

FILED FOR RECORD

APR 24 1985

CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCES 84-11 AND 84-23 WHICH ESTABLISHED AN ADULT ENTERTAINMENT CODE; PROVIDING A REFINEMENT TO THE DEFINITION OF INCIDENTAL VENDOR; PROVIDING A PROCEDURE FOR THE SHERIFF TO ESTABLISH RULES AND REGULATIONS; PROVIDING FOR AMENDMENT TO THE LICENSE APPLICATION; PROVIDING FOR MORE DETAILED PROCEDURES WHEN AN APPLICATION IS DENIED; PROVIDING FOR APPEAL IF TRANSFER OF LICENSE IS DENIED; PROVIDING FOR ADDITIONAL PROCEDURES FOR SUSPENSION AND REVOCATION OF LICENSE; PROVIDING FOR AN AMENDED NEW LOCATION FEE; PROVIDING FOR AMENDED LICENSE FEES; PROVIDING FOR CLARIFICATION OF SECTION 2.17; PROVIDING FOR DELETION OF SECTION 2.18; PROVIDING FOR CLARIFICATION OF MINIMAL LIGHT INTENSITY REQUIREMENTS IN ADULT MOTION PICTURE THEATERS; PROVIDING FOR CLARIFICATION OF UNLAWFUL SALE OF MATERIAL TO MINORS; PROVIDING FOR NEW PROCEDURES FOR PERMITTING EMPLOYEES OF A LICENSED PREMISES; PROVIDING FOR CLARIFICATION OF REGULATIONS CONCERNING CLEANING OF LICENSED PREMISES; PROVIDING FOR CLARIFICATION OF REGULATIONS CONCERNING SEALING OF LICENSED PREMISES FOR UNSANITARY OR UNSAFE CONDITIONS; PROVIDING FOR AMENDMENTS TO SECTION 7.01 CONCERNING VIOLATIONS; PROVIDING FOR DELETION OF SECTION 7.02 CONCERNING CIVIL PENALTIES; PROVIDING FOR DELETION OF SECTION 7.03 CONCERNING ASSESSMENT AND RECOVERY OF CIVIL PENALTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Manatee County, Florida, adopted Ordinances 84-11, and 84-23 which created an Adult Entertainment Code for Manatee County, Florida; and

WHEREAS, the Adult Entertainment Code provided regulations for businesses classified as adult entertainment establishments; and

WHEREAS, the Adult Entertainment Code established certain fees for applying for licenses, changing locations of licensed premises and maintaining licensed adult entertainment establishments; and

WHEREAS, certain existing business establishments who would have been potentially affected by the Adult Entertainment Code, filed suit in Federal District Court to enjoin enforcement of the Adult Entertainment Code; and

WHEREAS, the United States District Court, Middle District of Florida, Tampa Division, Judge Carr presiding, enjoined enforcement of the Adult Entertainment Code based on what was determined to be unconstitutionally permissible fees concerning

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Adult Entertainment

1 the application for licenses, changing locations of licensed pre-
2 mises, and maintaining licensed adult entertainment establish-
3 ments; and

4 WHEREAS, Judge Carr indicated that both sides explore
5 working toward a negotiated settlement of the arguably objec-
6 tionable provisions in the Adult Entertainment Code; and

7 WHEREAS, attorneys for both sides have worked on revising
8 certain sections of the Adult Entertainment Code in order that
9 fees be amended, and the procedures for all affected County agen-
10 cies and departments be clarified; and

11 WHEREAS, the Board of County Commissioners has reviewed the
12 proposed amendments and has approved them in concept.

13 NOW, THEREFORE, BE IT ORDAINED by the Board of County
14 Commissioners of Manatee County, that:

15 Section 1. Ordinance 84-11, Section 1.04(b), and Ordinance
16 84-23, Section 1.04(b) are amended in part to read as follows:

17 Section 1.04. Definitions.

18 b) "Adult bookstore" means a place public or private
19 where books, magazines, motion pictures, photographs, prints,
20 periodicals, recordings, video cassettes, video discs, laser
21 discs, slides, novelties and devices, or any of these things,
22 which have as their primary or dominant theme matter depicting,
23 illustrating, describing or relating to specified sexual activi-
24 ties are rented, sold, or offered for sale to adults and includes
25 a place with only a portion or section of its area set aside for
26 the display or sale of this material to adults; however, a place
27 will not be considered an adult bookstore if it is an "incidental
28 vendor" as described below.

29 A place is considered to be an "incidental vendor" of the
30 materials described above, for purposes of this section, if and
31 only if:

32 1) not more than ten (10) percent of the
33 business' stock is devoted to such material;

1 2) such business or place provides to the Sheriff
2 within three (3) days such information as may be required to
3 determine whether more than ten (10) percent of the business'
4 stock is devoted to such material;

5 3) all such material is kept in a location where
6 no portion is visible to the public, and is not available to the
7 customers of such place as a self-service item;

8 4) no such material is sold, rented or displayed
9 to minors; and

10 5) an annual administrative fee is paid by such
11 business or place equal to five (5) percent of the license fee
12 required to be paid by adult bookstores under Section 2.16.

13 Section 2. Ordinance 84-11, Section 2.02 is amended in
14 part to read as follows:

15 Section 2.02. Power of Sheriff and Other Responsible
16 Agencies, Departments, and Divisions. The Sheriff may make,
17 adopt, amend, issue, and repeal rules, regulations, and admi-
18 nistrative orders to implement this Code. In such cases, the
19 Sheriff shall publish such rules in a paper of general publica-
20 tion within the County at least fifteen (15) days before such
21 rules become effective. Further, each licensee shall be mailed
22 such rules at least twenty (20) days before such rules become
23 effective, in order to allow time for comment and/or amendment.
24 When a provision of this Code gives the Sheriff, the Tax
25 Collector, the Planning and Development Department, the Fire
26 Marshal, or Public Health Department the authority or duty to
27 act, the authority or duty vests in the Sheriff, the Tax
28 Collector, the Director of the Planning and Development
29 Department, the Fire Marshal or the Public Health Officer, or in
30 any inspector or employee who is given the authority or duty to
31 act in accordance with the administrative procedures of the
32 agency concerned, unless a specified person or public official is
33 designated herein to exercise the authority or fulfill the duty.

1 Section 3. Ordinance 84-11, Section 2.03, and Ordinance
2 84-23, Section 2.03, are amended in part to read as follows:

3 Section 2.03 License Required.

4 a) No adult bookstore, adult motion picture theater or
5 adult dancing establishment shall be permitted to do business
6 without a license under this Code having first been obtained.

7 b) For adult bookstores, adult motion picture thea-
8 ters, and adult dancing establishments in existence and operation
9 on August 5, 1984, permission to operate is hereby granted until
10 the application for a license under this Code is filed with the
11 Sheriff. Said application shall be filed not later than forty-
12 five (45) days for adult bookstores, and adult motion picture
13 theaters, and not later than seventy-five (75) days after said
14 date for adult dancing establishments. Thereafter, said applica-
15 tion is filed, then the permission to operate said adult
16 bookstores, adult motion picture theaters, and adult dancing
17 establishments will continue for as long a time as is necessary
18 for the Sheriff to approve or to deny the application of a
19 license under the Code.

20 c) Provided it is not in violation of the locational
21 provisions of this Code, an adult bookstore, and adult motion
22 picture theaters will be granted a conditional right to operate
23 upon the filing of an application for an Adult Entertainment
24 License for so long a time as is necessary for the Sheriff to
25 approve or deny the application of the license. The applicant's
26 conditional right to operate shall terminate five (5) days after
27 the mailing of a notice of denial or preliminary denial of the
28 application by the Sheriff as provided for in this Code.

29 d) Licenses referred to in this Code shall be
30 classified as follows:

- 31 1. adult bookstore.
32 2. adult motion picture theater, which shall in-
33 clude places or buildings having only adult motion picture

1 booths, places or buildings having only a hall or auditorium for
2 the presentation of film material, places designed to permit
3 viewing by patrons seated in automobiles and places or buildings
4 having a combination of any or all of the foregoing.

5 3. adult dancing establishment.

6 A license may be issued in only one classification and for
7 only one location, but this shall not prohibit an applicant from
8 filing a combined application for two or more classifications at
9 the same location. Each application for a license or licenses
10 shall state the classification or classifications and location
11 for which it is to be issued.

12 Section 4. Ordinance 84-11, Section 2.05(a), and Ordinance
13 84-23, Section 2.05(a), is amended in part to read as follows:

14 Section 2.05. License Application; Application Fee.

15 a) A person desiring to engage in the business of
16 operating an adult bookstore, adult motion picture theater or
17 adult dancing establishment shall file with the Sheriff a sworn
18 application on forms supplied by the Sheriff. The application
19 shall contain at least the following information and be accom-
20 panied by the following documents:

21 1. if the applicant is:

22 (i) an individual, his name.

23 (ii) a partnership, the full name of the part-
24 nership and the names of all the partners, whether general or
25 limited, accompanied by the partnership instrument or a certified
26 copy thereof.

27 (iii) a corporation, the exact corporate name and
28 state of incorporation and the names of all the officers, and
29 directors, accompanied by the articles of incorporation and all
30 amendments thereto and the certificate of incorporation, or cer-
31 tified copies thereof.

32 Section 5. Ordinance 84-11, Section 2.05(b), is amended in
33 part to read as follows:

1 Section 2.05. License Application; Application Fee.

2 b) Each application shall be accompanied by a non-
3 refundable fee of four hundred dollars (\$400), or by a receipt of
4 the Tax Collector evidencing payment of the fee, at the time the
5 application is filed. In a situation of a combined application
6 for two or more licenses in two or more classifications at the
7 same location, the applicant shall pay any additional cost that
8 is required to process such application if the Sheriff submits a
9 statement to the applicant of the additional cost incurred. The
10 Sheriff may not incur any cost that is not normally incurred in
11 the processing of an application for a single license.

12 Section 6. Ordinance 84-11, Section 2.07, is amended in
13 part to read as follows:

14 Section 2.07 Issuance; Denial.

15 a) Upon the completion of the investigation of the
16 application by the Sheriff, the Planning and Development
17 Department, the Fire Marshal, and the Public Health Department,
18 the Sheriff shall within ninety (90) days approve or disapprove
19 the application.

20 b) If approved, the license shall be issued upon the
21 payment of the appropriate license fee as provided in this Code,
22 and which is evidenced by a receipt of the Tax Collector showing
23 payment of the license fee. In situations where the Planning and
24 Development Department, the Fire Marshal, and the Public Health
25 Department recommend approval of the application, then the appli-
26 cation shall be approved by the Sheriff as a matter of course,
27 unless the Sheriff's own investigation indicates a reason or
28 reasons why the application should not be approved. Such reasons
29 may include prior convictions for the possession, sale or distri-
30 bution of controlled substances, or prior criminal acts which
31 would give rise to the likelihood that the safety of the citizens
32 of the County would be compromised. Note well though, that the
33 Sheriff's disapproval may not be based either in whole or in part

1 on the context of any specified sexual material that might be
2 sold or rented at the proposed location, or any act that the
3 applicant may have engaged in or been convicted of committing
4 that relates to the possession, sale, rental, or distribution of
5 any specified sexual material.

6 c) In any case where the application is disapproved,
7 the Sheriff shall give the applicant written notice of the
8 disapproval, and the reasons therefor. If the Planning and
9 Development Department, the Fire Marshall, or the Public Health
10 Department recommend disapproval, the application shall be
11 disapproved in writing by the Sheriff, for the reasons stated by
12 the agency, department or division recommending disapproval, in
13 addition to a reason or reasons that the Sheriff may have as a
14 result of his investigation. It is expressly intended however,
15 that Planning and Development Department, the Fire Marshal, and
16 the Public Health Department may make a recommendation for
17 disapproval based only on the extent of the responsibility dele-
18 gated in Section 2.01 of this Code.

19 d) Notification of approval or denial of the applica-
20 tion, or preliminary denial of the application shall be by cer-
21 tified or registered mail, and shall be sent to the address on
22 the license application, which shall be considered the correct
23 address.

24 e) Within twenty (20) days after receipt of either a
25 notice of denial or preliminary denial of an application for a
26 license, the applicant may take an appeal as provided for in this
27 Code.

28 Section 7. Ordinance 84-11, Section 2.11, is amended in
29 part to read as follows:

30 Section 2.11. Transfer of License. When a licensee
31 shall have made a bona fide sale of the business for which he is
32 licensed under this Code to conduct, he may obtain a transfer of
33

1 the license issued under this Code to the purchaser of the busi-
2 ness but only if, before the transfer, the application of the
3 purchaser shall be approved by the Sheriff in accordance with the
4 same procedure as in Section 2.05, 2.06, and 2.07 in the case of
5 issuance of new licenses. No one shall be entitled as a matter
6 of right to a transfer of a license when revocation or suspension
7 proceedings have been instituted against a licensee, and transfer
8 of a license in such case shall be determined by the Sheriff.
9 However, if the Sheriff in such a case disapproves of the
10 transfer, then either the licensee, or potential transferee, or
11 both may appeal to the Board in the manner prescribed in Section
12 2.13 of this Code. Before the issuance of a transfer of license,
13 the transferee shall pay a transfer fee of ten percent (10%) of
14 the appropriate annual license fee. Licenses issued under this
15 Code shall not be transferrable in any other way than provided
16 for in this section.

17 Section 8. Ordinance 84-11, Section 2.12, is amended in
18 part to read as follows:

19 Section 2.12. Suspension and Revocation of License.

20 a) In any situation where:

- 21 1. a court of competent jurisdiction within this
22 State declares the licensed premises a nuisance;
 - 23 2. the Planning and Development Department or the
24 Fire Marshal certify and close the licensed premises as being
25 unsafe;
 - 26 3. the Public Health Department certifies and
27 closes the licensed premises as being unsanitary;
- 28 then the Sheriff shall suspend or revoke any license issued under
29 this Code.

30 b) In any situation where the licensee, his or its
31 agents, officers, servants or employees, on the licensed premi-
32 ses, or elsewhere while in the scope of employment violated any
33 published rule of the Sheriff or provision of this Code, then the

1 Sheriff may suspend or revoke any license issued under this Code
2 upon written documentation that the continued operation of such a
3 licensed premises would be detrimental to the safety of the citi-
4 zens of the County.

5 c) Before the Sheriff shall suspend or revoke a
6 license, he shall furnish the licensee a written statement, by
7 certified or registered mail or by personal service, of the cause
8 for suspension or revocation of the license. The licensee shall
9 have twenty (20) days from the date of the statement in which to
10 request in writing a hearing on the matter. If no request is
11 made within this time, the Sheriff shall proceed to suspend or
12 revoke the license without further proceedings and the licensee
13 shall have no right of appeal to the Board. If a hearing is
14 requested, the licensee shall be entitled to produce witnesses,
15 cross-examine witnesses and be represented by counsel. After the
16 hearing, the Sheriff shall make his decision and notify the
17 licensee thereof by certified or registered mail or by personal
18 delivery. If the Sheriff suspends or revokes the license as a
19 result of the hearing, the licensee may thereafter take an appeal
20 as provided for in this Code.

21 d) It is recognized that where the licensee corrects
22 the condition that gave rise to the suspension, then the Sheriff
23 shall terminate the period of suspension, or reinstate a revoked
24 license.

25 Section 9. Ordinance 84-11, Section 2.13 is amended in
26 part to read as follows:

27 Section 2.13 Appeals. Appeals alleging error in the
28 preliminary denial, or denial of an application, or suspension or
29 revocation of a license under this Code shall be by written
30 petition for a formal hearing before the Board. A notice of
31 intent to appeal shall be filed in writing with the Board within
32 twenty (20) days of the mailing of a notice of preliminary
33 denial or denial of an application, or suspension or revocation

1 of a license. Thereafter, and upon payment of a fee of seventy
2 five dollars (\$75) to cover administrative costs, a hearing will
3 be scheduled within thirty (30) days. The Board shall give the
4 petitioning party at least twenty (20) days written notice of the
5 time and place for the hearing. Continuances shall be granted
6 only upon good cause. At the appeal hearing, the petitioner
7 shall be entitled to produce witnesses, cross-examine witnesses
8 and be represented by counsel. Within ten (10) days of the
9 hearing the Board shall notify by certified or registered mail,
10 the petitioner of its decision. If the Board finds that the
11 application should be approved, it shall so order and, upon
12 payment of the appropriate license fee as provided for in this
13 Code, the Sheriff shall issue the license. If the Board finds
14 that the license should not have been revoked, it shall notify
15 the Sheriff in writing, who shall reissue the license forthwith.

16 Section 10. Ordinance 84-11, Section 2.14(a), is amended
17 in part to read as follows:

18 Section 2.14. License Moving to a New Location;
19 Changing Name of Business.

20 a) A licensee may move his licensed premises to a new
21 location and operate at the new location upon approval by the
22 Sheriff, the Planning and Development Department, the Fire
23 Marshal, and the Public Health Department of the licensee's
24 application for the change of location, accompanied by an appli-
25 cation fee of three hundred dollars (\$300), or by a receipt of
26 the Tax Collector evidencing payment of this fee, at the time the
27 application is filed. The application will contain, or have
28 attached to it, a plan drawn to appropriate scale of the licensed
29 premises at the new location indicating the area to be included
30 in the new licensed premises, all windows, doors, entrances and
31 exits and the fixed structural features of the new licensed pre-
32 mises. The term fixed structural features shall have the same
33 meaning as in Section 2.05(a). If more than one license has been

1 issued to the licensed premises at the old location, the licensee
2 shall state in his application for the change or location which
3 of the licenses is being moved to the proposed new location.
4 Upon approval of the application, there shall be issued to the
5 licensee a license for the new location without the payment of
6 any further fee.

7 Section 11. Ordinance 84-11, Section 2.16(a), and
8 Ordinance 84-23, Section 2.16(a), are amended in part to read as
9 follows:

10 Section 2.16 License Fee.

11 a) There are hereby levied the following annual
12 license fees under this Code.

- 13 1. adult bookstores--four hundred dollars (\$400);
- 14 2. adult motion picture theaters, as follows:
 - 15 i) having only adult motion picture booths--
16 twenty dollars (\$20) for each booth;
 - 17 ii) having only a hall or auditorium--fifteen
18 dollars (\$15) for each seat or place;
 - 19 iii) design to permit viewing by patrons seated
20 in automobiles--five dollars for each speaker
21 or parking place, or two thousand dollars
22 (\$2,000), whichever is greater;
 - 23 iv) having a combination of any of the
24 foregoing, the license fee applicable to each
25 under subparagraphs (i), (ii), and (iii).
- 26 3. adult dancing establishment--four hundred
27 dollars (\$400).

28 Section 12. Ordinance 84-11, Section 2.17 is amended in
29 part to read as follows:

30 Section 2.17. Records and Reports; Consent by Licensee.

31 Each licensee shall keep such records and make such reports as
32 may be reasonably required by the Sheriff, the Planning and
33 Development Department, the Fire Marshal, and the Public Health

1 Department to implement this Code and carry out its purpose. By
2 applying for a license under this Code an individual, partnership
3 or corporation shall be deemed to have consented to the provi-
4 sions of this Code and to the exercise by the Sheriff of the
5 powers given by this Code in the manner specified.

6 Section 13. Ordinance 84-11, Section 2.18, is hereby
7 repealed, and the section is deleted in its entirety.

8 Section 14. Ordinance 84-11, Section 3.04(b), is amended in
9 part to read as follows:

10 Section 3.04. Adult Motion Picture Theater.

11 d) Adult motion picture booths shall be lighted, when-
12 ever film material is not being shown, such that the light inten-
13 sity at every point thirty inches above the floor is not less
14 than one-half footcandle, and in no event shall be more than the
15 minimum light intensity necessary to guarantee sufficient visibi-
16 lity and safe passage for each person. Common corridors, passage-
17 ways or areas shall be constantly lighted when in use such that
18 the light intensity at every point thirty inches from the floor
19 is not less than five-hundredths of a footcandle, and in no event
20 shall be more than the minimum light intensity necessary to
21 guarantee sufficient visibility and safe passage for each person.

22 Section 15. Ordinance 84-11, Section 4.04, and Ordinance
23 84-23, Section 4.04 is amended in part to read as follows:

24 Section 4.04. Sale to Minors Unlawful. It shall be
25 unlawful for any person to sell, rent, barter, or give, or offer
26 to sell, rent, barter, or give, to any minor, any specified
27 sexual material, service, device or thing that is sold, rented,
28 or offered for sale by an adult bookstore, adult motion picture
29 theater, or adult dancing establishment.

30 Section 16. Ordinance 84-11, Section 4.05, is amended in
31 part to read as follows:

32 Section 4.05. Employees in Licensed Premises.

33 a) Employees of a licensee on a licensed premises

1 shall not be less than eighteen (18) years of age.

2 b) Within ninety-six (96) hours of the date that an
3 employee begins work in a licensed premises, the licensee shall
4 submit to the Sheriff an information form on the new employee.

5 c) The information form should contain the following
6 information:

- 7 1. name of the new employee;
- 8 2. address for the past three (3) years;
- 9 3. social security number;
- 10 4. whether the employee was ever convicted of a crime;
- 11 5. if so, explain the nature, circumstances and
12 disposition;
- 13 6. whether employee was ever treated for drug or
14 alcohol abuse.

15 d) An administrative fee of five dollars (\$5) is re-
16 quired with the submission of the information form. Such fee may
17 be paid by either the licensee or employee.

18 Section 17. Ordinance 84-11, Section 4.06, is amended in
19 part to read as follows:

20 Section 4.06. Cleaning of Licensed Premises.

21 a) An adult bookstore shall be maintained in a clean
22 and sanitary condition in conformance with State Statutes and
23 regulations.

24 b) An adult dancing establishment or adult motion pic-
25 ture theater shall be cleaned at least once daily and more fre-
26 quently when necessary. This activity shall be supervised by the
27 person in charge of the licensed premises. There shall be pro-
28 vided adequate facilities, equipment and supplies on the licensed
29 premises to meet this requirement, and adequate ventilation and
30 illumination shall be provided to permit thorough, complete
31 cleaning of the entire licensed premises. Trash and garbage
32 shall not be permitted to accumulate or to become a nuisance on
33 or in the immediate vicinity of the licensed premises, but shall

1 be disposed of daily or as often as collections permit.

2 Section 18. Ordinance 84-11, Section 4.07, is amended in
3 part to read as follows:

4 Section 4.07. Self-inspection of Licensed Premises.

5 A licensee of either an adult dancing establishment, or an adult
6 motion picture theater, or his designated representative, shall
7 make sanitary inspections of the licensed premises or portion
8 thereof at least once a month and shall record his findings on a
9 form supplied by the Public Health Department. Each licensed
10 premises shall post and maintain in a readily accessible
11 place a schedule for maintaining the sanitation of the premises.

12 Section 19. Ordinance 84-11, Section 4.08 is amended in
13 part to read as follows:

14 Section 4.08. Sealing for Sanitary or Unsafe Condi-

15 tions. A licensed premises or part thereof may be sealed by
16 order of the Planning and Development Department, the Fire
17 Marshal, or Public Health Department on a finding of a violation
18 of this Code resulting in an unsanitary or unsafe condition.
19 Prior to sealing or closing, the licensee shall receive, by per-
20 sonal service, or there shall be posted in a conspicuous place on
21 the licensed premises, a notice of the violation and an order to
22 correct it within forty-eight (48) hours after service. If the
23 violation is not so corrected, then the authorized agency may
24 physically seal or close that portion of the licensed premises
25 causing the violation and order, the discontinuance of use
26 thereof until the violation has been corrected, and the seal
27 removed by the authorized agency. Such agency shall affix to the
28 sealed or closed premises a conspicuous sign labeled Unclean or
29 Unsafe, as the case may be.

30 Section 20. Ordinance 84-11, Section 7.01(c), and Ordinance
31 84-23, Section 7.01(c), is amended in part to read as follows:

32 Section 7.01. Violations.

33 c. rents, sells, barter, or gives, or offers to sell,

1 barter or give or procures or acquiesces in a sale, barter or
2 gift or in an offer to sell, barter, or give to a minor any spe-
3 cified sexual material, service, or device or thing sold or
4 offered for sale by an adult bookstore, adult motion picture
5 theater, or adult dancing establishment.

6 Section 21. Ordinance 84-11, Section 7.01(j) through
7 Section 7.01(m), and Ordinance 84-23, Section 7.01(i) through
8 Section 7.01(l), are hereby repealed and the sections are deleted
9 in their entirety.

10 Section 22. A new Section 7.01(i) is created to read as
11 follows:

12 Section 7.01. Violations.

13 (i) willfully fails to file the employee infor-
14 mation form within ninety-six (96) hours of the employee
15 beginning work at the licensed premises.

16 Section 23. Ordinance 84-11, Section 7.01, and Ordinance
17 84-23, Section 7.01, are re-lettered accordingly, in light of the
18 repeal and deletion of certain subsections and the addition of a
19 new subsection.

20 Section 24. Ordinance 84-11, Section 7.02, is hereby
21 repealed, and the section is deleted in its entirety.

22 Section 25. Ordinance 84-11, Section 7.03, is hereby
23 repealed, and the section is deleted in its entirety.

24 Section 26. Effective Date. This Ordinance shall become
25 effective immediately upon receipt of the official acknowledge-
26 ment from the Office of the Secretary of State in Tallahassee,
27 Florida, that this Ordinance has been filed with that office.

28 PASSED AND DULY ADOPTED with a quorum present and voting
29 this 19th day of March, 1985.

30 BOARD OF COUNTY COMMISSIONERS
31 OF MANATEE COUNTY, FLORIDA

32 By: Edward W. Chance
33 Chairman

34 ATTEST: R. B. SHORE
35 Clerk of the Circuit Court

STATE OF FLORIDA

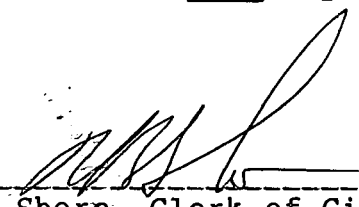
COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 19th day of March, 1985.

SUBJECT: ORDINANCE 85-08

AN ORDINANCE OF MANATEE COUNTY FLORIDA, AMENDING ORDINANCES 84-11 AND 84-23 WHICH ESTABLISHED AN ADULT ENTERTAINMENT CODE; PROVIDING A REFINEMENT TO THE DEFINITION OF INCIDENTAL VENDOR; PROVIDING A PROCEDURE FOR THE SHERIFF TO ESTABLISH RULES AND REGULATIONS; PROVIDING FOR AMENDMENT TO THE LICENSE APPLICATION; PROVIDING FOR MORE DETAILED PROCEDURES WHEN AN APPLICATION IS DENIED; PROVIDING FOR APPEAL IF TRANSFER OF LICENSE IS DENIED; PROVIDING FOR ADDITIONAL PROCEDURES FOR SUSPENSION AND REVOCATION OF LICENSE; PROVIDING FOR AN AMENDED NEW LOCATION FEE; PROVIDING FOR AMENDED LICENSE FEES; PROVIDING FOR CLARIFICATION OF SECTION 2.17; PROVIDING FOR DELETION OF SECTION 2.18; PROVIDING FOR CLARIFICATION OF MINIMAL LIGHT INTENSITY REQUIREMENTS IN ADULT MOTION PICTURE THEATERS; PROVIDING FOR CLARIFICATION OF UNLAWFUL SALE OF MATERIAL TO MINORS; PROVIDING FOR NEW PROCEDURES FOR PERMITTING EMPLOYEES OF LICENSED PREMISES; PROVIDING FOR CLARIFICATION OF REGULATIONS CONCERNING CLEANING OF LICENSED PREMISES; PROVIDING FOR CLARIFICATION OF REGULATIONS CONCERNING SEALING OF LICENSED PREMISES FOR UNSANITARY OR UNSAFE CONDITIONS; PROVIDING FOR AMENDMENTS TO SECTION 7.01 CONCERNING VIOLATIONS; PROVIDING FOR DELETION OF SECTION 7.02 CONCERNING CIVIL PENALTIES; PROVIDING FOR DELETION OF SECTION 7.03 CONCERNING ASSESSMENT AND RECOVERY OF CIVIL PENALTY; PROVIDING AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 21st day of March, 1985, in Bradenton, Florida.



R. B. Shore, Clerk of Circuit Court
Manatee County, Florida



FLORIDA DEPARTMENT OF STATE FOR RECORD

George Firestone
Secretary of State

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March 28, 1985

P.G. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

Mr. R. B. Shore
Manatee County Clerk
of the Circuit Court
Post Office Box 1000
Manatee County Courthouse
Bradenton, Florida 33506

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of your letter/s of March 19 and March 22
and certified copy/ies of Manatee County
Ordinance Nos. 85-08 and 85-10
2. Receipt of _____ County Ordinance/s
relative to:
 - (a) _____
which we have numbered _____
 - (b) _____
which we have numbered _____
3. We have filed this/these Ordinance(s) in this office
on March 28, 1985.
4. The original/duplicate copy/ies showing the filing date
is/are being returned for your records.

Cordially,

(Mrs.) Liz Cloud, Chief
Bureau of Administrative Code

LC/

Enclosures