

20231438er

1
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

20231438er

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.

20231438er

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,

20231438er

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

20231438er

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.