

By Senator Yarborough

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1                                   A bill to be entitled  
2           An act relating to the protection of children;  
3           amending s. 509.261, F.S.; authorizing the Division of  
4           Hotels and Restaurants of the Department of Business  
5           and Professional Regulation to fine, suspend, or  
6           revoke the license of any public lodging establishment  
7           or public food service establishment if the  
8           establishment admits a child to an adult live  
9           performance; specifying that a specified violation  
10          constitutes an immediate, serious danger to the public  
11          health, safety, or welfare; authorizing the division  
12          to issue specified fines for first, second, and  
13          subsequent violations of certain provisions; amending  
14          s. 561.29, F.S.; specifying that the Division of  
15          Alcoholic Beverages and Tobacco of the Department of  
16          Business and Professional Regulation is given full  
17          power and authority to revoke or suspend the license  
18          of any person issued under the Beverage Law when it is  
19          determined or found by the division upon sufficient  
20          cause appearing that he or she is maintaining a  
21          licensed premises that admits a child to an adult live  
22          performance; specifying that a specified violation  
23          constitutes an immediate serious danger to the public  
24          health, safety, or welfare; authorizing the division  
25          to issue specified fines for first, second, and  
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

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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.

34  
35 Be It Enacted by the Legislature of the State of Florida:

36  
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 immediate  
46 serious danger to the public health, safety, or welfare for the  
47 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

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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, or  
76 other presentation in front of a live audience which, in whole  
77 or in part, depicts or simulates nudity, sexual conduct, sexual  
78 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 morbid  
82 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, artistic,

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88 political, or scientific value for the age of the child present.

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

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

95 2. The age of the child.

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

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

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

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