

**Subject:** Florida's 2023 Protection of Children Act (Senate Bill 1438) – Compliance Notice

Dear Licensee,

On December 15, 2025, the United States Court of Appeals for the Eleventh Circuit issued an order in Case No. 23-12160 allowing Florida's 2023 Protection of Children Act (Senate Bill 1438) to be enforced during the appeal. Accordingly, the Act is enforceable throughout the State of Florida, except as to the plaintiff in that case.

The Act prohibits knowingly admitting a child to an adult live performance, as defined in section 827.11, Florida Statutes. A violation of this provision is a first-degree misdemeanor. The Department of Business and Professional Regulation may also fine, suspend, or revoke the license of any public lodging establishment, public food service establishment, or alcoholic beverage licensee that admits a child to an adult live performance in violation of section 827.11. See sections 509.261(10)(a) and 561.29(1)(l), Florida Statutes. The Eleventh Circuit's order applies statewide.

Please review your operations and ensure full compliance with the Act.

*For additional information, see the December 15, 2025, order granting a stay of the district court's preliminary injunction, except as to Plaintiff HM Florida-ORL, LLC, in **HM Florida-ORL, LLC v. Governor of Florida, et al.**, No. 23-12160, (11th Cir. Dec. 15, 2025).*