

By Senator Grant

13-720-98

See HB

1 A bill to be entitled
2 An act relating to public exhibition of violent
3 video games; providing a short title; providing
4 definitions; prohibiting the public showing,
5 display, or other exhibition in specified
6 places of video games containing graphic
7 violence; prohibiting a person who operates a
8 place of business where video games containing
9 graphic violence are shown, displayed, or
10 exhibited from knowingly permitting or allowing
11 any person under 18 years of age to patronize,
12 visit, or loiter in such place of business;
13 providing penalties; providing for deposit of
14 fines in the Public Medical Assistance Trust
15 Fund for use for a certain purpose; providing
16 for proof of age to be required of a
17 prospective video game observer at the place of
18 business; providing a defense to prosecution
19 under specified provisions; providing that a
20 person who operates such place of business may
21 seek a declaratory judgment from a court of
22 appropriate jurisdiction on whether a video
23 game contains graphic violence; providing an
24 effective date.

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26 WHEREAS, the Legislature recognizes that violent crime
27 is a serious, persistent problem in our society, especially
28 among our youth, and

29 WHEREAS, the Legislature further recognizes that, as
30 confirmed by current scientific data, the repeated exposure to
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1 graphic violence may contribute to violent behavior by our
2 youth in some instances, and

3 WHEREAS, although citizens are permitted to view and
4 display a wide variety of materials for entertainment and
5 other purposes in a free society, citizens also have the right
6 to establish standards of safety and acceptability to ensure a
7 civilized society and to protect their children and themselves
8 from the scourge of violence, and

9 WHEREAS, it is the legislative goal and purpose of this
10 act to provide such standards, NOW, THEREFORE,

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. (1) SHORT TITLE.--This section may be
15 cited as the "Children's Protection from Violence Act."

16 (2) DEFINITIONS.--As used in this section, the term:

17 (a) "Graphic violence" means the depiction or
18 representation of death or severe injury, including, but not
19 limited to:

20 1. Decapitation;

21 2. Dismemberment;

22 3. Repeated instances of bloodshedding; or

23 4. Grotesque cruelty,

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25 in a way such that the depiction or representation shocks the
26 conscience of the community and exceeds the boundaries of what
27 should be tolerated in a civilized society.

28 (b) "Prospective video game observer" means a person
29 who could observe a video game at a place of business where
30 video games are shown, displayed, or exhibited.

31 (3) PROHIBITED ACTS.--

1 (a) It is unlawful for any person to show, display, or
2 exhibit, or permit the showing, display, or other exhibition
3 of, a video game containing graphic violence when the showing,
4 display, or exhibition is visible from any public street or
5 public place.

6 (b) It is unlawful for any person who operates a place
7 of business in which video games containing graphic violence
8 are shown, displayed, or exhibited to knowingly permit or
9 allow any person under 18 years of age to patronize, visit, or
10 loiter in such place of business.

11 (4) PENALTIES.--A person who violates subsection (3)
12 commits a civil infraction, punishable by a fine not exceeding
13 \$5,000 for any such violation on the first offense, with the
14 total amount of such fines not to exceed \$50,000. A person who
15 commits a second or subsequent offense in violation of
16 subsection (3) commits a civil infraction punishable by a fine
17 not exceeding \$10,000 for any such violation on the second or
18 subsequent offense.

19 (5) DEPOSIT OF FINES.--Fine moneys collected by the
20 courts under this section shall be forwarded for deposit in
21 the Public Medical Assistance Trust Fund established in s.
22 409.918, Florida Statutes, and distributed for payment of
23 costs for treatment of injuries of victims of violent crime
24 who qualify for Medicaid assistance, as provided by law.

25 (6) REQUIRED PROOF OF AGE AT PLACE OF BUSINESS;
26 DEFENSE.--

27 (a) Any person who operates a place of business in
28 which video games are shown, displayed, or exhibited, or the
29 person's agent or employee, may require proof of age of a
30 prospective video game observer.

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1 (b) A person charged with a violation of paragraph
2 (3)(b) has a complete defense if, before or at the time the
3 video game containing graphic violence was shown, displayed,
4 or exhibited:
5 1. The prospective video game observer evidenced that
6 she or he was 18 years of age or older;
7 2. The appearance of the prospective video game
8 observer was such that a prudent person would believe the
9 prospective video game observer to be 18 years of age or
10 older; and
11 3. The person charged with the violation, or the
12 person's agent or employee, carefully checked a driver's
13 license or an identification card issued by this state or
14 another state of the United States, a passport, or a United
15 States armed services identification card presented by the
16 prospective video game observer and acted in good faith and in
17 reliance upon the representation and appearance of the
18 prospective video game observer in the belief that the
19 prospective video game observer was 18 years of age or older.
20 (7) RIGHT TO DECLARATORY JUDGMENT.--A person who
21 operates a place of business in which video games are shown,
22 displayed, or exhibited shall have the right to seek a
23 declaratory judgment in a court of law of appropriate
24 jurisdiction for the purpose of obtaining a judicial
25 determination of whether a video game contains graphic
26 violence.
27 Section 2. This act shall take effect October 1 of the
28 year in which enacted, and shall apply to offenses committed
29 on or after that date.
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LEGISLATIVE SUMMARY

Creates the "Children's Protection from Violence Act."
Prohibits the public showing, display, or other
exhibition in specified places of video games containing
graphic violence. Prohibits a person who operates a place
of business where video games containing graphic violence
are shown, displayed, or exhibited from knowingly
permitting or allowing any person under 18 years of age
to patronize, visit, or loiter in such place of business.
Provides penalties. Provides for deposit of fines in the
Public Medical Assistance Trust Fund for use for a
certain purpose. Provides for proof of age to be required
of a prospective video game observer. Provides a defense
to prosecution under specified provisions. Provides that
a person who operates such place of business may seek a
declaratory judgment on whether a video game contains
graphic violence.