

**CITY OF SPRINGFIELD, FLORIDA
ORDINANCE 420**

**AN ORDINANCE REGULATING THE CONDUCT OF
ESCORT SERVICES; PROVIDING DEFINITIONS;
PROHIBITING CERTAIN ACTS; REQUIRING LICENSES;
PROVIDING FOR FEES; PROVIDING PENALTIES AND
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Springfield City Commission, after due consideration, has determined there is a need for an ordinance regulating escort services and finds that it is in the interests of the health, safety and welfare of both visitors and the residents of Springfield to enact such regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF SPRINGFIELD, BAY COUNTY, FLORIDA:

Section 1. Short title. This ordinance may be referred to as the Springfield Escort Service Conduct Regulation Ordinance.

Section 2. Definitions. The following words, terms and phrases, when used in this ordinance, shall have meaning described to them in this subsection, except where the content clearly indicates a different meaning:

A. Escort Service. Means any business, agency or person who, for compensation or other consideration such as a fee, commission, higher, reward or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for Escorts and includes any person assisting in the operation of an Escort Service who is not an officer, owner, partner, directory or employee of another Escort Service.

B. Escort. Means a person who, for consideration, agrees or offers to act as a companion, guide or a date for another person, or who agrees or offers to privately model lingerie or provide a private light touch body rub or massage for another person, or to privately perform a striptease for another person.

C. Specified Sexual Activity. Shall mean:

- (1) Human genitalia in the state of sexual stimulation, arousal or tumescence; or
- (2) Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual

- intercourse, sodomy, urolagnia or zoerastia; or
- (3) Fondling or other exotic touching of human genitalia, or pubic region, buttocks, anus or female breast.

D. Specified Anatomical Areas. Shall mean:

- (1) Human genitalia or pubic region; or
- (2) Human buttocks; or
- (3) That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect at that point immediately above the top of the areola (the colored ring around the nipple). 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 wearing apparel provided the areola is not so exposed; or
- (4) Human male genitals in a discernable turgid state, even if completely opaquely covered.

E. Specified Criminal Activity. Shall mean any of the following offenses:

- (1) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to minor; sexual performance by child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assaults; molestation of child; gambling; or possession or distribution of a controlled substance; or any other similar offenses to those described above under the criminal or penal code of other states or countries.

Section 3. Prohibited Acts.

A. It shall be unlawful for an Escort to encourage, suffer or permit a customer to expose or display his or her (the customer) specified anatomical areas.

B. It shall be unlawful for an Escort to suggest or imply that a customer should or is permitted to expose or display his or her (the customer's) specified anatomical areas.

C. It shall be unlawful for an Escort to expose or display his or hers (the Escort's) specified anatomical areas at any time the Escort is in the presence of the customer.

D. It shall be unlawful for an Escort to expose or display his or her (the Escort's) specified anatomical areas.

E. It shall be unlawful for any Escort to straddle a customer.

F. It shall be unlawful for any Escort to offer or to agree to straddle a customer.

G. It shall be unlawful for any Escort to intentionally touch the clothed or unclothed body of any customer at any point below the waist and above the knee of the customer.

H. It shall be unlawful for any Escort to suffer or permit a customer to touch the clothed or unclothed body of the Escort at any point below the waist or above the knee of the Escort.

I. It shall be unlawful for any Escort to touch the clothed or unclothed breast of any customer.

J. It shall be unlawful for any Escort to suffer or permit a customer to touch the clothed or unclothed breast of the Escort.

K. All fees and charges paid by a customer of an Escort or Escort Service shall be paid to the Escort before the service begins.

L. No escort shall accept any tip or other compensation from a customer unless that amount is the amount the customer is told would be charged before the service begins.

M. It shall be unlawful for an Escort to engage in any specified sexual activity with a customer.

N. It shall be unlawful for any person or business to engage in, conduct or carry on, as an Escort, or Escort Service, without first having obtained a license under this chapter.

O. It shall be unlawful for a customer of an Escort to suffer or permit the Escort to violate any of the above.

P. It shall be unlawful for customer of an Escort to encourage or solicit an Escort to violate any of the above.

Section 4. Licenses Required.

A. Within thirty (30) days after the effective date of this ordinance, it shall be unlawful:

- (1) For any person to operate an Escort Service without a valid Escort Service business license issued by the City of Springfield pursuant to this ordinance.

- (2) For any person who operates an Escort Service to employ a person to work for the Escort Service who is not licensed as an Escort Service employee by the City of Springfield pursuant to this ordinance.
- (3) For any person to obtain employment with an Escort Service without having secured an Escort Service employee license pursuant to this ordinance.

B. An application for a license for an Escort Service must be made on a form provided the City of Springfield.

C. An application for a license to work as an Escort must be made on a form provided by the City of Springfield.

D. If a person wishes to operate an Escort Service business the individual must sign the application for the license as applicant. If a person who wishes to operate an Escort Service is other than an individual, each individual who has twenty percent or greater interest in the business must sign the application for license as the applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.

E. The completed application for an Escort Service Business license shall contain the following information and shall be accompanied by the following documents:

- (1) Depending on the form of ownership, if the applicant is:
 - (a) One or more individuals, each individual will state his/her legal name and any aliases and submit proof that he/she is eighteen years of age;
 - (b) A partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership or general or limited, and a copy of the partnership agreement, if any;
 - (c) A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of the state of incorporation, the names and capacity of all the officers, directors and principle stock holders, and the name of the registered corporate agent and the address of the registered office for service of process.
- (2) If the applicant intends to operate the Escort Service Business under a name other than that of the applicant, he or she must state the Escort Service Business's fictitious name and submit the required registration documents.
- (3) Whether the applicant or the person residing with the applicant has been convicted

of a specified criminal activity as defined in this ordinance, and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

- (4) The applicant's mailing address and residential address.
- (5) A recent photograph of the applicant or applicants.
- (6) Proof that the individual is at least eighteen years of age.
- (7) A colored photograph of the applicant clearly showing the applicant's face and the applicant's finger prints on a form provided by the Springfield Police Department. Any fees for the photographs and finger prints shall be paid by the applicant.

F. Fees.

- (1) Every application for an Escort Business license, whether a new license *or* for a renewal of the existing license, shall be accompanied by a \$250 non-refundable application and investigative fee.
- (2) Every application for an Escort Service Employee license, whether a new license or for a renewal of an existing license, shall be accompanied by an annual \$250 non-refundable application, investigative and license fee.
 - (3) All license applications and fees shall be submitted to the Springfield Police Department.
 - (4) Each license shall expire one year from the date of issuance and maybe renewed only by making application as provided in this section. Application for renewal shall be made at least thirty days before the expiration date, and when made less than thirty days before the expiration date, the expiration of the license will not be affected.

G. Advertising.

The license number of each licensed Escort Service Employee or Escort Business shall appear in each offer of services, contract, or advertisement, regardless of medium, used by that Escort Service Employee or Escort Business in connection with such services.

Section 5. Issuance of a license.

- A. Within forty-five (45) days of receiving an application for a license the City of Springfield will notify the applicant whether the application is granted or denied.
- B. Whenever an application is denied, the City shall advise the applicant in writing of the reasons for such action.
- C. Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate within any investigation required by this ordinance shall constitute an admission by the

applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the City.

D. Any party aggrieved by the decision of the City regarding the issuance, denial to issue, suspension or revocation of a license may file an action for review of that decision by a court of competent jurisdiction in Bay County, Florida.

Section 6. Suspension of a license.

A. The City will suspend a license for a period not to exceed thirty days if it is determined that the licensee or any employee of the licensee has:

- (1) Violated or is not in compliance with any section of this ordinance.

Section 7. Revocation of a license.

The City shall revoke a license if it is determined that:

A. A licensee gave false or misleading information in the material submitted during the application process;

B. A licensee has knowingly allowed possession, use, or sale of controlled substances by employees;

C. A licensee has knowingly allowed prostitution by employees;

D. A licensee knowingly operated an Escort Service Business during a period of time that the licensee's license was suspended;

Section 8. Withholding of license.

A. The City shall not issue a license if it is determined by preponderance of evidence that one or more of the following findings is true;

- (1) The applicant has failed to provide information reasonably necessary for the issuance of a license or has falsely answered a question or request for information on the application form;
- (2) The applicant is under the age of eighteen years;
- (3) The applicant has been convicted of a specified criminal activity as defined in this ordinance;
- (4) The Escort Service Business Employee license is to be used for employment in a business prohibited by local or state, statute, rule or regulation, or prohibited by a particular provision of this ordinance.

B. A license granted pursuant to this section shall be subject to annual renewal upon the written application of the applicant and a finding by the City that the applicant has not been convicted of any specified criminal activity as defined in this ordinance or committed any act during the existence of the previous license, which would be grounds to deny the initial license application.

C. The issuance of the license shall be subject to the payment of the fee as set forth in this ordinance.

Section 9. Enforcement and penalties. Any person or entity violating any of the provisions of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted. Each day the violation exists is a separate offense or violation. Such violations shall be prosecuted in the name of the State of Florida in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed \$500 or by imprisonment in the County jail not to exceed 60 days or by both such fine and imprisonment. Each incident or separate occurrence of an act that violates this ordinance shall be deemed a separate offense. In addition to the procedures provided herein, the performance of acts that are not in conformity with these requirements by an Escort or Escort Service shall be subject to appropriate civil action in the court of appropriate jurisdiction for abatement.

Section 10. Severability


If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 11. Effective Date.

This ordinance shall become effective upon passage.

PASSED AND ADOPTED BY THE City Commission in Regular Session in Springfield, Bay County, Florida, on this 3rd day of September, 2002.

ATTEST:


Rhonda J. Taylor, City Clerk

CITY OF SPRINGFIELD


Robert E. Walker, Mayor

First Reading: August 5, 2002
Second Reading: September 3, 2002
Date Published: August 9, 2002