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1                   A bill to be entitled  
2     An act relating to the protection of children;  
3     creating s. 255.70, F.S.; defining the term  
4     "governmental entity"; prohibiting a governmental  
5     entity from issuing a permit or otherwise authorizing  
6     a person to conduct a performance in violation of  
7     specified provisions; providing criminal penalties;  
8     amending s. 509.261, F.S.; authorizing the Division of  
9     Hotels and Restaurants of the Department of Business  
10    and Professional Regulation to fine, suspend, or  
11    revoke the license of any public lodging establishment  
12    or public food service establishment if the  
13    establishment admits a child to an adult live  
14    performance; specifying that a specified violation  
15    constitutes an immediate, serious danger to the public  
16    health, safety, or welfare; authorizing the division  
17    to issue specified fines for first, second, and  
18    subsequent violations of certain provisions; amending  
19    s. 561.29, F.S.; specifying that the Division of  
20    Alcoholic Beverages and Tobacco of the Department of  
21    Business and Professional Regulation is given full  
22    power and authority to revoke or suspend the license  
23    of any person issued under the Beverage Law when it is  
24    determined or found by the division upon sufficient  
25    cause appearing that he or she is maintaining a  
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

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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 255.70, Florida Statutes, is created to  
43 read:

44 255.70 Public permitting.-

45 (1) As used in this section, the term "governmental entity"  
46 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.

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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 immediate  
69 serious danger to the public health, safety, or welfare for the  
70 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,

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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, or  
99 other presentation in front of a live audience which, in whole  
100 or in part, depicts or simulates nudity, sexual conduct, sexual  
101 excitement, or specific sexual activities as those terms are  
102 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 morbid  
105 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, artistic,  
111 political, or scientific value for the age of the child present.

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

115 1. The character and content of any adult live performance  
116 described in this section which is reasonably susceptible of

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117 examination by the defendant; and

118 2. The age of the child.

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

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

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

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