

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

SB 1438 — Protection of Children

by Senators Yarborough and Perry

The bill prohibits a person from *knowingly* admitting a child to an adult live performance. In broad, general terms, an adult live performance is a presentation that depicts or simulates nudity, sexual conduct, or specific sexual activities. A person who violates this prohibition commits a first degree misdemeanor, which is punishable by imprisonment that does not exceed 1 year and a fine that does not exceed \$1,000.

If a licensed public lodging or public food service establishment or any premises that has a beverage license knowingly admits a child to an adult live performance, the establishment or premises is subject to having that license suspended or revoked and being fined. The fine for a first violation is \$5,000, and the fine for a second or subsequent violation is \$10,000.

A governmental entity, as defined in the bill, may not issue a permit or authorize a person to conduct an adult live performance who will knowingly admit a child. If a child is admitted, the individual who was issued the permit or other authorization commits a first degree misdemeanor, which is punishable by imprisonment that does not exceed 1 year and a fine that does not exceed \$1,000.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 28-12; House 82-32