

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: State Administration &
 2 Technology Appropriations Subcommittee
 3 Representative Fine offered the following:
 4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 255.70, Florida Statutes, is created to
 8 read:

9 255.70 Public permitting.-

10 (1) As used in this section, the term "governmental
 11 entity" means any state, county, district, or municipal officer,
 12 department, division, board, bureau, commission, or other
 13 separate unit of government created or established by law and
 14 any other public or private agency, person, partnership, or
 15 corporation or business entity acting on behalf of any public
 16 agency.

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17 (2) A governmental entity may not issue a permit or
18 otherwise authorize a person to conduct a performance in
19 violation of s. 827.11.

20 (3) If a violation of s. 827.11 occurs for a lawfully
21 issued permit or other authorization, the individual who was
22 issued the permit or other authorization commits a misdemeanor
23 of the first degree, punishable as provided in s. 775.082 or s.
24 775.083.

25 Section 2. Subsection (10) is added to section 509.261,
26 Florida Statutes, to read:

27 509.261 Revocation or suspension of licenses; fines;
28 procedure.—

29 (10) (a) The division may fine, suspend, or revoke the
30 license of any public lodging establishment or public food
31 service establishment if the establishment admits a child to an
32 adult live performance, in violation of s. 827.11.

33 (b) A violation of this subsection constitutes an
34 immediate serious danger to the public health, safety, or
35 welfare for the purposes of s. 120.60(6).

36 (c) Notwithstanding subsection (1), the division may issue
37 a \$5,000 fine for an establishment's first violation of this
38 subsection.

39 (d) Notwithstanding subsection (1), the division may issue
40 a \$10,000 fine for an establishment's second or subsequent
41 violation of this subsection.

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42 Section 3. Paragraph (1) is added to subsection (1) of
43 section 561.29, Florida Statutes, to read:

44 561.29 Revocation and suspension of license; power to
45 subpoena.—

46 (1) The division is given full power and authority to
47 revoke or suspend the license of any person holding a license
48 under the Beverage Law, when it is determined or found by the
49 division upon sufficient cause appearing of:

50 (1) Maintaining a licensed premises that admits a child to
51 an adult live performance in violation of s. 827.11.

52 1. A violation of this paragraph constitutes an immediate,
53 serious danger to the public health, safety, or welfare for the
54 purposes of s. 120.60(6).

55 2. The division may issue a \$5,000 fine for a first
56 violation of this paragraph.

57 3. The division may issue a \$10,000 fine for a second or
58 subsequent violation of this paragraph.

59 Section 4. Section 827.11, Florida Statutes, is created to
60 read:

61 827.11 Exposing children to an adult live performance.—

62 (1) As used in this section, the term:

63 (a) "Adult live performance" means any show, exhibition,
64 or other presentation in front of a live audience which, in
65 whole or in part, depicts or simulates nudity, sexual conduct,
66 sexual excitement, or specific sexual activities as those terms

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67 are defined in s. 847.001, lewd conduct, or the lewd exposure of
68 prosthetic or imitation genitals or breasts when it:

69 1. Predominantly appeals to a prurient, shameful, or
70 morbid interest;

71 2. Is patently offensive to prevailing standards in the
72 adult community of this state as a whole with respect to what is
73 suitable material or conduct for the age of the child present;
74 and

75 3. Taken as a whole, is without serious literary,
76 artistic, political, or scientific value for the age of the
77 child present.

78 (b) "Knowingly" means having general knowledge of, reason
79 to know, or a belief or ground for belief which warrants further
80 inspection or inquiry of both:

81 1. The character and content of any adult live performance
82 described in this section which is reasonably susceptible of
83 examination by the defendant; and

84 2. The age of the child.

85 (2) A person's ignorance of a child's age, a child's
86 misrepresentation of his or her age, or a bona fide belief of a
87 child's consent may not be raised as a defense in a prosecution
88 for a violation of this section.

89 (3) A person may not knowingly admit a child to an adult
90 live performance.

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91 (4) A violation of subsection (3) constitutes a
92 misdemeanor of the first degree, punishable as provided in s.
93 775.082 or s. 775.083.

94 Section 5. This act shall take effect upon becoming a law.

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96
97 **T I T L E A M E N D M E N T**

98 Remove everything before the enacting clause and insert:

99
100 A bill to be entitled
101 An act relating to the protection of children;
102 creating s. 255.70, F.S.; defining the term
103 "governmental entity"; prohibiting a governmental
104 entity from issuing a permit or otherwise authorizing
105 a person to conduct a performance in violation of
106 specified provisions; providing criminal penalties;
107 amending s. 509.261, F.S.; authorizing the Division of
108 Hotels and Restaurants of the Department of Business
109 and Professional Regulation to fine, suspend, or
110 revoke the license of any public lodging establishment
111 or public food service establishment if the
112 establishment admits a child to an adult live
113 performance; specifying that a specified violation
114 constitutes an immediate, serious danger to the public
115 health, safety, or welfare; authorizing the division

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116 to issue specified fines for first, second, and
117 subsequent violations of certain provisions; amending
118 s. 561.29, F.S.; specifying that the Division of
119 Alcoholic Beverages and Tobacco of the Department of
120 Business and Professional Regulation is given full
121 power and authority to revoke or suspend the license
122 of any person issued under the Beverage Law when it is
123 determined or found by the division upon sufficient
124 cause appearing that he or she is maintaining a
125 licensed premises that admits a child to an adult live
126 performance; specifying that a specified violation
127 constitutes an immediate serious danger to the public
128 health, safety, or welfare; authorizing the division
129 to issue specified fines for first, second, and
130 subsequent violations of certain provisions; creating
131 s. 827.11, F.S.; defining the terms "adult live
132 performance" and "knowingly"; prohibiting the raising
133 of specified arguments as a defense in a prosecution
134 for certain violations; prohibiting a person from
135 knowingly admitting a child to an adult live
136 performance; providing criminal penalties; providing
137 an effective date.