

ORDINANCE

06-25



Agenda Item Cover Sheet

Agenda Item N^o. D-4

Meeting Date September 07, 2006

- Consent Section
 Regular Section
 Public Hearing

Subject:
 Public hearing to consider adoption of an ordinance regarding licensing requirements and regulations for sexually oriented businesses

Department Name: County Attorney's Office

Contact Person: Adam J. Gormly Contact Phone: 272-5670

Sign-Off Approvals:		<u>Adam Gormly</u>	<u>08/25/2006</u>
		<small>Managing County Attorney</small>	<small>Date</small>
<u>Renée Francis Lee</u>	<u>08/25/2006</u>	<u>NA</u>	
<small>County Attorney</small>	<small>Date</small>	<small>Joint Department Director</small>	<small>Date</small>
<u>NA</u>		<u>Adam Gormly</u>	<u>08/25/2006</u>
<small>Management and Budget - Approved as to Financial Impact Accuracy</small>	<small>Date</small>	<small>Assistant County Attorney</small>	<small>Date</small>

Staff's Recommended Board Motion:
 Conduct a public hearing to consider adoption of an ordinance regarding licensing requirements and regulations for sexually oriented businesses.

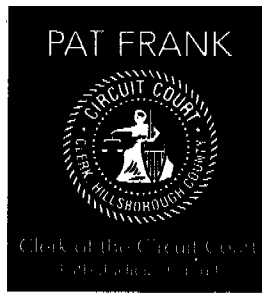
Financial Impact Statement:

Background:
 At a workshop held on June 13, 2006, the Board of County Commissioners held a discussion on proposed ordinances regarding adult uses in Hillsborough County. Among the items considered by the Board was a proposed ordinance providing for licensing requirements and regulations for sexually oriented businesses.

 On August 16, 2006, the Board held a public hearing on the proposed ordinance, closed the public comment portion of the public hearing and continued the public hearing to September 7, 2006.

List Attachments:

ORD # 06-25



September 15, 2006

Norma J. Wise, Director
Hillsborough County Law Library
501 E. Kennedy Boulevard Ste. 100
Tampa, Florida 33602-5027

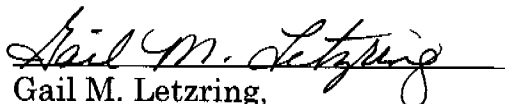
Re: Ordinance #06-25
Ordinance Establishing Licensing Requirements for Sexually Oriented
Businesses and Repealing Ordinance 95-9

Dear Ms. Wise:

Attached please find a copy of Hillsborough County Ordinance #06-25 which was adopted by the Board of County Commissioners on September 7, 2006. We are also forwarding acknowledgment received from the Secretary of State. This ordinance has an effective date of September 12, 2006.

If I can provide additional information or be of further assistance, please do not hesitate to contact me.

Sincerely,


Gail M. Letzring,
Manager, BOCC Records

md

Attachments

cc: Evelyn Jefferson, Municipal Code Corporation
Ellen Leonard, Legal Advisor, Sheriff's Office
Librarian, State Attorney's Office
Sandra Davidson, County Attorney's Office
Adam J. Gormly, Managing Attorney
Jack Brooks, Director, CCC Accounting
Mary Wilson, Budget Manager, BOCC Finance

Draft Ordinance

ORDINANCE NO. 06-25

AN ORDINANCE OF HILLSBOROUGH COUNTY, FLORIDA, ESTABLISHING LICENSING REQUIREMENTS AND REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES; SETTING FORTH FINDINGS; ESTABLISHING DEFINITIONS; IMPOSING FEES; REQUIRING INSPECTIONS OF PREMISES; PROVIDING FOR EXPIRATION, SUSPENSION, AND REVOCATION OF LICENSES; PROVIDING FOR HEARINGS AND APPEALS; PROHIBITING TRANSFER OF LICENSES; LIMITING HOURS OF OPERATION; REGULATING EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS; IMPOSING DUTIES REGARDING LOITERING, EXTERIOR LIGHTING, VISIBILITY AND MONITORING OUTSIDE PREMISES; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR APPLICABILITY TO EXISTING BUSINESSES; IMPOSING PROHIBITIONS OF NUDITY, PHYSICAL CONTACT, ALCOHOLIC CONSUMPTION; REQUIRING SEPARATION BETWEEN EMPLOYEES AND CUSTOMERS; REQUIRING SCIENTER; PRESERVING APPLICANT RIGHTS IN EVENT OF COUNTY FAILURE TO ACT; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING PROVISIONS; PROVIDING AN EFFECTIVE DATE.

Section

-	Preamble
2 1/2-41	Rationale and findings.
2 1/2-42	Definitions.
2 1/2-43	Classifications.
2 1/2-44	License required.
2 1/2-45	Issuance of license.
2 1/2-46	Fees.
2 1/2-47	Inspection.
2 1/2-48	Expiration of license.
2 1/2-49	Suspension.
2 1/2-50	Revocation.
2 1/2-51	Hearing; license denial, suspension, revocation; appeal.
2 1/2-52	Transfer of license.
2 1/2-53	Hours of operation.
2 1/2-54	Regulations pertaining to exhibition of sexually explicit films on premises.
2 1/2-55	Loitering and exterior lighting and monitoring requirements.
2 1/2-56	Penalties and enforcement.

- 2 1/2-57 Applicability of ordinance to existing businesses.
- 2 1/2-58 Conduct regulations.
- 2 1/2-59 Regulations for adult mobile cabarets.
- 2 1/2-60 Scienter required to prove violation or business licensee liability.
- 2 1/2-61 Failure of county to meet time frame not to risk applicant/licensee rights.
- 2 1/2-62 Severability.
- 2 1/2-63 Conflicting code provisions repealed.

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the County in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the County; and

WHEREAS, the Board of County Commissioners finds that sexually oriented businesses, as a category of establishments, are used for unlawful sexual activities, including public masturbation, lewdness, and prostitution; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, as a category of establishments, have deleterious secondary effects and are often associated with crime and adverse impacts on surrounding areas; and

WHEREAS, the County recognizes its constitutional duty to interpret, construe, and amend its laws and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, with the passage of any ordinance, the County and the Board of County Commissioners accept as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Florida Constitutions, Florida Law, and the Florida Rules of Civil and Criminal Procedure; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the U.S. Constitution or the Florida Constitution, but to enact an ordinance to further the content-neutral governmental interests of the County, to wit, the controlling of secondary effects of sexually oriented businesses.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Hillsborough County, Florida:

Section 1.

Chapter 2 1/2 of the Hillsborough County Code of Ordinances, is hereby amended to add Article IV, known as the “Sexually Oriented Business Code” which is as follows:

Sec. 2 1/2-41. Rationale and Findings.

(a) Purpose. It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the County. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the purpose nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the purpose nor effect of this ordinance to condone or legitimize the distribution of obscene material.

(b) Findings and Rationale. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Board of County Commissioners, and on findings, interpretations, and narrowing constructions incorporated in numerous cases, including, but not limited to *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres, Inc.*, 427 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *California v. LaRue*, 409 U.S. 109 (1972); as well as in the cases of *Artistic Entertainment, Inc. v. City of Warner Robins*, 223 F.3d 1306 (11th Cir. 2000); *Peek-A-Boo Lounge of Bradenton, Inc. v. Manatee County*, 337 F.3d 1251 (11th Cir. 2003); *Gary v. City of Warner Robins*, 311 F.3d 1334 (11th Cir. 2002); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Wise Enters. v. Unified Gov't of Athens-Clarke County*, 217 F.3d 1360 (11th Cir. 2000); *BZAPs, Inc. v. City of Mankato*, 268 F.3d 603 (8th Cir. 2001); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Ward v. County of Orange*, 217 F.3d 1350 (11th Cir. 2000); *Boss Capital, Inc. v. City of Casselberry*, 187 F.3d 1251 (11th Cir. 1999); *David Vincent, Inc. v. Broward County*, 200 F.3d 1325 (11th Cir. 2000); *Sammy's of Mobile, Ltd. v. City of Mobile*, 140 F.3d 993 (11th Cir. 1998); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 973 F.Supp. 1428 (M.D. Fla. 1997); *Grand Faloon Tavern, Inc. v. Wicker*, 670 F.2d 943 (11th Cir. 1982); *Board of County Commissioners v. Dexterhouse*, 348 So. 2d 916 (Ct. App. Fla. 1977); *International Food & Beverage Systems v. Ft. Lauderdale*, 794 F.2d 1520 (11th Cir. 1986); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona - 1979; Houston, Texas - 1983, 1997; Indianapolis, Indiana - 1984; Amarillo, Texas - 1977; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997, 2004; Newport News, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona - 1995-98; Centralia, Washington - 2004; Greensboro, North Carolina - 2003; and also on findings of physical abuse from the papers entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; Expert Report of Richard McCleary, Ph.D., Dec. 18, 2004; Affidavits of Tom McCarren; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and the Report of the Attorney

General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Board of County Commissioners finds:

(1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, undesirable and criminal behavior associated with alcohol consumption, negative impacts on surrounding properties, litter, and sexual assault and exploitation.

(2) Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the County's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses as well as sexually oriented businesses that may locate in the County in the future. The County finds that the cases and secondary effects documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

Sec. 2 1/2-42. Definitions.

For purposes of this Article, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

“Administrator” means the Hillsborough County Administrator or his/her designee.

“Adult Bookstore” or *“Adult Video Store”* means a commercial establishment which, as one of its principal business activities, offers for sale, rental, or viewing for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations, which are characterized by their emphasis upon the display of “specified sexual activities” or “specified anatomical areas.”

A “principal business activity” means that the commercial establishment:

- (1) has a substantial portion of its displayed merchandise which consists of said items; or
- (2) has a substantial portion of the wholesale value of its displayed merchandise which consists of said items; or
- (3) has a substantial portion of the retail value of its displayed merchandise which consists of said items; or

(4) derives a substantial portion of its revenues from the sale or rental; for any form of consideration, of said items; or

(5) maintains a substantial section of its interior business space for the sale or rental or said items; or

(6) maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or specified anatomical areas."

"*Adult Cabaret*" means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment in a fixed location, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude.

"*Adult Mobile Cabaret*" means a bus, trailer, or other non-permanent structure which is being used to feature persons who appear semi-nude.

"*Adult Motel*" means a motel, hotel, or similar commercial establishment which:

(1) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, other photographic reproductions, or live performances which are characterized by the display of "specified sexual activities" or "specified anatomical areas"; and which advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any on or off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; and

(2) offers a sleeping room for rent for a period of time that is less than ten (10) hours;
or

(3) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

"*Adult Motion Picture Theater*" means a commercial establishment where films, motion pictures, videocassettes, slides, photographic reproductions, or electronic reproductions, which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than five persons for any form of consideration.

"*Board of County Commissioners*" means the Board of County Commissioners of Hillsborough County, Florida.

“*Characterized by*” means to describe the essential character or quality of an item. As applied in this ordinance, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

“*County*” means Hillsborough County, Florida.

“*Employ,*” “*Employee,*” and “*Employment*” describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

“*Establish*” or “*Establishment*” shall mean and include any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
- (3) The addition of any sexually oriented business to any other existing sexually oriented business.

“*Hearing Officer*” shall mean an attorney that is not an employee of the County.

“*Influential Interest*” means any of the following: (1) the actual power to control the operation, management, policies, or premises of a business or entity, including the power exercised by an “operator” as defined herein, or (2) holding an office (e.g., president, vice president, secretary, treasurer, etc.) or directorship in a legal entity which operates a sexually oriented business.

“*Licensee*” shall mean a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license. In case of an “employee,” it shall mean the person in whose name the sexually oriented business employee license has been issued.

“*Nude,*” “*Nudity*” or “*State of Nudity*” means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple.

“*Operate*” or “*Cause to Operate*” shall mean to cause to function or to put or keep in a state of doing business.

“*Operator*” means any person on the premises of a sexually oriented business who puts or keeps the business in operation or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be an operator of a

sexually oriented business regardless of whether that person is an owner, part owner, or licensee of the business.

“*Person*” shall mean individual, proprietorship, partnership, corporation, association, or other legal entity.

“*Premises*” means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business structure, the grounds, private walkways, parking lots, and/or parking garages adjacent thereto, which are under the ownership, control, or supervision of the licensee, as described in the application for a business license pursuant to Sec. 2 1/2-44 of this ordinance.

“*Regularly*” means the consistent and repeated doing of the act so described.

“*Semi-Nude*” or “*State of Semi-Nudity*” means the showing of a majority of a female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of a majority of a male or female buttock.

“*Semi-Nude Model Studio*” means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

This definition does not apply to any place where persons appearing in a state of semi-nudity do so in a modeling class operated:

- (1) By a college, junior college, or university supported entirely or partly by taxation;
- (2) By a private college or university which maintains and operates educational programs in which credits are transferable to college, junior college, or university supported entirely or partly by taxation; or
- (3) In a structure:
 - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
 - b. Where, in order to participate in a class a student must enroll at least three days in advance of the class.

“*Sexual Device*” means any three (3) dimensional object designed and marketed for stimulation of the male or female human genital organ or anus or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

“*Sexual Device Shop*” means a commercial establishment that regularly features sexual devices. Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services, nor shall this definition be construed to include commercial establishments which do not restrict access to their premises by reason of age.

“*Sexual Encounter Center*” shall mean a business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration, physical contact in the form of touching, wrestling or tumbling between persons when one or more of the persons is semi-nude.

“*Sexually Oriented Business*” means an “adult bookstore,” an “adult video store,” an “adult cabaret,” an “adult motel,” an “adult motion picture theater,” a “semi-nude model studio,” a “sexual device shop,” or a “sexual encounter center.”

“*Specified Anatomical Areas*” means and includes:

- (1) human genitals; pubic region; buttocks; and female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

“*Specified Criminal Activity*” means:

- (1) any of the following specified crimes for which less than five (5) years elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:
 - a. Fla. Stat. § 794.011 (Sexual battery);
 - b. Fla. Stat. § 796.03 through § 796.07 (Prostitution offenses);
 - c. Fla. Stat. § 800.04 (Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age);
 - d. Fla. Stat. Ch. 847 (Obscenity offenses);
 - e. Fla. Stat. § 893.13 (Controlled substance offenses);
 - f. Fla. Stat. Ch. 895 (Offenses concerning racketeering and illegal debts);
 - g. Any of the foregoing statutory offenses as amended from time to time; or
- (2) attempt, solicitation, or conspiracy to commit one of the foregoing statutory offenses; or

(3) any offenses in other jurisdictions that, had the predicate act(s) been committed in Florida, would have constituted any of the foregoing offenses.

Notwithstanding anything in this definition of “specified criminal activity,” a conviction that is later reversed, vacated, overturned or expunged by a court of law shall not be considered a “specified criminal activity” under this ordinance.

“*Specified Sexual Activity*” means any of the following:

- (1) sexual intercourse, oral copulation, masturbation, or sodomy; or
- (2) excretory functions as a part of or in connection with any of the activities described in (1) above.

“*Substantial*” means at least thirty-five percent (35%) of the item(s) so modified.

“*Transfer of Ownership or Control*” of a sexually oriented business shall mean any of the following:

- (1) The sale, lease, rental, or sublease of the business;
- (2) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

“*Viewing Room*” shall mean the room, booth, or area where a patron of sexually oriented business would ordinarily be positioned while watching a film, videocassette, or other visual reproduction.

Sec. 2 1/2-43. Classification.

The classifications for sexually oriented businesses shall be as follows:

- a. Adult bookstores or adult video stores;
- b. Adult cabarets;
- c. Adult motels;
- d. Adult motion picture theaters;
- e. Semi-nude model studios;
- f. Sexual device shops;
- g. Sexual encounter centers.

Sec. 2 1/2-44. License required.

(a) It shall be unlawful for any person to operate a sexually oriented business in Hillsborough County without a valid sexually oriented business license.

(b) It shall be unlawful for any person to be an “employee,” as defined in this Article, of a sexually oriented business in Hillsborough County without a valid sexually oriented business employee license.

(c) An applicant for a sexually oriented business license or a sexually oriented business employee license shall file in person at the office of Hillsborough County Administrator’s Office a completed application made on a form provided by the County Administrator’s Office. A sexually oriented business may designate an individual with an influential interest in the business to file its application for a sexually oriented business license in person on behalf of the business. The application shall be signed as required by subsection (d) herein and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required in Paragraphs 1 through 8 below, accompanied by the appropriate fee identified in the fee schedule adopted by the Board of County Commissioners:

(1) The applicant’s full true name and any other names used by the applicant in the preceding five (5) years.

(2) Current business address or another mailing address of the applicant.

(3) Written proof of age, in the form of a driver’s license or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.

(4) If the application is for a sexually oriented business license, the business name, location, legal description, mailing address and phone number of the sexually oriented business.

(5) If the application is for a sexually oriented business license, the name and business address of the statutory agent or other agent authorized to receive service of process.

(6) A statement of whether an applicant has been convicted of or has pled guilty or nolo contendere to a specified criminal activity as defined in this ordinance, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.

(7) A statement of whether any sexually oriented business in which an applicant has had an influential interest in the previous five (5) years has, for conduct occurring when the applicant had the influential interest and had knowledge of the conduct:

- a. been declared by a court of law to be a nuisance; or
- b. been subject to a court order of closure or padlocking.

(8) An application for a sexually oriented business license shall be accompanied by a legal description of the property where the business is located and a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the

business. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. Applicants who are required to comply with Secs. 2 1/2-54 and 2 1/2-58 of this Article shall submit a diagram indicating that the interior configuration meets the requirements of those sections.

The information provided pursuant to Paragraphs 1 through 8 of this subsection shall be supplemented in writing by certified mail, return receipt requested, to the County Administrator's Office within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete.

(d) If a person who wishes to operate a sexually oriented business is an individual, he shall sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each person with an influential interest in the business shall sign the application for a license as applicant. Each applicant must be qualified under Sec. 2 1/2-45 and each applicant shall be considered a licensee if a license is granted.

(e) The information provided by an applicant in connection with an application for a license under this Article shall be maintained by the County Administrator's Office on a confidential basis, and such information may be disclosed only as required by law.

Sec. 2 1/2-45. Issuance of license.

(a) Upon the filing of a completed application under Sec. 2 1/2-44(c) for a sexually oriented business license, the Hillsborough County Administrator shall, if the application on its face shows that the applicant meets the requirements of this subsection, issue a Temporary License to the applicant within twenty-four (24) hours of the receipt of the application. The Temporary License shall expire upon the final decision of the County to deny or grant an annual license. Within twenty (20) days of the filing date of a completed sexually oriented business license application, the County Administrator shall issue a license to the applicant or issue to the applicant a letter of intent to deny the application. The County Administrator shall issue a license unless:

- (1) An applicant is less than eighteen (18) years of age.
- (2) An applicant has failed to provide information as required by Sec. 2 1/2-44 for issuance of a license or has falsely answered a question or request for information on the application form.
- (3) The license application fee has not been paid.
- (4) The sexually oriented business, as defined herein, is not in compliance with the interior configuration requirements of this Article or is not in compliance with locational requirements of the Hillsborough County Land Development Code. A sexually oriented business that previously has been granted and holds an active, valid adult use special use permit

as of the effective date of this ordinance shall be deemed to be in compliance with locational requirements of the Hillsborough County Land Development Code.

(5) Any sexually oriented business in which an applicant has had an influential interest in the previous five (5) years has, for conduct occurring when the applicant had the influential interest and had knowledge of the conduct:

- a. been declared by a court of law to be a nuisance; or
- b. been subject to a court order of closure or padlocking.

(6) An applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity, as defined in this ordinance.

(b) Upon the filing of a completed application under Sec. 2 1/2-44(c) for a sexually oriented business employee license, the Hillsborough County Administrator shall immediately issue a Temporary License to the applicant, which Temporary License shall expire upon the final decision of the County to deny or grant an annual license. Within twenty (20) days of the filing date of a completed sexually oriented business employee license application, the County Administrator shall either issue a license or issue a written notice of intent to deny a license to the applicant. The County Administrator shall issue a license unless:

- (1) The applicant is less than eighteen (18) years of age.
- (2) The applicant has failed to provide information as required by Sec. 2 1/2-44 for issuance of a license or has falsely answered a question or request for information on the application form.

(3) The license application fee has not been paid.

(4) Any sexually oriented business in which an applicant has had an influential interest in the previous five (5) years has, for conduct occurring when the applicant had the influential interest and had knowledge of the conduct:

- a. been declared by a court of law to be a nuisance; or
- b. been subject to a court order of closure or padlocking.

(5) The applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity, as defined in this ordinance.

(c) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, if the license is for a sexually oriented business, the address of the sexually oriented business. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be read at any time. A sexually oriented business

employee shall keep the employee's license on his or her person or on the premises where the licensee is then working or performing.

(d) The issuance of a license hereunder shall not constitute waiver of compliance with any Hillsborough County land use, zoning, or comprehensive plan ordinance requirements, nor shall such issuance be interpreted as a finding or ruling that the licensee has complied with such requirements.

Sec. 2 1/2-46. Fees.

(a) The initial license and annual renewal fees for sexually oriented business licenses and sexually oriented business employee licenses shall be as provided in a fee schedule adopted by the Board of County Commissioners.

Sec. 2 1/2-47. Inspection.

(a) Sexually oriented businesses and sexually oriented business employees shall permit the County Administrator and his or her designees to inspect, from time to time on an occasional basis, the portions of the sexually oriented business premises where patrons are permitted, for the purpose of ensuring compliance with the specific regulations of this Article, during those times when the sexually oriented business is occupied by patrons or is open to the public. This section shall be narrowly construed by the County to authorize reasonable inspections of the licensed premises pursuant to this Article, but not to authorize an unreasonable or excessive pattern of inspections.

(b) The provisions of this Section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

Sec. 2 1/2-48. Expiration of license.

(a) Each license shall remain valid for a period of one (1) calendar year from the date of issuance unless otherwise suspended or revoked. Such license may be renewed only by making application and payment of a fee as provided in Sec. 2 1/2-44 and Sec. 2 1/2-46.

(b) Application for renewal should be made pursuant to the procedures set forth in Sec. 2 1/2-44 at least ninety (90) but not more than one hundred twenty (120) days before the expiration date, and when made less than ninety (90) days before the expiration date, the expiration of the license will not be affected.

Sec. 2 1/2-49. Suspension.

(a) The County shall issue a letter of intent to suspend a sexually oriented business license for a period not to exceed thirty (30) days if the sexually oriented business licensee has knowingly violated this Article or has knowingly allowed an employee to violate this Article.

(b) The County shall issue a letter of intent to suspend a sexually oriented business employee license if the employee has knowingly violated this Article.

Sec. 2 1/2-50. Revocation.

(a) The County shall issue a letter of intent to revoke a sexually oriented business license if the licensee knowingly violates this Article or knowingly allows an employee to violate this Article and the licensee's license has been suspended within the previous twelve-month (12-month) period. The County shall issue a letter of intent to revoke a sexually oriented business employee license if the employee knowingly violates this Article and the employee's license has been suspended within the previous twelve-month (12-mo.) period.

(b) The County shall issue written intent to revoke a sexually oriented business license or a sexually oriented business employee license, as applicable, if:

(1) The licensee has knowingly given false information in the application for the sexually oriented business license or the sexually oriented business employee license;

(2) The licensee has knowingly or recklessly engaged in or allowed possession, use, or sale of controlled substances on the premises;

(3) The licensee has knowingly or recklessly engaged in or allowed prostitution on the premises;

(4) The licensee knowingly or recklessly operated the sexually oriented business during a period of time when the license was finally suspended or revoked; or

(5) The licensee has knowingly or recklessly engaged in or allowed any specified sexual activity to occur in or on the licensed premises.

(c) The fact that any relevant conviction is being appealed shall have no effect on the revocation of the license, provided that, if any conviction which serves as a basis of a license revocation is overturned or reversed on appeal, that conviction shall, upon such reversal, be treated as null and of no effect for revocation purposes.

(d) When, after the notice and hearing procedure described in Sec. 2 1/2-51, a license is revoked, the revocation shall continue for two (2) years and the licensee shall not be issued a sexually oriented business license or sexually oriented business employee license for two (2) years from the date the revocation becomes effective.

Sec. 2 1/2-51. Hearing; denial, revocation, and suspension; appeal.

(a) When the County Administrator issues a written notice of intent to deny, suspend, or revoke a license, the County Administrator shall immediately send such notice, which shall include the specific grounds under this ordinance for such action, to the applicant or licensee (respondent) by personal delivery or certified mail. The notice shall be directed to the most current business address or other mailing address on file with the County Administrator for the respondent. The notice shall specify a date, not less than ten (10) days nor more than twenty (20)

days after the date the notice is issued, on which the Hearing Officer shall conduct a hearing on the County Administrator's intent to deny, suspend, or revoke the license.

At the hearing, the respondent shall have the opportunity to present all of respondent's arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the County Administrator's witnesses. The County Administrator shall also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending, or revoking the license. The hearing shall take no longer than two (2) consecutive days, unless extended at the request of the respondent to meet the requirements of due process and proper administration of justice. The Hearing Officer shall issue a written decision, including specific reasons for the decision pursuant to this ordinance, to the respondent within five (5) days after the hearing. This decision shall be the final decision of the County and shall be subject to judicial review under any available procedure in any court of competent jurisdiction.

If the decision is to deny, suspend, or revoke the license, the decision shall not become effective until the thirtieth (30th) day after it is rendered, and the decision shall include a statement advising the respondent of the right to challenge or appeal such decision in a court of competent jurisdiction. If the Hearing Officer's decision finds that no adequate grounds exist under this ordinance for denial, suspension, or revocation of the license, the Hearing Officer shall, contemporaneously with the issuance of the decision, order the County Administrator to immediately withdraw the intent to deny, suspend, or revoke the license and to notify the respondent in writing by certified mail of such action. If the respondent is not yet licensed, the County Administrator shall contemporaneously therewith issue the license to the applicant.

(b) If any court action challenging the County's decision is initiated, the County shall provide and transmit to the court a transcript of the hearing within ten (10) days after receiving written notice of the filing of the court action.

(c) The following shall apply to any sexually oriented business that is in operation as of the effective date of this ordinance: upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the County's enforcement of the denial, suspension, or revocation, the County shall immediately issue the respondent a Provisional License. The Provisional License shall allow the respondent to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee and will expire upon the court's entry of a judgment on the respondent's appeal or other action to challenge, restrain, or otherwise enjoin the County's enforcement.

Sec. 2 1/2-52. Transfer of license.

A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the sexually oriented business license application.

Sec. 2 1/2-53. Hours of operation.

No sexually oriented business, other than an adult motel, shall be or remain open for business between 2:00 a.m. and 6:00 a.m. on any day.

Sec. 2 1/2-54. Regulations pertaining to exhibition of sexually explicit films on premises.

(a) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises, in a viewing room of less than three hundred fifty (350) square feet of floor space, a film, video cassette, or other visual reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas, shall comply with the following requirements.

(1) Each application for a sexually oriented business license shall contain a diagram of the premises showing the location of all operator's stations, viewing rooms, overhead lighting fixtures, video cameras and monitors installed for monitoring purposes, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall be designated on the diagram but shall not contain video reproduction equipment. The diagram shall also designate the place at which the license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The County Administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(2) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to (1) above.

(3) The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot candles as measured at the floor level. It shall be the duty of the operator, and of any employees present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.

(4) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no specified sexual activity occurs in or on the licensed premises.

(5) No person shall enter and remain in a viewing room regulated by this section when another person is occupying that viewing room.

(6) No person shall make any hole or opening in the walls between viewing rooms.

(7) It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:

- a. That the occupancy of viewing rooms is limited to one person.
- b. That sexual activity on the premises is prohibited.
- c. That the making of openings between viewing rooms is prohibited.
- d. That violators will be required to leave the premises.
- e. That violations of Subparagraphs (a), (b), and (c) of this paragraph are

unlawful.

(8) It shall be the duty of the operator to enforce the regulations articulated in (7)(a) through (c) above.

(9) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed thirty-two (32) square feet of floor area. If the premises has two (2) or more operator'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 patron is permitted access for any purpose from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator to ensure that at least one (1) employee is on duty and situated in an operator's station at all times that any patron is in an area monitored by direct line of sight from that operator's station. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

(10) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(11) The licensee shall cause all wall surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board, or other porous material shall be exposed inside the viewing booth.

(12) The licensee shall cause all wall surfaces in viewing booths to be inspected at least three times daily, and shall cause the wall surfaces to be cleaned with soap and water at least once per day.

(b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

Sec. 2 1/2-55. Loitering, exterior lighting, visibility, and monitoring requirements.

(a) It shall be the duty of the operator of a sexually oriented business to: (a) post conspicuous signs on at least three exterior walls of the building containing the sexually oriented business, which signs shall state that no loitering is permitted on such property; (b) designate one (1) or

more employees to monitor the activities of persons in the parking lot of the business by visually inspecting the parking lot at least once every ninety (90) minutes; and (c) provide lighting of the exterior premises to provide for such visual inspection.

(b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

(c) No sexually oriented business shall erect a fence, wall, or other barrier that prevents any portion of the parking lot(s) for the establishment from being visible from a public right of way.

Sec. 2 1/2-56. Penalties and enforcement.

(a) A person who knowingly violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Article shall, upon conviction, be punished by a fine in an amount not less than \$250.00 and not to exceed \$500.00, or imprisonment, in the County Jail for a period not to exceed sixty (60) days, or both as provided in Section 125.69, Florida Statutes. Each day a violation is committed, or permitted to continue, shall constitute a separate offense and shall be penalized as such.

(b) The County's legal counsel is hereby authorized to institute civil proceedings necessary for the enforcement of this ordinance to prosecute, restrain, or correct violations hereof. Such proceedings, including suits for injunction, shall be brought in the name of the County, provided, however, that nothing in this section and no action taken hereunder shall be held to exclude such criminal or administrative proceedings as may be authorized by other provisions of this ordinance or any of the laws or ordinances in force in the County or to exempt anyone violating this code or any part of said laws or ordinances from any penalty which may be incurred.

Sec. 2 1/2-57. Applicability to existing businesses.

(a) All existing sexually oriented businesses and sexually oriented business employees are hereby granted a *De Facto* Temporary License to continue operation or employment for a period of one hundred twenty (120) days following the effective date of this ordinance. Compliance with this ordinance shall not be required during said one hundred twenty (120) days, but by the end of said one hundred twenty (120) days, all sexually oriented businesses and sexually oriented business employees must conform to and abide by the requirements of this Article, including making application for a license as required in this Article.

Sec. 2 1/2-58. Conduct regulations.

It is unlawful for a sexually oriented business licensee to knowingly violate the following regulations or to knowingly allow an employee or any other person to violate the following regulations.

(a) It shall be a violation of this ordinance for a patron, employee, or any other person to knowingly or intentionally, in a sexually oriented business, appear in a state of nudity.

(b) It shall be a violation of this ordinance for a person to knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the person is an employee who, while semi-nude, remains at least six (6) feet from any patron or customer and on a stage that is at least eighteen (18) inches from the floor and in a room of at least one thousand (1,000) square feet.

(c) It shall be a violation of this ordinance for any employee who regularly appears semi-nude in a sexually oriented business to knowingly or intentionally, in a sexually oriented business, touch a customer or the clothing worn by a customer.

(d) It shall be a violation of this ordinance for any person to sell, use, or consume alcoholic beverages on the premises of a sexually oriented business. A sexually oriented business currently licensed to sell alcoholic beverages on the premises shall not be required to comply with this requirement until expiration of its current annual alcoholic beverage license pursuant to Chapter 561, Florida Statutes.

A sign summarizing the provisions of Subsections (a), (b), (c), and (d) of this Section, shall be posted near the entrance of the sexually oriented business in a font size of no less than 20 points and in such a manner as to be clearly visible to patrons upon entry. However, this requirement shall not be construed to require the posting of the sign in such a manner as to make it visible from any street, right-of-way, sidewalk, alley or other public property.

Sec. 2 1/2-59. Regulations for Adult Mobile Cabarets

(a) It shall be a violation of this ordinance for a patron, employee, or any other person to knowingly or intentionally, in an adult mobile cabaret, appear in a state of nudity.

(b) It shall be a violation of this ordinance for any employee, while appearing in a semi-nude condition in an adult mobile cabaret, to knowingly or intentionally touch a customer or the clothing worn by a customer.

Sec. 2 1/2-60. Scienter required to prove violation or business licensee liability.

This ordinance does not impose strict liability. Unless a culpable mental state is otherwise specified herein, this ordinance requires a showing that the person deemed to have violated the ordinance acted knowingly or recklessly with respect to the act giving rise to the violation. Notwithstanding anything to the contrary, for the purposes of this ordinance, an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the sexually oriented business licensee for purposes of finding a violation of this ordinance, or for purposes of license denial, suspension, or revocation, only if an officer, director, general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

Sec. 2 1/2-61. Failure of County to meet deadline not to risk applicant/licensee rights.

In the event that a County official is required to take an act or do a thing pursuant to this ordinance within a prescribed time, and fails to take such act or do such thing within the time prescribed, said failure shall not prevent the exercise of constitutional rights of an applicant or licensee. If the act required of the County official under this ordinance, and not completed in the time prescribed, includes approval of condition(s) necessary for approval by the County of an applicant or licensee's application for sexually oriented business license or a sexually oriented business employee's license (including a renewal), the license shall be deemed granted and the business or employee allowed to commence operations or employment the day after the deadline for the County's action has passed.

Sec. 2 1/2-62. Severability.

This ordinance and each section and provision thereof are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said Article, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. Should any procedural aspect of this ordinance be invalidated, such invalidation shall not affect the enforceability of the substantive regulations of this ordinance.

Sec. 2 1/2-63. Conflicting code provisions repealed.

Hillsborough County Ordinance 95-9 and any other provision(s) in the Hillsborough County code of ordinances specifically in conflict with any provision in this ordinance is hereby deemed inoperative and repealed.

Section 2. Effective date.

This Ordinance shall become effective immediately upon filing with the Florida Department of State.

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an ordinance adopted by the Board at a duly noticed public hearing held on September 7, 2006, as the same appears of record in Minute Book 364 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 11th day of Sept., 2006.

PAT FRANK, CLERK OF CIRCUIT
COURT

By: Maria O. K. Dyer
Deputy Clerk



APPROVED BY COUNTY ATTORNEY

By: Renée Francisco Lee

Approved as to Form and
Legal Sufficiency.



STATE OF FLORIDA
DEPARTMENT OF STATE
STATE LIBRARY AND ARCHIVES OF FLORIDA

JEB BUSH
Governor

SUE M. COBB
Secretary of State

September 12, 2006

Gail M. Letzring, Manager-BOCC Records
Clerk of the Circuit Court
Hillsborough County
P.O. Box 1110, 12th Floor
Tampa, Florida 33601

Dear Ms. Letzring:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 11, 2006 and certified copy of Hillsborough County Ordinance No. 06-25, which was filed in this office on September 12, 2006.

Sincerely,

Liz Cloud
Program Administrator

LC/bpn

RECEIVED
2006 SP 15 AM 11:11
CLERK TO
THE BOARD (B)

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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4657

RECEIVED BY

COUNTY ATTORNEYS OFFICE
ACCOUNTANT

THE TAMPA TRIBUNE
Published Daily
Tampa, Hillsborough County, Florida

State of Florida }
County of Hillsborough } ss.

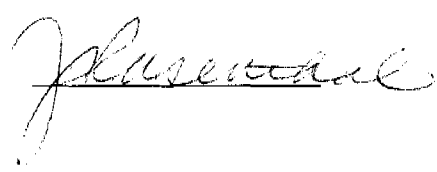
Before the undersigned authority personally appeared J. Rosenthal, who on oath says that she is the Advertising Billing Manager of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of advertisement being a

Legal Ads IN THE Tampa Tribune

in the matter of Legal Notices

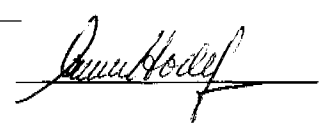
was published in said newspaper in the issues of
8/6/2006

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.



Sworn to and subscribed by me, this 07 day
of August, A.D. 2006

Personally Known or Produced Identification
Type of Identification Produced _____



Ana Maria Hodel
Commission #DD551367
Expires: MAY 11, 2010
WWW.AARONNOTARY.COM

**NOTICE OF INTENT TO CONSIDER ADOPTION
OF AN ORDINANCE RELATING TO LICENSING
REQUIREMENTS FOR SEXUALLY ORIENTED
BUSINESSES**

The Board of County Commissioners of Hillsborough County, Florida, intends to consider, for the purpose of enactment, an ordinance the contents of which are generally described as follows:

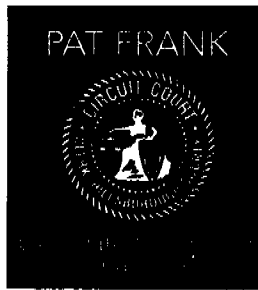
AN ORDINANCE OF HILLSBOROUGH COUNTY, FLORIDA, ESTABLISHING LICENSING REQUIREMENTS AND REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES; SETTING FORTH FINDINGS; ESTABLISHING DEFINITIONS; PROVIDING FOR FEES; REQUIRING INSPECTIONS OF PREMISES; PROVIDING FOR EXPIRATION, SUSPENSION, AND REVOCATION OF LICENSES; PROVIDING FOR HEARINGS AND APPEALS; PROHIBITING TRANSFER OF LICENSES; LIMITING HOURS OF OPERATION; REGULATING EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS; IMPOSING DUTIES REGARDING LOITERING, EXTERIOR LIGHTING, VISIBILITY AND MONITORING OUTSIDE PREMISES; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR APPLICABILITY TO EXISTING BUSINESSES; IMPOSING PROHIBITIONS OF NUDITY, PHYSICAL CONTACT, ALCOHOLIC CONSUMPTION; REQUIRING SEPARATION BETWEEN EMPLOYEES AND CUSTOMERS; REQUIRING SCIENTER; PRESERVING APPLICANT RIGHTS IN EVENT OF COUNTY FAILURE TO ACT; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING PROVISIONS; PROVIDING AN EFFECTIVE DATE.

Enactment of this ordinance will be considered at a public hearing to be held on Wednesday, August 16, 2006 at 2:00 p.m. in the Hillsborough County Board of County Commissioners Board Room, second floor, Hillsborough County Center, 601 East Kennedy Boulevard, Tampa, Florida 33602.

All interested parties are invited to appear at the meeting and be heard with respect to the proposed ordinance. If any person decides to appeal any decision made by the Hillsborough County Board of County Commissioners in regard to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made.

For copies of the proposed ordinance and further information contact: The Hillsborough County Attorney's Office at (813) 272-5670.

BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
CHAIRMAN, BOARD OF COUNTY COMMISSIONERS
Hillsborough County, Florida



September 11, 2006

MS LIZ CLOUD CHIEF
BUREAU OF ADMINISTRATIVE CODE
DEPARTMENT OF STATE
500 SOUTH BRONOUGH ST RA GRAY BLDG RM 101
TALLAHASSEE FL 32399-0250

Re: Ordinance #06-25
Ordinance Establishing Licensing Requirements for Sexually Oriented
Businesses and Repealing Ordinance 95-9

Dear Ms. Cloud:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding (by Federal Express) an executed original of Hillsborough County Ordinance #06-25, adopted by the Board of County Commissioners on September 7, 2006. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance.

Sincerely,

By: Gail M. Letzring
Gail M. Letzring,
Manager, BOCC Records

md
Attachment
Federal Express AB# 8545 8087 4739

FedEx Express US Airbill

Tracking Number **8545 8087 4739**

1 From *Please print and print first*
 Date **9-11-06** Sender's FedEx Account Number **1140-8846-3**

Send To
 Name **BOCC RECORDS PROCESSING** Phone (813) 276-8100
 Clerk **CLERK CIRCUIT COURT 12TH FL**
 Add **601 EAST KENNEDY BLVD**
TAMPA FL 33602

City **TAMPA** State **FL** ZIP **33602-3503**

2 Year Internal Billing Reference **(130) Ord# 06-24, 06-25, 06-26**
 3 To Recipient's Name _____ Phone (____) _____

Company **LIZ CLOUD PROGRAM ADMIN**
 Florida Department of State
 Recipient **R A GRAY BLDG**
 Address **500 S BRONOUGH STREET ROOM 101**
 We claim **TALLAHASSEE FL 32399-0250**
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 City _____ State _____ ZIP _____

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4a Express Package Service is sold SATURDAY Delivery. FedEx Priority Overnight FedEx Standard Overnight FedEx First Overnight

4b Express Freight Service FedEx 2Day FedEx 2Day Freight FedEx 2Day Freight FedEx 2Day Freight

5 Packaging FedEx FedEx Pak FedEx FedEx Other

6 Special Handling SATURDAY Delivery HOLD Warehouse at FedEx Location HOLD Saturday at FedEx Location

7 Payment Sender's System Recipient Third Party Credit Card Cash/Check

8 NEW Residential Delivery Signature Options No Signature Required Direct Signature Indirect Signature

9 NEW Residential Delivery Signature Options No Signature Required Direct Signature Indirect Signature



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**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
(CODRS) CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: (Hillsborough) COUNTY ORDINANCE # (06 - 25)
(e.g., 00-001)

PRIMARY KEYFIELD
DESCRIPTOR: (Licenses/Permits)

SECONDARY KEYFIELD
DESCRIPTOR: ()

OTHER KEYFIELD
DESCRIPTOR: ()

ORDINANCE DESCRIPTION: (Sexually Oriented Business Licensing)
(25 characters maximum including spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: () AMENDMENT # 2: ()

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL # 1: (95-9) REPEAL # 3: ()

REPEAL # 2: () REPEAL # 4: ()

(Others repealed: List all that apply): _____

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: ()

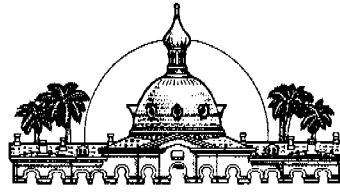
KEYFIELD 1 CODE: () KEYFIELD 2 CODE: ()

KEYFIELD 3 CODE: () Rev. 4/10/01

Office of the County Attorney

BOARD OF COUNTY COMMISSIONERS

Brian Blair
Kathy Castor
Ken Hagan
Jim Norman
Thomas Scott
Mark Sharpe
Ronda Storms



Hillsborough County
Florida

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MEMORANDUM

September 11, 2006

TO: Midge Dixon, Deputy Clerk, BOCC Records
FROM: *ASG* Adam J. Gormly, Managing Attorney
RE: September 7, 2006 Ordinance Adoption

RECEIVED
2006 SEP 11 PM 12:13
DELIVERED TO
THE BOARD (B)

Attached are two ordinance adopted by the Board of County Commissioners on September 7, 2006 one relating to licensing requirements for sexually oriented businesses (also repealing Ordinance 95-9) and one relating to conduct regulations in establishments dealing in alcoholic beverages. Certified copies of these ordinances must be transmitted to the Department of State within ten days of September 7, 2006.

Please forward to me copies of the acknowledgments from the Department of State that they have received and filed the ordinances when you receive the acknowledgments.

Thank you for your assistance in this matter. Please call me if you have any questions.

Attachment

cc: Paula Harvey, Division Director, Planning and Growth Management Department

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