

26 licensed premises that admits a child to an adult live
 27 performance; specifying that a specified violation
 28 constitutes an immediate serious danger to the public
 29 health, safety, or welfare; authorizing the division
 30 to issue specified fines for first, second, and
 31 subsequent violations of certain provisions; creating
 32 s. 827.11, F.S.; defining the terms "adult live
 33 performance" and "knowingly"; prohibiting the raising
 34 of specified arguments as a defense in a prosecution
 35 for certain violations; prohibiting a person from
 36 knowingly admitting a child to an adult live
 37 performance; providing criminal penalties; providing
 38 an effective date.

39
 40 Be It Enacted by the Legislature of the State of Florida:

41
 42 Section 1. Section 255.71, Florida Statutes, is created to
 43 read:

44 255.71 Public permitting.-

45 (1) As used in this section, the term "governmental
 46 entity" means any state, county, district, or municipal officer,
 47 department, division, board, bureau, commission, or other
 48 separate unit of government created or established by law and
 49 any other public or private agency, person, partnership, or
 50 corporation or business entity acting on behalf of any public

51 agency.

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

55 (3) If a violation of s. 827.11 occurs for a lawfully
 56 issued permit or other authorization, the individual who was
 57 issued the permit or other authorization commits a misdemeanor
 58 of the first degree, punishable as provided in s. 775.082 or s.
 59 775.083.

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

62 509.261 Revocation or suspension of licenses; fines;
 63 procedure.—

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

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

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

74 (d) Notwithstanding subsection (1), the division may issue
 75 a \$10,000 fine for an establishment's second or subsequent

76 | violation of this subsection.

77 | Section 3. Paragraph (1) is added to subsection (1) of
78 | section 561.29, Florida Statutes, to read:

79 | 561.29 Revocation and suspension of license; power to
80 | subpoena.—

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

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

87 | 1. A violation of this paragraph constitutes an immediate,
88 | serious danger to the public health, safety, or welfare for the
89 | purposes of s. 120.60(6).

90 | 2. The division may issue a \$5,000 fine for a first
91 | violation of this paragraph.

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

94 | Section 4. Section 827.11, Florida Statutes, is created to
95 | read:

96 | 827.11 Exposing children to an adult live performance.—

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

98 | (a) "Adult live performance" means any show, exhibition,
99 | or other presentation in front of a live audience which, in
100 | whole or in part, depicts or simulates nudity, sexual conduct,

101 sexual excitement, or specific sexual activities as those terms
102 are defined in s. 847.001, lewd conduct, or the lewd exposure of
103 prosthetic or imitation genitals or breasts when it:

104 1. Predominantly appeals to a prurient, shameful, or
105 morbid interest;

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

110 3. Taken as a whole, is without serious literary,
111 artistic, political, or scientific value for the age of the
112 child present.

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

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

119 2. The age of the child.

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

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

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126 | (4) A violation of subsection (3) constitutes a
127 | misdemeanor of the first degree, punishable as provided in s.
128 | 775.082 or s. 775.083.

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