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 constitutes an immediate, serious danger to the public 10 11 health, safety, or welfare; authorizing the division 12 to issue specified fines for first, second, and 13 subsequent violations of certain provisions; amending s. 561.29, F.S.; specifying that the Division of 14 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 performance; specifying that a specified violation 22 23 constitutes an immediate serious danger to the public 24 health, safety, or welfare; authorizing the division to issue specified fines for first, second, and 25

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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.
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
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	<u>a \$5,000 fine for an establishment's first violation of this</u>
50	subsection.

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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,			
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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 defined in s. 847.001, lewd conduct, or the lewd exposure of 79 80 prosthetic or imitation genitals or breasts when it: 81 1. Predominantly appeals to a prurient, shameful, or morbid\_interest; 82 2. Is patently offensive to prevailing standards in the 83 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 3. Taken as a whole, is without serious literary, 87 artistic, political, or scientific value for the age of the 88 89 child present. "Knowingly" means having general knowledge of, reason 90 (b) 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 2. The age of the child. 96 (2) A person's ignorance of a child's age, a child's 97 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.

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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	<u>775.082 or s. 775.083.</u>
106	Section 4. This act shall take effect upon becoming a law.
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