



Development & Neighborhood Services Department  
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## BACKGROUND INFORMATION REPORT ADDENDUM

You are hereby advised that it is a violation of City Code to engage in any activity prohibited by §6.43, Prohibited Acts, or §21.13, Public Nudity. In order to lawfully conduct business within the municipal limits of the City of Clearwater, you must fully comply with, follow, and adhere to all state and federal laws, city ordinances, rules and regulations, including without limitation, Clearwater City Code of Ordinances §6.43, Prohibited Acts, or §21.13, Public Nudity. In the event that you have not so complied, then the City will pursue all available remedies to ensure that the illegal activities being conducted are discontinued.

### ACKNOWLEDGMENT

Your signature below is an acknowledgment that you have in fact been advised of the existence of these ordinances. Additionally, your signature will indicate that you have also been provided a copy of Clearwater Code of Ordinance §6.43, Prohibited Acts, and §21.13, Public Nudity. Further, that by receipt of the same, hereby acknowledges that he/she is on Notice of the provisions contained therein and that the prohibitions therein shall be finding upon him/her.

\_\_\_\_\_  
Signature of Affiant

STATE OF FLORIDA  
COUNTY OF PINELLAS

BEFORE ME, personally appeared \_\_\_\_\_, who is personally know to me or who has produced \_\_\_\_\_ as identification and who did take oath, and who being by me first duly sworn, deposes and says that he/she is the person who executed the within document and that the matters alleged therein are true and correct.

IN WITNESS WHEREOF, I \_\_\_\_\_ have hereunto set my hand and official seal of said County and State, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Typed or Printed Name of Notary  
My Commission Expires:

## For Reference Purposes From City of Clearwater's Code of Ordinances

### Sec. 6.43. Prohibited acts.

(1) It shall be unlawful for any person owning, maintaining, operating or leasing an alcoholic beverage establishment; his employee, agent, servant, and any entertainer employed at the licensed premises or employed on a contractual basis; and for any patron, customer or spectator to appear on an alcoholic beverage establishment's premises in such a manner or attire as to expose to public view, or to employ any device or covering that is intended to give the appearance of, any portion of the pubic area, anus, vulva or genitals or, if such person is a female, the area of the breast directly or laterally below the top of the areola.

(2) It shall be unlawful for any person owning, maintaining, operating or leasing an alcoholic beverage establishment to permit any violation of subsection (1) of this section.

(3) It shall be unlawful for any person owning, maintaining, operating or leasing an alcoholic beverage establishment and his employee, agent, servant, and any entertainer employed at the licensed premises or employed on a contractual basis to engage in any activity commonly referred to as lap dancing or private tableside dancing whereby the person intentionally sits upon or rubs against the clothed or unclothed genitals, vulva, anus or buttock of any patron, customer or spectator therein in exchange for receiving a tip, donation, gratuity or anything of value, including but not limited to money. It shall be unlawful as well for the patron, customer or spectator upon whose body the lap dancer or private tableside dancer is committing the above-proscribed activity to permit the activity to occur; however, this subsection does not apply to acts done for bona fide medical purposes.

(4) It shall be unlawful for any person owning, maintaining, operating or leasing an alcoholic beverage establishment to permit any violation of subsection (3) of this section.

(5) It shall be unlawful for any person owning, maintaining, operating or leasing an alcoholic beverage establishment to permit the construction, maintenance or use of areas completely or partially partitioned, curtained or screened from public view that are permitted to be used for the activities proscribed in subsection (3) of this section.

(Code 1980, § 82.03)

### Sec. 21.13. Public nudity.

(1) As used in this section:

(a) *Adult use establishment* means an establishment as defined in sec. 41.505 of the city code.

(b) *Entity* means any proprietorship, partnership, corporation, association, business trust, joint venture, joint stock company or other for profit or not for profit organization.

(c) *Nude* means the showing of:

1. Human male or female genitals or pubic area with less than a fully opaque covering; or
2. Any portion of the anal cleft or cleavage of the male or female buttocks. Attire that is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, thongs and any other clothing or covering that does not completely and opaquely cover the anal cleft or cleavage of the male or female buttocks; or
3. The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola is not exposed; or

4. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (d) *Person* means any live human being ten years of age or older.
  - (e) *Place provided or set apart for nudity* means enclosed single-sex public restrooms; enclosed single-sex functional shower, locker or dressing room facilities; enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations; areas within doctor's offices, medical clinics, hospitals, and other licensed medical health care facilities designed and intended for the examination of patients; and similar places in which nudity is necessarily and customarily expected outside of the home and the sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person's conduct of being nude is used for his or her profit or where being nude is used for the promotion of business or is otherwise commercially exploited.
  - (f) *Public place* means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. The term includes but is not limited to streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not for profit, whether open to the public at large, or whether entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, night clubs, country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal or similar organization. Premises, or portions thereof such as hotel rooms, used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a public place.
- (2) It shall be unlawful for any person to knowingly or intentionally appear, or cause another person to appear, nude in a public place or in any other place that is readily visible to the public, except as provided in subsection (3) of this section. It shall also be unlawful for any person or entity maintaining, owning, or operating any public place to operate and to knowingly or with reason to know, permit or allow any person to appear nude in such public place, except as provided in subsection (3) of this section.
- (3) The following shall be exempt from the prohibitions of subsection (2) of this section:
- (a) When a person appears nude in a place provided or set apart for nudity, provided such person is nude for the sole purpose of performing the legal function that is customarily intended to be performed within such place and such person is not nude for the purpose of obtaining money or other financial gain for such person or for another person or entity;
  - (b) When a mother is breast-feeding her baby in compliance with F.S. § 383.015; or
  - (c) When the conduct of being nude cannot legally be prohibited by this ordinance because it constitutes a part of a bona fide live communication, demonstration or performance by a person wherein such nudity is expressive conduct protected by the United States Constitution or the Florida Constitution. Nude dancers performing in adult use establishments shall not be exempt from the prohibitions of subsection (2) of this section.
  - (d) When a person appears nude for legitimate instructional purposes for authorized courses at community colleges, state universities, or other public or private institutions of higher learning.
- (4) This section shall not be deemed to address photographs, movies, video presentations, or any other non-live performances.

(Ord. No. 5543-94, § 1, 2-17-94)