

26 subsequent violations of certain provisions; creating
 27 s. 827.11, F.S.; defining the terms "adult live
 28 performance" and "knowingly"; prohibiting the raising
 29 of specified arguments as a defense in a prosecution
 30 for certain violations; prohibiting a person from
 31 knowingly admitting a child to an adult live
 32 performance; providing criminal penalties; providing
 33 an effective date.

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

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37 Section 1. Subsection (10) is added to section 509.261,
 38 Florida Statutes, to read:

39 509.261 Revocation or suspension of licenses; fines;
 40 procedure.—

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

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

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

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

54 Section 2. Paragraph (1) is added to subsection (1) of
 55 section 561.29, Florida Statutes, to read:

56 561.29 Revocation and suspension of license; power to
 57 subpoena.—

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

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

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

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

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

71 Section 3. Section 827.11, Florida Statutes, is created to
 72 read:

73 827.11 Exposing children to an adult live performance.—

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

75 (a) "Adult live performance" means any show, exhibition,

76 or other presentation in front of a live audience which, in
77 whole or in part, depicts or simulates nudity, sexual conduct,
78 sexual excitement, specific sexual activities as those terms are
79 defined in s. 847.001, lewd conduct, or the lewd exposure of
80 prosthetic or imitation genitals or breasts when it:

81 1. Predominantly appeals to a prurient, shameful, or
82 morbid interest;

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

87 3. Taken as a whole, is without serious literary,
88 artistic, political, or scientific value for the age of the
89 child present.

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

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

96 2. The age of the child.

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

HB 1423

2023

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

103 (4) A violation of subsection (3) constitutes a
104 misdemeanor of the first degree, punishable as provided in s.
105 775.082 or s. 775.083.

106 Section 4. This act shall take effect upon becoming a law.