



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact**

Fiscal Years	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Capital Expenditures					
Operating Costs	\$81,000				
External Revenues	(\$63,000)				
Program Income (County)					
In-Kind Match (County)					
<b>Net Fiscal Impact</b>	<b>\$18,000*</b>				

# ADDITIONAL FTE POSITIONS (Cumulative)      0                      0                      0                      0                      0

Is Item Included In Current Budget?    Yes                       No

Budget Account Exp No: Fund 0001 Department 660 Unit 6120 Object various  
 Rev No: Fund 0001 Department 660 Unit 6120 RevSc 2906

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

\*Program costs include salaries of \$74,572 and operating expenses of \$6,422. Revenues are estimated using the average number of licenses for FY16 and FY17. Additional revenue generated from an increase in fees and the establishment of a renewal period will help offset the program deficit. Since this is a new requirement and there is no prior renewal rate information available, the fiscal impact is indeterminable at this time.

Annual Rev.	Average Number	Current Fee	Proposed Fee	Rev. Estimate	Rev. Increase
ID Cards	600	\$75	\$100	\$60,000	\$15,000
Duplicate IDs	100	\$25	\$30	\$3,000	\$500

Departmental Fiscal Review: \_\_\_\_\_  
*[Signature]*

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

*[Signature]* 2/28/18  
 OFMB  
 2/28  
 sp 2/23/18

*[Signature]* 3/16/18  
 Contract Administration  
 3/16/18 Tu

**B. Legal Sufficiency:**

*[Signature]* 3/7/18  
 Assistant County Attorney

**C. Other Department Review:**

*[Signature]*  
 Department Director

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

## Summary (continued from Page 1)

Section 17-153 of the Adult Entertainment Ordinance requires performers in adult entertainment establishments to apply for work identification (ID) cards from the Public Safety Department and show proof that they are at least eighteen years old. This proposed amendment to the ordinance will establish a renewal period of two years for the work ID card to protect the vulnerable children and young adults. The current work ID card is valid for a lifetime. Additionally, each adult entertainment establishment will be required to retain a complete performer roster for a period of 30 days and a copy of the work ID for two years. Furthermore, the violation sections were modified to include additional legal actions by the county for violations to the Ordinance. Approximately 700 applications are processed annually. The cost of the program is approximately \$81,000 per year, which includes personnel costs, identification card equipment and supplies, and other administrative costs. The current ordinance provides that fees for work identification cards be established by Board resolution. The proposed amendment to the Adult Entertainment Ordinance was presented to the League of Cities on January 24, 2018 and was unanimously approved. Countywide (LDC)

**Background and Policy Issues:** Because of numerous concerns of minors performing in adult entertainment establishments, in July 1999, the Board of County Commissioners amended Chapter 17, Article V of the Palm Beach County Code (Adult Entertainment Code) to require performers in adult entertainment establishments in Palm Beach County to obtain work ID cards from the Public Safety Department. Operators, managers, or owners of adult entertainment establishments shall not allow performers to work without valid work identification cards.



43 Chapter 17, Article V, Division 1 of the Palm Beach County Code is hereby amended as  
44 follows:

45 Section 1. Section 17-147(31): Definitions.

46 Public Safety Department: The Palm Beach County Public Safety Department, Division of  
47 Consumer Affairs.

48 Section 2. Section 17-153(a): Work Identification Card Required.

49 (a) Work Identification Card Required. Any person desiring to perform in an adult  
50 entertainment establishment must obtain a work identification card from the public safety  
51 department, and no person shall act as a performer, as defined in this Code, in an adult  
52 entertainment establishment without having previously obtained said work identification  
53 card, except as permitted during the Grace Period as set forth in Section 17-153(c). A featured  
54 performer, as defined in section 17-147, is exempt from the provisions of this section.

55 Section 3. Section 17-153(c): Application for Work Identification Card.

56 Application for Work Identification Card. An application for a Work Identification Card shall be  
57 created by and obtained from the Public Safety Department. The application shall be in writing,  
58 signed, fully completed and submitted to the Public Safety Department together with the  
59 nonrefundable application fee. Each applicant must submit proof of identity and proof that  
60 applicant is at least eighteen (18) years of age. Work Identification Cards are valid for a term of  
61 two (2) years. Work Identification Cards issued prior to March 13, 2016 shall be renewed within  
62 One Hundred Twenty (120) days from the effective date of this ordinance. Performers with an  
63 expired Work Identification Card shall be permitted to perform for up to five (5) consecutive  
64 business days (the "Grace Period") without a current Work Identification Card. The Grace Period  
65 is available only one (1) time in connection with an expired Work Identification Card. No  
66 performer having utilized the Grace Period shall be permitted to perform again until a current  
67 Work identification Card is obtained. An application for Work Identification Card shall be  
68 obtained from and submitted to the public safety department. The applicant shall provide proof  
69 that the applicant is at least eighteen (18) years of age to the public safety department. The public  
70 safety department shall be responsible for the creation of an application form in which the applicant  
71 is to provide verification of their identity and age. An application for Work Identification Card  
72 shall be fully completed according to the instructions on the application form.

73 Section 3. Section 17-153(e): Fees.

74 (e) Fees. The applicant shall pay an application fee with each new request for a Work  
75 Identification Card and with each renewal of a Work Identification Card. The fees shall not  
76 be prorated. The applicant shall also pay a duplicate fee for each duplicate copy of an existing  
77 Work Identification Card. The application, renewal and duplicate fees shall be established by  
78 the Board by resolution.

80 **Section 4. Section 17-153(g): Retention of Performer Roster and Work Identification**  
 81 **Card.**

82 (g) Retention of Performer Roster and Work Identification Card. All persons required  
 83 pursuant to this Code to obtain a Work Identification Card shall keep same on their person or  
 84 with their personal belongings at all times while performing at an adult entertainment  
 85 establishment. ~~The adult entertainment establishment shall retain a photocopy of all Work~~  
 86 ~~Identification Cards issued to performers performing at said establishment. Work~~  
 87 ~~Identification Cards and photocopies of Work Identification Cards shall be made available to~~  
 88 ~~the public safety department for inspection upon reasonable notice and at reasonable times.~~  
 89 The adult entertainment establishment shall compile and retain a complete performer roster  
 90 that includes all performers performing at the establishment for a period of thirty (30) days  
 91 from each performer's most recent performance date. The performer roster shall be organized  
 92 by date and performer, including the performer's first and last name and stage name. The  
 93 adult entertainment establishment shall also maintain a Work Identification Card file,  
 94 organized alphabetically by performer's last name, with legible photocopies of the Work  
 95 Identification Card of each performer performing at said establishment for a period of two (2)  
 96 years from each performer's most recent performance date. No performer shall perform until  
 97 the performer roster is updated to include the performer information, and the legible  
 98 photocopy of the Work Identification Card is placed on file as required herein. Performers  
 99 performing within the Grace Period established in Section 17-153(c) shall provide a copy of  
 100 the expired Work Identification Card prior to performance. The performer roster and the  
 101 Work Identification Card file shall be made available to the Public Safety Department for  
 102 inspection and/or copying upon request.

103 **Section 5. 17-153 (k): Requirement of Managers, Owners and Operators to Verify**  
 104 **Work Identification Cards of Performers.**

105 (k) Requirement of Managers, Owners and Operators to Verify Work Identification Cards of  
 106 Performers. No person managing, owning or operating an adult entertainment establishment shall  
 107 permit, employ, or otherwise allow any person to perform at said establishment unless such person  
 108 has a valid, current, Work Identification Card issued in accordance herewith, unless such  
 109 performer is performing within the Grace Period established in Section 17-153(c). There shall be  
 110 separate violations issued to the establishment for each performer, and for each day that a  
 111 performer does not have the required Work Identification Card. It shall be prima facie evidence

112 of a violation of this Code if the establishment does not have a legible photocopy of a current Work  
 113 Identification Card on file for each performer as of the date of each performance, except that during  
 114 the Grace Period, the expired card shall be on file.

115 **Section 6. 17-153 (n): Violation Subject to Civil Prosecution.**

116 (n) Violation Subject to Civil Prosecution. Any owners, manager or operator of an adult  
 117 entertainment establishment who violates the provisions of subsections (g) or (k) of this Section  
 118 may be prosecuted by the ~~County Attorney~~ Department of Public Safety or the Code Enforcement  
 119 Division of the County's Planning, Zoning and Building Department as provided in Palm Beach  
 120 County Ordinance No. 90-45, as amended. Upon ~~conviction~~ adjudication of such violation, the  
 121 prosecuting officials shall notify the occupational licensing department of such ~~conviction~~  
 122 adjudication.

123 **Section 7. 17-153(o): Violations Subject to All Legal Remedies.**

124 (o) Violations Subject to All Legal Remedies. The violation of any provision of this Code may be  
 125 prosecuted pursuant to the procedures and penalties of F.S. §162.01 and Article 10 of the Palm  
 126 Beach County Unified Land Development Code. In addition, to the sanctions contained herein,  
 127 the County shall be authorized to take any appropriate legal action, including, but not limited to,  
 128 seeking cease and desist orders, and requesting temporary or permanent injunctive relief. It is the  
 129 purpose of this Ordinance to provide additional and cumulative remedies.

130 **Section 8. INCLUSION IN THE CODE ENFORCEMENT CITATION ORDINANCE**  
 131 **OF PALM BEACH COUNTY, FLORIDA.**

132 Schedule A of Chapter 8.5, Article II, of the Palm Beach County Code (the "Code  
 133 Enforcement Citation System Ordinance of Palm Beach County, Florida" is amended as follows:

Code Provision	Description	Class	Fine Amount
Ordinance No. 99-19, as amended, <u>Work Identification Card Ordinance, as amended, Section 17-153(g)</u>	<del>Failing to retain and make available for inspection a photocopy of all Work Identification Cards issued to performers at adult entertainment establishments. complete performer roster and a complete Work Identification Card file with copies of each performer's Work Identification Card</del>	<del>III V</del>	<del>\$125. \$ 400.</del>
Ordinance No. 99-19, as amended. <u>Work Identification Card Ordinance, Section 17-153(k)</u>	Allowing any person to perform in an adult entertainment establishment without a <u>Work Identification Card, per performer, per day (New performer not previously issued a Work Identification Card.</u>	<u>III V</u>	<u>\$125 \$400.00</u>

Ordinance No. 99-19, as amended. Work Identification Card, Section 17-153(k)	<u>Allowing a performer to perform with an expired Work Identification Card, per performer, per day</u>	III	<u>\$ 125.</u>
--	---	-----	----------------

134

135 **Section 9. Repeal of laws in conflict.**

136 All local laws and ordinances applying to the unincorporated area of the county in conflict  
137 with any provision of this article are hereby repealed to the extent of any conflict.

138 **Section 10. Savings clause.**

139 Notwithstanding the section of this ordinance regarding repeal of laws in conflict, all  
140 administrative and court orders, fines, and pending enforcement issued pursuant to this authority  
141 and procedures established by Chapter 17, Article V, Division 1, Section 17-153 of the Palm Beach  
142 County Code shall remain in full force and effect.

143 **Section 11. Severability.**

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

147 **Section 12. Inclusion in the Code of Laws and Ordinances.**

148 The provisions of this Ordinance shall become and be made a part of the Palm Beach  
149 County Code. The sections of this Ordinance may be renumbered or re-lettered to accomplish  
150 such, and the word Ordinance may be changed to section, article, or other appropriate word.

151 **Section 13. Captions.**

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

154 **Section 14. Effective Date.**

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

157

158 **APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach**  
159 **County, Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.**

160

161

162 **ATTEST:**  
163 **SHARON R. BOCK,**  
164 **CLERK & COMPTROLLER**

**PALM BEACH FLORIDA BY ITS**  
**BOARD OF COUNTY COMMISSIONERS**

165

166

167 **By: \_\_\_\_\_**  
168 **Deputy Clerk**

**By: \_\_\_\_\_**  
**Melissa McKinlay, Mayor**



169

170

171

172

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

173

**By:** \_\_\_\_\_  
**County Attorney**

174

175

176

Attachment # 1

Page 6 of 6



43 Chapter 17, Article V, Division 1 of the Palm Beach County Code is hereby amended as  
44 follows:

45 Section 1. Section 17-147(31): Definitions.

46 Public Safety Department: The Palm Beach County Public Safety Department, Division of  
47 Consumer Affairs.

48 Section 2. Section 17-153(a): Work Identification Card Required.

49 (a) Work Identification Card Required. Any person desiring to perform in an adult  
50 entertainment establishment must obtain a work identification card from the public safety  
51 department, and no person shall act as a performer, as defined in this Code, in an adult  
52 entertainment establishment without having previously obtained said Work Identification  
53 Card, except as permitted during the Grace Period as set forth in Section 17-153(c). A featured  
54 performer, as defined in section 17-147, is exempt from the provisions of this section.

55 Section 3. Section 17-153(c): Application for Work Identification Card.

56 Application for Work Identification Card. An application for a Work Identification Card shall be  
57 created by and obtained from the Public Safety Department. The application shall be in writing,  
58 signed, fully completed and submitted to the Public Safety Department together with the  
59 nonrefundable application fee. Each applicant must submit proof of identity and proof that  
60 applicant is at least eighteen (18) years of age. Work Identification Cards are valid for a term of  
61 two (2) years. Work Identification Cards issued prior to March 13, 2016 shall be renewed within  
62 One Hundred Twenty (120) days from the effective date of this ordinance. Performers with an  
63 expired Work Identification Card shall be permitted to perform for up to five (5) consecutive  
64 business days (the "Grace Period") without a current Work Identification Card. The Grace Period  
65 is available only one (1) time in connection with an expired Work Identification Card. No  
66 performer having utilized the Grace Period shall be permitted to perform again until a current  
67 Work Identification Card is obtained.

68 Section 3. Section 17-153(e): Fees.

69 (e) Fees. The applicant shall pay an application fee with each new request for a Work  
70 Identification Card and with each renewal of a Work Identification Card. The fees shall not  
71 be prorated. The applicant shall also pay a duplicate fee for each duplicate copy of an existing  
72 Work Identification Card. The application, renewal and duplicate fees shall be established by  
73 the Board by resolution.

74

75 **Section 4. Section 17-153(g): Retention of Performer Roster and Work Identification**  
76 **Card.**

77 (g) Retention of Performer Roster and Work Identification Card. All persons required  
78 pursuant to this Code to obtain a Work Identification Card shall keep same on their person or  
79 with their personal belongings at all times while performing at an adult entertainment  
80 establishment. The adult entertainment establishment shall compile and retain a complete  
81 performer roster that includes all performers performing at the establishment for a period of  
82 thirty (30) days from each performer's most recent performance date. The performer roster  
83 shall be organized by date and performer, including the performer's first and last name and  
84 stage name. The adult entertainment establishment shall also maintain a Work Identification  
85 Card file, organized alphabetically by performer's last name, with legible photocopies of the  
86 Work Identification Card of each performer performing at said establishment for a period of  
87 two (2) years from each performer's most recent performance date. No performer shall  
88 perform until the performer roster is updated to include the performer information, and the  
89 legible photocopy of the Work Identification Card is placed on file as required herein.  
90 Performers performing within the Grace Period established in Section 17-153(c) shall provide  
91 a copy of the expired Work Identification Card prior to performance. The performer roster  
92 and the Work Identification Card file shall be made available to the Public Safety Department  
93 for inspection and/or copying upon request.

94 **Section 5. 17-153 (k): Requirement of Managers, Owners and Operators to Verify**  
95 **Work Identification Cards of Performers.**

96 (k) Requirement of Managers, Owners and Operators to Verify Work Identification Cards of  
97 Performers. No person managing, owning or operating an adult entertainment establishment shall  
98 permit, employ, or otherwise allow any person to perform at said establishment unless such person  
99 has a valid, current, Work Identification Card issued in accordance herewith, unless such  
100 performer is performing within the Grace Period established in Section 17-153(c). There shall be  
101 separate violations issued to the establishment for each performer, and for each day that a  
102 performer does not have the required Work Identification Card. It shall be prima facie evidence  
103 of a violation of this Code if the establishment does not have a legible photocopy of a current Work  
104 Identification Card on file for each performer as of the date of each performance, except that during  
105 the Grace Period, the expired card shall be on file.

106 **Section 6. 17-153 (n): Violation Subject to Civil Prosecution.**

107 (n) Violation Subject to Civil Prosecution. Any owners, manager or operator of an adult  
 108 entertainment establishment who violates the provisions of subsections (g) or (k) of this Section  
 109 may be prosecuted by the Department of Public Safety or the Code Enforcement Division of the  
 110 County's Planning, Zoning and Building Department as provided in Palm Beach County  
 111 Ordinance No. 90-45, as amended. Upon adjudication of such violation, the prosecuting officials  
 112 shall notify the occupational licensing department of such adjudication.

113 **Section 7. 17-153(o): Violations Subject to All Legal Remedies.**

114 (o) Violations Subject to All Legal Remedies. The violation of any provision of this Code may be  
 115 prosecuted pursuant to the procedures and penalties of F.S. §162.01 and Article 10 of the Palm  
 116 Beach County Unified Land Development Code. In addition, to the sanctions contained herein,  
 117 the County shall be authorized to take any appropriate legal action, including, but not limited to,  
 118 seeking cease and desist orders, and requesting temporary or permanent injunctive relief. It is the  
 119 purpose of this Ordinance to provide additional and cumulative remedies.

120 **Section 8. INCLUSION IN THE CODE ENFORCEMENT CITATION ORDINANCE**  
 121 **OF PALM BEACH COUNTY, FLORIDA.**

122 Schedule A of Chapter 8.5, Article II, of the Palm Beach County Code (the "Code  
 123 Enforcement Citation System Ordinance of Palm Beach County, Florida" is amended as follows:

<b>Code Provision</b>	<b>Description</b>	<b>Class</b>	<b>Fine Amount</b>
Ordinance No. 99-19, as amended, Work Identification Card Ordinance, Section 17-153(g)	Failing to retain and make available for inspection a complete performer roster and a complete Work Identification Card file with copies of each performer's Work Identification Card	V	\$ 400.
Ordinance No. 99-19, as amended, Work Identification Card Ordinance, Section 17-153(k)	Allowing any person to perform in an adult entertainment establishment without a Work Identification Card, per performer, per day (New performer not previously issued a Work Identification Card)	V	\$400.
Ordinance No. 99-19, as amended. Work Identification Card Ordinance, Section 17-153(k)	Allowing a performer to perform with an expired Work Identification Card, per performer, per day	III	\$125.

124 **Section 9. Repeal of laws in conflict.**

125 All local laws and ordinances applying to the unincorporated area of the county in conflict  
 126 with any provision of this article are hereby repealed to the extent of any conflict.

127 **Section 10. Savings clause.**

128 Notwithstanding the section of this ordinance regarding repeal of laws in conflict, all  
129 administrative and court orders, fines, and pending enforcement issued pursuant to this authority  
130 and procedures established by Chapter 17, Article V, Division 1, Section 17-153 of the Palm Beach  
131 County Code shall remain in full force and effect.

132 **Section 11. Severability.**

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

136 **Section 12. Inclusion in the Code of Laws and Ordinances.**

137 The provisions of this Ordinance shall become and be made a part of the Palm Beach  
138 County Code. The sections of this Ordinance may be renumbered or re-lettered to accomplish  
139 such, and the word Ordinance may be changed to section, article, or other appropriate word.

140 **Section 13. Captions.**

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

143 **Section 14. Effective Date.**

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

146 **APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach**  
147 **County, Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.**

148  
149  
150  
151  
152  
153  
154  
155  
156  
157

**ATTEST:**  
**SHARON R. BOCK,**  
**CLERK & COMPTROLLER**

**PALM BEACH FLORIDA BY ITS**  
**BOARD OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
**Deputy Clerk**

By: \_\_\_\_\_  
**Melissa McKinlay, Mayor**

158 **APPROVED AS TO FORM AND**  
159 **LEGAL SUFFICIENCY**  
160

161 By: \_\_\_\_\_  
162 **County Attorney**  
163