

ORDINANCE NO. 76-14

AN ORDINANCE PROVIDING THAT IT SHALL BE UNLAWFUL FOR ANY PERSON TO EXPOSE OR EXHIBIT HIS OR HER SEXUAL ORGANS IN A VULGAR OR INDECENT MANNER WITHIN ANY BAR, TAVERN, COCKTAIL LOUNGE, RESTAURANT, HAMBURGER OR HOT DOG STAND, CAFE, DANCE HALL, OR DISCOTHEQUE OR ANY OTHER PREMISES; FURTHER, THAT IT SHALL BE UNLAWFUL FOR ANY FEMALE PERSON TO EXPOSE, DISPLAY, EXHIBIT OR DENUDE HER BREAST OR BREASTS IN A VULGAR OR INDECENT MANNER AS AN INCIDENT TO HER EMPLOYMENT WITHIN ANY SUCH BAR, TAVERN, COCKTAIL LOUNGE, RESTAURANT, HAMBURGER OR HOT DOG STAND, CAFE, DANCE HALL OR DISCOTHEQUE, OR TO GO OR BE NAKED OR NUDE OR PARTIALLY NAKED OR NUDE IN SUCH PREMISES WITHIN THE SCOPE OF SAID BUSINESS ON ANY SUCH PREMISES; PROVIDING FURTHER, THAT IT SHALL BE UNLAWFUL FOR ANY EMPLOYER, MANAGER, SUPERVISOR, OR PERSON OF LIKE CAPACITY TO INSTRUCT, ORDER, DIRECT, CONTROL, SOLICIT, OR CAUSE ANY PERSON TO EXPOSE OR EXHIBIT HIS OR HER SEXUAL ORGANS AS PROHIBITED HEREIN OR TO INSTRUCT, ORDER, DIRECT, CONTROL, SOLICIT, OR CAUSE ANY FEMALE PERSON TO EXPOSE, DISPLAY, EXHIBIT, OR DENUDE HER BREASTS AS PROHIBITED HEREIN; PROVIDING FURTHER, THE DEFINITION OF "NUDITY OF THE FEMALE BREASTS" AS USED IN THIS ORDINANCE; PROVIDING FURTHER, THE DEFINITION OF THE WORDS "VULGAR" OR "INDECENT" AS USED IN THIS ORDINANCE; PROVIDING FURTHER, FOR THE DEFINITION OF THE PHRASE "PUBLIC EXPOSURE" AS USED IN THIS ORDINANCE; PROVIDING FURTHER, THAT ANY PERSON WHO IS CONVICTED OF A VIOLATION OF THIS ORDINANCE SHALL BE SUBJECT TO A FINE NOT TO EXCEED \$500.00 OR IMPRISONMENT FOR A TERM NOT TO EXCEED SIXTY (60) DAYS, OR BOTH SUCH FINE AND IMPRISONMENT; PROVIDING FURTHER, THAT IF ANY PORTION OF THIS ORDINANCE SHALL BE DEEMED OR FOUND TO BE UNCONSTITUTIONAL THE REMAINING PORTIONS HEREOF SHALL NOT BE AFFECTED THEREBY BUT SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING AN EFFECTIVE DATE HEREOF.

BRUCE A. SMATHERS
SECRETARY OF STATE

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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION 1. That it shall be unlawful for any person to expose or exhibit his or her sexual organs, in a vulgar or indecent manner, within any bar, tavern, cocktail lounge, restaurant, hamburger or hot dog stand, cafe, dance hall, or discotheque, or any other premises, which are located within Hernando County; that it is the express purpose of this section

to prohibit, within such premises, the conduct which is commonly referred to as "bottomless" demonstrations, exhibitions, exposure, or entertainment by any person.

SECTION 2. That it shall be unlawful for any female person to expose, display, exhibit, or denude her breast or breasts in a vulgar or indecent manner, as an incident to her employment within any such bar, tavern, cocktail lounge, restaurant, hamburger or hot dog stand, cafe, dance hall, or discotheque or to go or be naked or nude or partially naked or nude in such place, within the scope of said business, on any such premises within Hernando County, as defined by this Ordinance; that it is the express purpose of this section to prohibit, in such premises, the conduct which is commonly referred to as "topless" demonstrations, exhibitions, exposure, or entertainment by any such female person.

SECTION 3. That it shall be unlawful for any employer, manager, supervisor, or person of like capacity to instruct, order, direct, control, solicit, or cause any person to expose or exhibit his or her sexual organs, as prohibited herein, or to instruct, order, direct, control, solicit, or cause any female person to expose, display, exhibit, or denude her breasts as prohibited herein.

SECTION 4. Nudity of the female breast or breasts shall be construed as the nakedness, baring, denuding, or uncovering of such breast or breasts; that the covering of the nipples and/or pigment of the female breast surrounding such nipples by pasties, tassels, or transparent fabrics shall not be a defense to any charge that is filed in any court of competent jurisdiction against any person who is charged with a violation of this Ordinance.

SECTION 5. That the terms "vulgar" or "indecent" as used in this Ordinance shall mean the public exposure or nakedness, at the place of business of such licensee, of the human sexual organs, or the female breast or breasts. "Public exposure" as used herein shall be construed as that part of the location of the business premises which is open and used by the public for the

transaction of business thereon but shall exclude dressing rooms, showers, restrooms, or lockers, which are expressly set aside on such licensed premises for the uses and purposes usually and ordinarily performed therein.

SECTION 6. That any person who violates any section of this Ordinance shall subject said person to a fine not exceeding \$500.00 or imprisonment for a term not exceeding sixty (60) days or by both such fine and imprisonment.

SECTION 7. That if any provision of this Ordinance of the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision of application, and to this end the provisions of this Ordinance are declared severable.

SECTION 8. This Ordinance shall become effective as provided by law.

ADOPTED in Regular Session in Brooksville, Hernando County, Florida, this 28th day of December, 1976.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.

By 
ADRIAN W. BELL, SR., CHAIRMAN

Attest 
HAROLD WILLIAM BROWN, CLERK