in order to preserve and safeguard the health, safety, and general welfare of the people of the County it is necessary and advisable for Seminole County, Florida, to regulate the conduct of owners, managers, operators, agents, employees, entertainers, performers, and customers at establishments where the activities described above occur; and

WHEREAS, establishments which provide private modeling services fall into the category of adult entertainment; and

WHEREAS, adult entertainment poses a threat to the health, safety, and welfare of communities in which such establishments are located; and

WHEREAS, the provisions of this Ordinance are necessary to protect and preserve the public health, safety, and welfare.

(Whereas, Ord. No. 88-3, 3-8-88; Whereas, Ord. No. 93-5, 3-23-93).

ARTICLE I GENERAL

Sec. 45.61 Short title.

This Part shall be known and referred to as the "Seminole County Adult Entertainment Ordinance". (§ 1, Ord. No. 88-3, 3-8-88; s 1, Ord No 93-5, 3-23-93).

Sec. 45.62 incorporation of whereas clauses.

(a) The findings and declaration stated in the whereas clauses to this Part are hereby incorporated herein as legislative findings as if they had been set out in their entirety.

(b) Nothing herein shall be construed to regulate or control constitutionally protected expression or speech.

(s 2, Ord. No. 88-3, 3-8-88; § 1, Ord. No. 93-5, 3-23-93).

Sec. 45.63 Reserved.

Sec. 45.64 Construction.

This Part shall be liberally construed to accomplish its purpose of regulating adult entertainment and related activities. Unless otherwise indicated, all provisions of this Part shall apply equally to all persons, regardless of sex. Masculine pronouns, such as "he," "his," and "him," as employed in this Part, shall also be construed to apply to feminine pronouns and neutral pronouns, unless the context suggests otherwise. Words used in the singular number shall include the plural number, unless the context suggests otherwise. (§ 5, Ord. No. 88-3, 3-8-88; s 1, Ord. No. 93-5, 3-23-93).

Sec. 45.65 Obscenity not permitted.

Nothing in this Part shall be construed to allow or permit the possession, distribution and transportation of obscene materials or to authorize the exposing of persons under eighteen (18) years of age to motion pictures, exhibitions, shows, representations and presentations of specified sexual activities or persons displaying or exhibiting specified anatomical areas. These matters are preempted to the State of Florida and are subject to the regulations thereof. (§ 6, Ord. No. 88-3, 3-8-88; ~ 1, Ord. No. 93-5, 3-23-93).

Sec. 45.66 Definitions.

As used in this Part, the following terms shall be defined to mean:

Adult Arcade: An establishment where for any form of consideration, one (1) or more motion picture projectors, slide projectors, video viewing equipment or similar machines, are used to show customers, numbering five (5) or less, films, motion pictures, video cassettes, slides, or other photographic reproductions which emphasize the depiction or description of specified sexual activities or specified anatomical areas. The term "adult arcade" is included within the definition of "adult theater".

Adult Bookstore:

(a) An establishment which sells or rents adult material; provided, however, that any establishment which shows that the following three (3) elements occur shall be exempt from regulation as an adult bookstore and, provided, further, however, that any adult entertainment activity on the premises other than the sale or rental of adult material shall preclude the establishment's qualifying solely as an adult bookstore and shall mandate its classification as an adult entertainment establishment other than an adult bookstore:

(1) that the adult material is accessible only by employees; and

(2) that the individual items of adult material offered for sale and or rental comprise less than twenty-five percent (25%) of the individual items publicly displayed at the establishment as stock in trade in the following categories: books, magazines, periodicals, other printed matter, slides, other visual representations, recordings and other audio matter; and

(3) that the establishment does not use the following terms in advertisements or any other promotional activities relating to the adult material: "XXX," "XX," "X," or any series of the letter "X" whether or not interspersed with other letters, figures or characters; "erotic" or variations of that word; "adult entertainment" or similar phrases; "sexual acts" or similar phrases; "nude" or "nudies" or similar phrases which letters, words or phrases a reasonable person would believe to be promotional of the purchase or rental of adult material.

(b) in recognition of the provisions of Sections 847.013 and 847.0133, Florida Statutes, which protects minors from exposure to obscene material, any business which is not exempt shall have in place at each entrance to such business a sign, no greater than one (1) square foot in size, stating "Persons under 18 years of age not permitted"; provided, however, that this provision shall not be construed to require such business to admit minors into said establishments.

Adult Booth: A separate enclosure inside an adult entertainment establishment accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth, or other booth used to view "adult material" or persons displaying or exposing specified anatomical areas. The term adult booth does not include a foyer through which any person can enter or exit the establishment, or a restroom.

Adult Cabaret: A cabaret or alcoholic beverage establishment which features go-go dancers, exotic dancers, strippers, nude or semi-nude entertainers, male or female impersonators, private models, or similar entertainers. The term "adult modeling or display establishment" is included within the definition of "adult cabaret".

Adult Modeling or Display Establishment: Any establishment whose employees display or expose specified anatomical areas to others, or an establishment where a model or models engage in private modeling as that term is defined herein whether or not the employees display or expose specified anatomical areas to others. The term "adult modeling or display establishment" is included in the term "adult cabaret".

Adult Entertainment Establishment: An adult arcade, adult bookstore, adult cabaret, adult modeling or display establishment, adult motel, or adult theater, as those terms are defined herein.

Adult Material: One or more of the following, regardless of whether it is new or used:

(1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations, or recordings, or other audio matter, which have as their primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or

(2) Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities.

Adult Motel: Any motel, hotel, boarding house, rooming house or other place of temporary lodging which includes the word "adult" or "erotic" in any name it uses, or otherwise advertises the presentation of films, motion pictures, video cassettes, slides or other photographic reproductions, which have as their primary or dominant theme matters depicting, illustrating or relating to specified sexual activities or specified anatomical areas. The term "adult motel" is included within the definition of "adult theater."

Adult Theater: An establishment which consists of an enclosed building, or a portion or part of an enclosed building, or an open-air area used for viewing by persons of films, motion pictures, video cassettes, slides, or other photographic reproductions which have as their primary or dominant theme matters depicting, illustrating or relating to

specified sexual activities or specified anatomical areas. "Adult arcades," "adult motels," and "adult booths" are included within the definition of "adult theater."

Board of County Commissioners or Board: The Board of County Commissioners of Seminole County, Florida.

Conviction: A determination of guilt resulting from plea or trial, regardless of whether adjudication was withheld or whether imposition of sentence was suspended.

Employee: A person who works or performs or provides services in an adult entertainment establishment, irrespective of whether said person is paid a salary or wage by the owner or manager of the premises, provided such person has a substantial or consistent relationship with the business of providing adult entertainment. The term "Employee" includes, but is not limited to, performers, models, managers, assistant managers, stockpersons, tellers, and operators.

Licensee: Any person whose application for an adult entertainment establishment has been granted and who owns, operates or controls the establishment.

Operator: Any person who engages in or performs any activity which is necessary to or which facilitates the operation of an adult entertainment establishment, including, but not limited to, the licensee, manager, owner, doorman, bartender, disc jockey, sales clerk, ticket taker, movie projectionist or supervisor.

Person: includes, but is not limited to, an individual, associations, joint ventures, partnerships estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other or any other similar entity.

Private Modeling: Modeling or posing by an employee before a person other than another employee while the person is in an area not accessible during such display to all other persons in the establishment, or while the person is in an area in which the person is totally or partially screened or partitioned during such display from the view of all persons outside the area.

Private Performance: The display or exposure of any specified anatomical area by an employee of an adult entertainment establishment to a person other than another employee while the person is in an area not accessible during such display to all other persons in the establishment, or while the person is in an area in which the person is totally or partially screened or partitioned during such display from the view of all persons outside the area.

Sheriff's Office or Sheriff: The Sheriff of Seminole County Florida.

Specified Anatomical Areas:

(1) Less than completely and opaquely covered:

(A) human genitals, pubic region;

(B) buttock; and

(C) female breast below a point immediately above the top of the areola, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided that the areola is not exposed; and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified criminal act:

(1) A violation of this Part;

(2) Any felony not otherwise specified in this subsection;

(3) An offense under Chapter 794, Florida Statutes (Sexual Battery);

(4) An offense under Chapter 796, Florida Statutes (Prostitution);

(5) An offense under Chapter 800, Florida Statutes (Lewdness; Indecent Exposure);

(6) An offense under Chapter 826, Florida Statutes (Bigamy; incest);

(7) An offense under Chapter 847, Florida Statutes (Obscene Literature; Profanity); or

(8) An offense against an analogous statute of a state other than Florida, or an analogous ordinance of another county or city.

Specified sexual activities:

(1) human genitals in a state of sexual stimulation, arousal or tumescence; or

(2) acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellatio, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy, urolagnia or zoerasty; or

(3) fondling or other touching of human genitals, pubic region, buttock, anus or female breast; or

(4) excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3).

Straddle Dance: The use by an employee, of any part of his or her body to touch the genital, pubic region, buttock, anus or female breast of a non-employee while at the establishment, or the touching of the genital, pubic region, buttock, anus or female breast of any employee by a non-employee while at the establishment. Conduct shall be a "straddle dance" regardless of whether the "touch" or "touching" occurs while the employee is displaying or exposing any specified anatomical area. Conduct shall also be a "straddle dance" regardless of whether the "touch" or "touching" is direct or through a medium. The terms "lap dance", "table dance" and "face dance" are included within the term "straddle dance".

(§ 7, Ord. No. 88-3, 3-8-88; § 1, Ord. No. 89-25, 11-28-89; § 1, Ord. No. 93-5, 3-23-93).

Sec. 45.67 Notice.

Any notice required under this Part shall be accomplished by sending a written notification by certified mail to the mailing address set forth on the application for the license or a permit. This mailing address shall be considered the correct mailing address unless the Sheriff has been otherwise notified in writing. (s 8, Ord. No. 88-3, 3-8-88; §4, Ord. No. 89-25, 11-28-89; § 1, Ord. No. 93-5, 3-23 -93).

Sec. 45.68 Land Development Code Approval.

No application for a license as provided in Article 11 of this Part, shall be considered for approval until the appropriate provisions of the Seminole County Land Development Code have been complied with and the required zoning approval obtained. (§ 9, Ord. No. 88-3, 3-8-88; § 1, Ord. No. 93-5, 3-23-93).

Sec. 45.69 Penalty.

Whenever in this Part any act is prohibited, or is made or declared to be unlawful, or an offense; or whenever in this Part the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provisions of this Part shall be punished as provided in Section 125.69, Florida Statutes, or its successor. Each day any violation of any provision of this Part shall continue, shall constitute a separate offense, unless otherwise provided. (§ 10, Ord. No. 88-3, 3-8-88; § 1, Ord. No. 93-5, 3-23-93)

Secs. 45.70 - 45.80 Reserved.

ARTICLE II LICENSE PROVISIONS

Sec. 45.81 License required.

(a) Requirement. It shall be unlawful for any person to operate an adult entertainment establishment without having first obtained an adult entertainment license issued by the Sheriff's Office, which is applicable for said establishment or to continue to operate an establishment where that person knows or has reason to know that the license of the establishment is under suspension, has been revoked or has lapsed. The operation of an adult entertainment establishment without a valid license, where applicable shall be grounds for the closing of the establishment upon a finding of fact by a court or other body with proper jurisdiction that the establishment has no valid license.

(b) Classifications. Adult entertainment licenses referred to in this Part shall be classified as follows:

(1) Adult arcade;

(2) Adult bookstore;

(3) Adult cabaret.

(4) Adult modeling or display establishment;

(5) Adult motel;

(6) Adult theater;

(c) Single Classification of License. A license shall only be issued in one (1) classification, but this shall not prohibit a person from obtaining separate licenses in two (2) or more classifications for the same location.

(§ 11 Ord. No 88-3, 3-8-88; § 4 Ord. No. 89-25, 11-28-89; § 2 Ord. No. 93-5, 3-23-93).

Sec. 45.82 License application and application fee.

Any person desiring to engage in the business of operating an adult entertainment establishment shall file with the Sheriff's Office a sworn application on forms supplied by the County. The application shall contain the information and documents as provided in this Part and shall be accompanied by an application fee as established by the Board of County Commissioners. The application itself shall be signed by the applicant and verified by the applicant before an officer authorized to take oaths and acknowledgements. (§ 12 Ord. No 88-3, 3-8-88; § 4 Ord. No. 89-25, 11-28-89; § 2 Ord. No. 93-5, 3-23-93).

Sec. 45.83 Contents of application.

The completed application shall contain the following information and shall be accompanied by the following documents:

(a) If the applicant is:

(1) an individual, the individual shall state his legal name and any aliases and submit satisfactory proof that he is eighteen (18) years of age; or

(2) a partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and, if in existence, a copy of the partnership agreement; or

(3) a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing, the names and capacity of all officers, directors and principal stockholders, and, if applicable, the name of the registered corporate agent and the address of the registered office for service of process.

(b) If the applicant intends to conduct the establishment under a name other than that of the applicant, the establishment's fictitious name and the county of registration under Section 865.09, Florida Statutes, or its successor.

(c) Whether the applicant or any of the other individuals listed pursuant to Section 13(a) has, within the five (5) year period immediately preceding the date of the application, been convicted of a specified criminal act, and, if so, the specified criminal act involved, the date of conviction and the place of conviction.

(d) Whether the applicant or any of the other individuals listed pursuant to subsection (a) has had a previous license under this Part suspended or revoked, including the name and location of the establishment for which the license was suspended or revoked, as well as the date of the suspension or revocation, and whether the applicant or any other individuals listed pursuant to subsection (a) has been a partner in a partnership or an officer, director or principal stockholder of a corporation whose license under this Part has previously been suspended or revoked, including the name and location of the establishment for which the license was suspended or revoked, as well as the date of the suspension or revocation.

(e) Whether the applicant or any other individuals listed pursuant to subsection (a) holds any other licenses under this Part and, if so, the names and locations of such other licensed establishments.

(f) The single classification of license for which the applicant is filing.

(g) The location of the proposed establishment, including a street address.

(h) The names of the employees for the proposed establishment, if known, or, if presently unknown a statement to that effect.

(i) A plan drawn to appropriate scale of the proposed licensed premises indicating the areas to be covered by the license, all windows, doors, entrances and exits and the fixed structural features of the establishment to which the proposed license pertains. The term "fixed structural features" shall include immovable partitions and counters and similar structures that are intended to be permanent.

(j) The applicant's mailing address, and, if different, a designated return address where all future correspondence from the County may be sent.

(k) Any additional information which the Board of County Commissioners deems necessary to effectuate the language and purposes of this Part.

(§ 13, Ord. No 88-3, 3-8-88; § 2, Ord. No. 93-5, 3-23-93).

Sec. 45.84 Rejection of incomplete or falsified application.

In the event it is determined or learned by the Sheriff's Office at any time that the applicant has not properly completed the application for a proposed establishment or has falsified the information contained therein, the application shall be automatically rejected or, if a license has previously been issued based on said application, said license shall be declared null and void. (§ 14 Ord. No 88-3, 3-8-88; s 1, Ord. No. 89-13, 7-25-89; § 4, Ord No 89-25, 11-28-89, § 2, Ord. No. 93-5, 3-23-93).

Sec. 44.85 Continuing duty.

Each applicant shall be under a continuing duty and obligation to disclose to the Sheriff's Office any changes or alterations in the information or disclosures required by this Part. (§15, Ord. No. 88-3, 3-8-88; § 4, Ord No. 89-25, 11-28-89; § 2, Ord. No 93-5, 3-23-93).

Sec. 45.86 Consent.

By applying for a license under this Part, the applicant shall be deemed to have consented to the provisions of this Part. (§ 16, Ord. No. 88-3, 3-8-88; § 2, Ord. No. 93-5, 3-23-93).

Sec. 45.87 Investigation of applicant.

Upon receipt of an application properly filed with the Sheriff's Office and upon payment of the non-refundable application fee, a copy of the application shall be forwarded to the Building Official, the Department of Public Safety, the Department of Health and Human Services, the Tax Collector and the Current Planning Office. Each recipient entity shall promptly conduct an investigation of the applicant, application and the proposed establishment. At the conclusion of its investigation, each recipient entity shall indicate to the Sheriff's Office its approval or disapproval of the application and the reasons

therefor. (§ 17, Ord. No. 88-3, 3-8-88; § 2, Ord No. 89-25, 11-28-89: § 2, Ord. No 93-5, 3-23-93).

Sec. 45.88 Issuance or denial of license.

(a) Upon the completion of the investigation and a review of the application as required; upon determination that the applicant meets the requirements of this Part and upon payment of the appropriate license fee by the Applicant, the Sheriff's Office shall issue the license.

(b) if after review and investigation as provided herein the Sheriff's Office determines that one or more of the reasons for denial stated below exist, the application shall be denied and the Sheriff's Office shall make a written report of the denial and the reasons therefor. A copy of the report shall be sent by certified mail to the designated return address on the application.

(§ 18, Ord. No. 88-3, 3-8-88; § 4, Ord. No. 89-25, 11 -28-89; § 2, Ord. No. 93-5, 3-23-93).

Sec. 45.89 Reasons for denial of application of license.

The application for a license shall be denied if one (1) or more of the following reasons is found:

(a) The application does not comply with the requirements of this Part.

(b) The application contains material false information.

(c) The applicant or any of the individuals stated in Section 45.83(a) hereto has a license under this Part which has been suspended or revoked as provided in Sections 45.98 and 45.99.

(d) The granting of the application would violate a statute or ordinance or an order from a court of law which effectively prohibits the applicant from obtaining an adult entertainment establishment license.

(§ 19, Ord. No. 88-3, 3-8-88; § 2, Ord. No. 93-5, 3-23-93).

Sec. 45.90 Reapplication after denial.

The applicant may not reapply for a license for a period of one (1) year from date of denial unless there has been an intervening change in the circumstances which may lead to a different decision regarding the former reason(s) for denial (§ 20, Ord. No. 88-3, 3-8-88; § 2, Ord No. 93-5, 3 -23 -93).

Sec. 45.91 Time period for grant or denial of application.

The Sheriff's Office shall grant or deny all applications submitted hereunder within forty-five (45) days from the date the completed application with application fee was submitted. (§ 21, Ord. No. 88-3, 3-8-88; § 4, Ord. No. 89-25, 11-28-89; § 2, Ord. No. 93-5, 3-23-93).

Sec. 45.92 Establishments existing on effective date.

(a) Operators of adult entertainment establishments existing and operating on April 1, 1988, the effective date of this Part, shall make application for a license hereunder within sixty (60) days of said effective date. Said establishments shall be permitted to operate pending issuance of the license.

(b) Licenses for such establishments shall be issued as a matter of course, upon submission of a completed application and payment of the applicable fees, and, notwithstanding the provisions of Section 45.89, shall not be denied unless the application contains material false information. Nothing herein shall prevent investigation of the applicant as provided in Section 45.87 and enforcement through authority apart from this licensing provision.

(c) Except for the above special application provisions, all other provisions of this Article and Part shall apply to such Licensees.

(§ 22, Ord. No. 88-3, 3-8-88; § 2, Ord. No. 93-5, 3-23-93).

Sec. 45.93 Annual license fee.

There shall be collected under this Part annual license fees as established by resolution of the Board of County Commissioners. The annual license fees are declared regulatory in nature, collected for the purpose of examination and inspection of adult entertainment establishments under this Part and the administration thereof. These regulatory fees are in addition to and not in lieu of the occupational licenses taxes imposed by the Seminole County Code or State law. (§ 23, Ord. No. 88-3, 3-8-88; § 2, Ord. No. 93-5, 3-23-93).

Sec. 45.94 Contents of license, term of license, renewals, expiration, lapse.

(a) Contents. An adult entertainment license shall state on its face the name of the licensee, the name of the establishment, the street address of the establishment, the classification(s) of the license, the date of issuance, and the date of expiration.

(b) Term. All licenses issued under this Part shall be annual licenses which shall commence running on October 1, on which date they shall have been paid for, and shall expire on September 30 of the following year. If a license is issued after October 1, but by March 31 of the following year, the applicant shall pay the appropriate license fee. If a license is issued after March 31, but by October 1 of the same year, the applicant shall pay one-half the appropriate license fee.

(c) Renewals. Licenses shall be renewed annually. Subject to other provisions of this Part, a licensee under this Part shall be entitled to a renewal of his annual license from year to year, as a matter by October 1 by presenting the license for the previous year and by paying the appropriate license fee.

(d) Expiration. A license that is not renewed under this Part by October 1 of each year shall expire. An expired license may be renewed by November 30 of the same year upon presentment of an affidavit stating that no adult entertainment activity has taken place at the establishment subsequent to expiration, upon payment of the appropriate license fee, and upon payment of a delinquent fee of ten percent (10%) of the appropriate license fee for the month of October, or fraction thereof, and an additional delinquent fee of five percent (5%) of the appropriate license fee for the month of November, or fraction thereof.

(e) Lapse. All expired licenses not renewed by November 30 shall lapse.

(§ 24, Ord. No. 88-3, 3-8-88; § 2, Ord. No. 93-5, 3-23-93).

Sec. 45.95 Records and reports.

Each licensee shall keep such records and make such reports as may be required by the Board of County Commissioners to implement this Part and carry out its purposes. (§ 25, Ord. No. 88-3, 3-8-88; § 2, Ord. No. 93-5, 9-23-93).

Sec. 45.96 Transfer of license.

(a) A licensee shall not transfer his license to another person, and thereby surrender possession, control, and operation of the licensed establishment to such other person, unless and until such other person satisfies the following requirements:

(1) Files a completed application containing the information required in Section 45.83 and the application has been granted by the Sheriff's Office.

(2) Provide satisfactory evidence that the conveyance of the establishment was bona fide and in good faith and without intent to defraud.

(3) Pay a transfer fee as provided by resolution of the Board of County Commissioners.

(b) No license may be transferred pursuant to this Part when the Sheriff's Office has notified the licensee that suspension or revocation proceedings have been or will be brought against the licensee.

(c) No license may be transferred pursuant to this Part to a location other than the one for which the license was issued.

(d) Any attempted transfer of a license either directly or indirectly in violation of this section is hereby declared void, and the license shall be deemed canceled.

(§ 26, Ord. No. 88-3, 3-8-88; § 4, Ord. No. 89-25, 11-28-89, § 2, Ord. No. 93-5, 3-23-93).

Sec. 45.97 Establishment name change.

No licensee may change the name of an adult entertainment unless and until the following requirements are satisfied:

(a) The Sheriff's Office is given thirty (30) days' notice in writing of the proposed name change; and

(b) Change of name fee as established by the Board of County Commissioners is paid to the Sheriff's Office; and

(c) Licensee has complied with Section 865.09, Florida Statutes, or its successor.

(§ 27, Ord. No. 88-3, 3-8-88; § 4, Ord. No. 89-25, 11-28-89; § 2, Ord. No. 93-3, 3-23-93).

Sec. 45.98 Violations of health, building, zoning or fire statutes, codes, ordinances or regulations.

In the event an adult entertainment establishment is determined to be in violation of a health, building, zoning or fire statute, code, ordinance or regulation, the appropriate County Department or Office shall notify the licensee of said violation and shall follow the Department's or Office's authorized procedures for correcting violations (§ 28, Ord. No. 88-3, 3-8-88; § 4, Ord. No. 89-25, 11-28-89; § 2, Ord. No. 93-5, 3-23-93).

Sec. 45.99 Suspension of license.

(a) in the event that it is found by a court or other body with proper jurisdiction that a licensee has violated the provisions of this Part, that licensee's adult entertainment license shall be automatically suspended. The Sheriff's Office shall enforce the suspension. The suspension shall remain in effect for a period of thirty (30) days. In the event a second violation of this Part occurs within a period of two (2) years from the date of the prior violation of this Part, but not including any time during which the license was suspended, the suspension shall remain in effect for a period of ninety (90) days. In the event a third violation of this Part occurs within a period of two (2) years from the first of the three violations, but not including any time during which the license was suspended, the suspension shall remain in effect for a period of one hundred eighty (180) days.

(b) Effective Date of Suspension. All periods of suspension shall begin twenty-one (21) days after notice of the suspension is mailed to the Licensee.

(§ 28, Ord. No. 88-3, 3-8-88; § 4, Ord. No. 89-25, 11-28-89; s 2, Ord No. 93-5, 3-23-93).

Sec. 45.100 Revocation of license.

(a) False Information or Misrepresentation of Fact. In the event it is found by a court or other body with proper jurisdiction that a license was granted based upon false information or misrepresentation of fact, that license shall be revoked forthwith, and the Sheriff's Office shall notify the Licensee of the revocation.

(b) Fourth Violation of this Part. In the event a fourth violation of this Part by the Licensee occurs within a period of two (2) years from the first of the four violations, but not including any time during which the license was suspended, the license shall be revoked forthwith and the Sheriff's Office shall notify the Licensee of the revocation.

(c) Effect of Revocation. If a license is revoked, the licensee shall not be entitled to obtain another adult entertainment license for a period of five (5) years.

(d) Effective Date of Revocation. The revocation shall take effect twenty-one (21) days after notice of the revocation is mailed to Licensee.

(§ 29, Ord. No. 88-3, 3-8-88; § 4, Ord. No. 89-25, 11-28-89; § 2, Ord. No. 93-5, 3-23-93).

Secs. 45.100 - 45.130 Reserved.

ARTICLE 111 EMPLOYEE PROVISIONS

Sec. 45.131 Records for employees.

(a) The licensee of an adult entertainment establishment shall be responsible for keeping a record of all employees who are currently employed by the establishment and of all employees who were employed by the establishment during the preceding one (1) year period. The record shall contain, at a minimum, the current or former employee's legal name, any aliases, his or her date of birth, his or her residential address, his or her residential telephone number (if any), his or her driver's license number or his or her state or federally issued identification card number, and a recent photograph as of time of hiring.

(b) The original records required by subsection (a) or true and exact photocopies thereof, shall be kept at the adult entertainment establishment at all times including clear photographs.

(c) Any operator of an adult entertainment establishment shall be responsible for knowing the location of the original records, or the true and exact photocopies thereof.

(d) Any operator of an adult entertainment establishment shall, upon request by a law enforcement officer, make available for inspection the original records, or the true and exact photocopies thereof, while the establishment is open for business.

(§ 3, Ord. No. 93-5, 3-23-93).

Secs. 45.132 - 45.160 Reserved.

ARTICLE IV ADULT ENTERTAINMENT ESTABLISHMENT PROVISIONS

Sec. 45.161 General requirements.

Each adult entertainment establishment shall, regardless of whether it is licensed under this Part, observe the following general requirements:

(a) Conform to, comply with and abide by all applicable statutes, codes, ordinances, and regulations, whether federal, state or local.

(b) Keep the adult entertainment license, when one is required under this Part, posted in a conspicuous place at the establishment at all times, which license shall be available for inspection upon request at all times by the public.

(c) On the first Monday of every month provide the Sheriff's Office with a listing of all persons who are or have been employees at the establishment since the first Monday of the previous month, and their positions.

(d) Opaquely cover each non-opaque area where a person outside the adult entertainment establishment may otherwise see inside the establishment.

(§ 45, Ord. No 88-3, 3-8-88; § 4, Ord. No. 89-25, 11-28-89; § 4, Ord. No. 93-5, 3-23-93).

Sec. 45.162 Adult theater provisions.

In addition to the general requirements for an adult entertainment establishment contained in Section 45.161, an adult theater shall, regardless of whether it is licensed under this Part, observe the following special provisions.

(a) If the adult theater contains an auditorium or similar area, the area shall comply with each of the following provisions:

(1) have individual, separate seats, not couches, benches, or the like, to accommodate the maximum number of persons who may occupy the area;

(2) have a continuous main aisle alongside of the seating areas in order that each person seated in the areas shall be visible from the aisle at all times; and

(3) have a sign posted in a conspicuous place at or near each entranceway to the auditorium or similar area which lists the maximum number of persons who may occupy the auditorium area, which number shall not exceed the number of seats within the auditorium area.

(b) If the adult theater contains adult booths, each adult booth shall comply with each of the following provisions:

(1) have a sign posted in a conspicuous place at or near the entranceway which states the maximum number of persons who may occupy the booth, which number shall correlate with the number of seats in the booth;

(2) have a permanently open entranceway not less than two (2) feet wide and not less than six (6) feet high, not capable of being closed or partially closed by any curtain, door, or other partition which would be capable of wholly or partially obscuring any person situated in the booth; provided, however, that the requirements of all building and related codes shall also be complied with;

(3) have individual, separate seats, not couches, benches, or the like, which correlate with the maximum number of persons who may occupy the booth;

(4) have a continuous main aisle alongside the booth in order that each person situated in the booth shall be visible from the aisle at all times; and

(5) have, except for the entranceway, walls or partitions of solid construction without any holes or openings in such walls or partitions.

(c) Each adult theater shall have one (1) or more manager's stations. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any non-employee is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any non-employee is permitted access for any purposes from at least one (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(d) if the adult theater is designed to permit outdoor viewing by persons seated in automobiles, it shall have the motion picture screen so situated, or the perimeter of the establishment so fenced, that the material to be seen by those persons may not be seen from any public right of way, property assigned a residential zoning classification or assigned a residential land use designation, any religious institution, any educational institution, or from a park.

(e) Each adult theater subject to this Part shall:

(1) cover the floors of areas accessible to non-employees with smooth and non-permeable flooring material which can withstand frequent effective cleaning with industrial strength cleaning agents. Carpeting of any type is prohibited.

(2) use smooth and non-permeable upholstery material, which can withstand frequent cleaning with industrial strength cleaning agents, to cover furniture permitted by this Part for the use of non-employees.

(3) have, in areas accessible to non-employees, interior wall surfaces which can withstand frequent cleaning with industrial strength cleaning agents.

(4) use only those shades and blinds which can withstand frequent cleaning with industrial strength cleaning agents. Draperies are prohibited.

(5) maintain areas accessible to non-employees in a clean and sanitary condition.

(6) renovate or replace all floors, walls, doors and items of interior decoration accessible to non-employees as needed All furniture upholstery material shall be kept free from holes and rips.

(7) Any individual cleaning or sanitizing the areas of areas accessible to non-employees shall utilize an appropriate and effective adaptation of the U.S. Center for Disease Controls universal precautions for the storage and transmission of the HIV virus and other diseases. Such measures must be approved by the Seminole County Health Department.

(§ 46, Ord. No 88-3, 3-8-88; § 4, Ord. No 93-5, 3-23-93).

Sec. 45.163 Adult cabaret provisions.

(a) In addition to the general requirements for an adult entertainment establishment contained in Section 45.161, an adult cabaret shall, regardless of whether it is licensed under this Part, have a stage provided for the display or exposure of any specified anatomical area by an employee to a person other than another employee consisting of a permanent platform (or other similar permanent structure) raised a minimum of eighteen (18) inches above the surrounding floor and encompassing an area of at least one hundred (100) square feet. The stage shall be located at least three (3) feet from the nearest table, chair or other accommodation where food, drink or alcoholic beverage is served or consumed.

(b) Any area in which a private modeling or private performance occurs shall:

(1) have a permanently open entranceway not less than two (2) feet wide and not less than six (6) feet high, which entranceway shall not have any curtain rods, hinges, rails or the like which would allow the entranceway to be closed or partially closed by any

curtain, door, or other partition; provided, however, that the requirements of all building and related codes shall also be complied with; and

(2) have a wall to wall, floor to ceiling partition of solid construction without any holes or openings, which partition may be completely or partially transparent, and which partition separates the employee from the person viewing the displays.

(c) The above stated requirement shall not apply to adult cabarets existing and operating in Seminole County on April 1, 1988, the original effective date of this Part. Provided that any new construction shall be subject to said requirements, regardless of whether the establishment was in existence and operating on the effective date of this Part.

(§ 47, Ord. No. 88-3, 3-8-88; § 4, Ord. No. 93-5, 3-23-93).

Secs. 45.164 - 45 180 Reserved.

ARTICLE V PROHIBITED ACTIVITIES

Sec. 45.181 Operation of establishment without valid adult entertainment license.

It shall be unlawful for any person to be an operator of an adult entertainment establishment where the person knows or has reason to know:

(a) That the establishment does not have an adult entertainment license for any applicable classification;

(b) That the establishment has a license which is under suspension;

(c) That the establishment has a license which has been revoked or canceled; or

(d) That the establishment has a license which has expired.

(§ 48, Ord. No. 88-3, 3-8-88; § 5, Ord. No. 93-5, 3-23-93).

Sec. 45.182 Allowing employee to engage in prohibited acts.

It shall be unlawful for an operator of an adult entertainment establishment, regardless of whether it is licensed under this Part, to knowingly or with reason to know, permit, suffer, or allow any employee:

(a) To engage in a straddle dance with a non-employee at the establishment;

(b) To contract or otherwise agree with a non-employee to engage in a straddle dance with a person at the establishment;

- (c) To engage in any specified sexual activity at the establishment;
- (d) To display or expose at the establishment specified anatomical areas, unless such employee is in an area described in Section 45.163 of this Part;
- (e) To deliver a tip or gratuity except by hand to the receiver's hand or to place a tip or gratuity in any specified anatomical area.
- (f) To engage in private modeling or a private performance unless such employee is in an area which complies with the special requirements of Sec. 45 1 63(b).
- (g) To be intentionally touched by a person other than another employee, either directly or through a medium, at or on any specified anatomical area whether the employee being touched is clothed or unclothed.
- (h) If the employee is a female, to be intentionally touched on clothed or unclothed breast(s) by a person other than another employee, either directly or through a medium.

(§ 49, Ord. No. 88-3, 3-8-88; § 5, Ord. No 93-5, 3-23-93).

Sec. 45.183 Advertising prohibited activity.

It shall be unlawful for an operator of an adult entertainment establishment, regardless of whether it is licensed under this Part, to advertise the presentation of any activity prohibited by any applicable state statute or local ordinance. (§ 50, Ord. No. 88-3; § 5, Ord. No. 93-5, 3-23-93).

Sec. 45.184 Minors prohibited.

It shall be unlawful for an operator of an adult entertainment establishment, regardless of whether it is licensed under this Part, to knowingly, or with reason to know, permit suffer, or allow:

- (a) Admittance to the establishment of a person under eighteen (18) years of age.
- (b) A person under eighteen (18) years of age to remain at the establishment.
- (c) A person under eighteen (18) years of age to purchase goods or services at the establishment.
- (d) A person to work at the establishment as an employee who is under eighteen (18) years of age.

(§ 51, Ord. No. 88-3, 3-8-88: § 5, Ord. No. 93-5, 3-23-93).

Sec. 45.185 Working at establishment which does not have valid adult entertainment license.

It shall be unlawful for any person to work in an adult entertainment establishment that he knows or should know is not licensed under this Part, or which has a license which is under suspension, has been revoked or canceled, or has expired, regardless of whether he has applied for and obtained a permit under this Part. (§ 52, Ord. No. 88-3, 3-8-88; § 5, Ord. No. 93-5, 3-23-93).

Sec. 45. 186. Premises Must Be Open to Observation by Management.

(a) It shall be the duty of the owner and it shall also be the duty of any of his agents present in or on the premises to ensure that the view area specified in Subsection 45.1 62(c) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times that any non-employee is present in the premises so as to ensure that no non-employee is permitted access to any area of the premises which has been designated as an area in which non-employees will not be permitted.

(b) It is the duty of the owner or his agents to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any non-employee is present inside the premises.

(c) It is the duty of the owner or his agents in or on the premises to ensure that the premises are equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which non-employees are permitted access at an illumination of not less than one foot (1') candle as measured at the floor level. The light shall be maintained at all times any non-employee is present in the premises.

(§ 53, Ord No. 88-3, 3-8-88; § 5, Ord. No. 93-5, 3-23-93).

Sec. 45.187 Engaging in prohibited activity: non-employee.

It shall be unlawful for any non-employee in an adult entertainment establishment:

(a) To engage or participate in a straddle dance at the establishment.

(b) To contract or otherwise agree to engage or participate in a straddle dance with a person at the establishment.

(c) To engage or participate in any specified sexual activity at the establishment.

(d) To display or expose at the establishment specified anatomical areas.

(e) To deliver a tip or gratuity except by hand to the receiver's hand or to place a tip or gratuity in any specified anatomical area.

(f) To intentionally touch an employee, either directly or through a medium, at or on any specified anatomical area whether the employee being touched is clothed or unclothed.

(g) If the employee is a female, to touch that employee on her clothed or unclothed breast(s), either directly or through a medium.

(§ 54, Ord. No 88-3, 3-8-88; § 4, Ord. No. 89-13, 7-25-89; § 5, Ord. No. 93-5, 3-23-93).

Sec. 45.188 Engaging in prohibited activity: employees.

It shall be unlawful for any employee in an adult entertainment establishment:

(a) To engage or participate in a straddle dance with a non-employee at the establishment.

(b) To contract or otherwise agree with a non-employee to engage or participate in a straddle dance with a person at the establishment.

(c) To engage or participate in any specified sexual activity at the establishment.

(d) To display or expose at the establishment specified anatomical areas, unless such person is an employee in an area as described in Section 45.163.

(e) To accept a tip or gratuity except by hand to the receiver's hand or to place a tip or gratuity accepted by hand in any specified anatomical area.

(f) To engage in private modeling or a private performance unless the employee is in an area which complies with the special requirements of Sec. 45.163(b).

(g) To allow themselves to be intentionally touched by a person other than another employee, either directly or through a medium, at or on any specified anatomical area whether the employee being touched is clothed or unclothed.

(h) If the employee is a female, to allow herself to be intentionally touched on her clothed or unclothed breast(s) by a person other than another employee, either directly or through a medium.

(§ 5, Ord No 93-5, 3-23-93).

Sec. 45.189 Exceeding occupancy limit of adult booth.

It shall be unlawful for any person to occupy an adult booth in which booth there are more people than that specified on the posted sign required by Section 45.162. (§ 55, Ord. No. 88-3, 3-8-88; § 5, Ord. No. 93-5, 3-23-93).

Sec. 45.190 Use of restrooms or dressing rooms.

Notwithstanding any provision indicating to the contrary, it shall not be unlawful for any employee of an adult entertainment establishment, regardless of whether it is licensed under this Code, to expose any specified anatomical area during the employee's bona fide use of a dressing room which is accessible only to employees. (§ 56, Ord. No. 88-3, 3-8-88; § 5, Ord. No. 93-5, 3-23-93).

Sec. 45.191 Alteration of license.

It shall be unlawful for any person to alter or otherwise change the contents of an adult entertainment license. (§ 57, Ord. No. 88-3, 3-8-88; § 5, Ord. No. 93-5, 3-23-93).

Sec. 45.192 False statement or false information in applying for license.

It shall be unlawful for any person applying for an adult entertainment license to make a false statement which is intended to facilitate the issuance of a license, or to provide false information which is intended to facilitate the issuance of a license. (§ 58, Ord. No. 88-3, 3-8-88; § 5, Ord. No. 93-5, 3-23-93).

Sec. 45.193 Requirement to post signs concerning straddle dancing.

(a) Each adult cabaret shall post a sign which is clearly legible and located in a conspicuous place setting forth that straddle dancing as defined in Section 45.66(u) of this Part is strictly prohibited when such dancing involves an individual who is not an employee of the adult entertainment cabaret.

(b) It shall be unlawful for any adult entertainment cabaret to fail to post a sign indicating the prohibition against straddle dancing.

(§ 5, Ord. No. 93-5, 3-23-93).

Secs. 45.194 - 45.200 Reserved.