

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

| Meeting Date: <u>December 2, 2008</u> [] Consent [x] Regular [] Ordinance [] Public Hearing |
|---|
| Submitted By: Public Safety Department |
| Submitted For: Public Safety Administration |
| I. EXECUTIVE BRIEF |
| Motion and Title: Staff recommends motion to: Approve on preliminary reading and advertise for public hearing on December 16, 2008 at 9:30 a.m., AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 17, ARTICLE V, DIVISION 1, SECTION 17-153 OF THE PALM BEACH COUNTY CODE CONCERNING WORLD IDENTIFICATION CARDS FOR INDIVIDUALS PERFORMING IN ADULT ENTERTAINMENT ESTABLISHMENTS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES PROVIDING FOR CAPTIONS; PROVIDING FOR AN EFFECTIVE DATE. |
| Summary: Section 17-153 of the Adult Entertainment Ordinance requires performers in adult entertainment establishments to apply for work identification cards from the Public Safety Department and show proof that they are at least eighteen years old. Some application requirements of the current ordinance such as social security numbers and two separate forms of identification were deemed unnecessary. The ordinance, adopted in 1999, also fixed the fees at \$25 for each new request and \$5 for each duplicate. The revenues generated do not recoup the current costs of the Department to administer the program. Staff will be recommending an adjustment to the fees to offset the cost of issuing the license. The amendment modifies the application requirements, designates the Public Safety Department responsible in creating the application form to verify that the applicant is at least eighteen years old, and provides that fees for work identification cards be established by Board resolution. Countywide (MJ). |
| Background and Policy Issues: Because of numerous concerns of minors performing in adult entertainment establishments, in July 1999, the Board amended Chapter 17, Article V of the Palm Beach County Code ("Adult Entertainment Code") to require performers in adult entertainment establishments in the County to obtain work identification cards from the Public Safety Department. Any performer in an adult entertainment establishment without a work identification card shall be guilty of second degree misdemeanor. Operators, managers or owners of adult entertainment establishments shall not allow performers without valid work identification cards. Violators may be prosecuted by the County Attorney or the Code Enforcement Division and also be subject to civil prosecution. |
| Attachments: |
| 1) Ordinance |
| Recommended by: Multiple Monte 1/4/08 Department Head Date |
| Approved By: Multiple Month 11/4/08 Assistant County Administrator Date |

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

| Fiscal Years | <u>2009</u> | <u>2010</u> | <u>2011</u> | <u>2012</u> | <u>2013</u> |
|--|---------------------|------------------|------------------|-------------|-------------|
| Capital Expenditures | | | | | |
| Operating Costs | | · | | | |
| External Revenues | | 4 | | | |
| Program Income (County) | | | | | |
| In-Kind Match (County) | | | | | |
| Net Fiscal Impact | *see below | | | | |
| # ADDITIONAL FTE | | | | | |
| POSITIONS (Cumulative) | 0 | | | | |
| Is Item Included In Current B Budget Account No.: Fund Revenue: Fund | _ Department | UnitO | | ram | |
| B. Recommended Sources of l | Funds/Summary o | f Fiscal Impa | ct: | | |
| C. Departmental Fiscal Review | w: | | <u>.</u> | | |
| | III. <u>REVIEW</u> | COMMENTS | | | |
| *There is no fiscal impact at Board resolution. OFMB 11/12 | this time. Public S | Safety will retu | arn to the Board | | |
| B. Legal Sufficiency: Assistant County Attor | 11/3/08 | | | • | |
| C. Other Department Rev | ,/ | | | | |
| Department Director | | | | | |

This summary is not to be used as a basis for payment.

ORDINANCE NO. 08-

AN ORDINANCE OF THE BOARD OF **COMMISSIONERS OF PALM** COUNTY BEACH COUNTY, FLORIDA, AMENDING CHAPTER 17, ARTICLE V, DIVISION 1, SECTION 17-153 OF THE PALM BEACH CONCERNING COUNTY CODE IDENTIFICATION CARDS FOR INDIVIDUALS PERFORMING IN ADULT ENTERTAINMENT **ESTABLISHMENTS**; **PROVIDING** IN CONFLICT; REPEAL **OF** LAWS SEVERABILITY; **PROVIDING** FOR PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 17, Article V, Division 1, Section 17-153 of the Palm Beach County Code sets forth provisions relating to the requirement of work identification cards for individuals performing in adult entertainment establishments; and

WHEREAS, the Board of County Commissioners wishes to amend Section 17-153 of the Palm Beach County Code to provide that application fees and duplicate card fees for the work identification cards will be established by Board resolution; and

WHEREAS, the Board of County Commissioners further wishes to amend Section 17-153 of the Palm Beach County Code to provide that the Public Safety Department shall be responsible for creation of the work identification card application form and to remove specific application form requirements from Section 17-153; and

WHEREAS, the Board of County Commissioners hereby exercises its authority to amend this Ordinance pursuant to Chapter 125, Florida Statutes, thereby amending Section 17-153 of the Palm Beach County Code as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

- Part 1. Chapter 17, Article V, Division 1, Section 17-153, subsection (c), of the Palm Beach County Code is hereby amended as follows:
- (c) Application for work identification card. An application for a-work identification card shall be obtained from and submitted to the Ppublic Ssafety Delepartment. The applicant shall

by to the Ppublic Ssafety Delepartment to enable said department to grant or deny the issuance of the work identification card. The Public Safety Department shall be responsible for the creation of an application form in which the applicant is to provide verification of their identity and age. An application for a work identification card shall be fully completed according to the instructions on the application form., which shall require the following information:

- (1) The applicant's name and any other names (including "stage" names) or aliases used by the applicant;
- (2) The applicant's date of birth;
- (3) The applicant's height and weight;
- (4) A photograph of the applicant, taken by the public safety department to be affixed to the work identification card;
- (5) The applicant's present residence address and telephone number;
- (6) The applicant's Social Security number; and
- (76) Proof that the applicant is at least eighteen (18) years old by submittal of two (2) of the following:
- a. Original birth certificate;
- b. Original passport or visawhich includes date of birth;
- c. Original driver's license;
- d. Original Florida ID card;
- e. Any other original photo ID which includes the applicant's social security number or date of birth.
- Part 2. Chapter 17, Article V, Division 1, Section 17-153, subsection (e), of the Palm Beach County Code is hereby amended as follows:
- (e) Fees. The applicant shall <u>pay submit an nonrefundable application</u> fee of twenty five dollars (\$25.00)—with each <u>new request application</u>—for a work identification card. The applicant shall <u>also pay submit a nonrefundable duplicate</u> fee of five dollars (\$5.00) for each duplicate <u>copy of an existing</u> work identification card. <u>Both application and duplicate fees</u>

shall be established by the Board by resolution.

Part 3. Repeal of Laws in Conflict.

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Part 4. Severability.

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Part 5. Inclusion in the Code of Laws and Ordinances.

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Part 6. Captions.

The captions, section headings, and section designations used in this Ordinance are intended only for the convenience of users and shall have no effect on the interpretation of the provisions of this Ordinance.

Part 7. Effective Date.

The provisions of this Ordinance shall become effective upon filing with the Department of State.

| APPROVED and ADOPTED | by the Board of County Commissioners of Palm |
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| Beach County, Florida, on this the | day of, |
| 2008. | |
| SHARON R. BOCK, CLERK AND COMPTROLLER | PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS |
| By: | By:, Chair |
| APPROVED AS TO FORM AND LEGAL SUFFICIENCY | |
| By:County Attorney | |

| | EFFECTIVE DATE: | Filed with the Department of State on the | day |
|----|------------------------|---|-----|
| of | , 2008. | | |