

**29.31 EMPLOYING PERSON UNDER THE AGE OF 21 IN ADULT
ENTERTAINMENT ESTABLISHMENT TO PERFORM OR WORK NUDE**
§ 787.30(2)(b), Fla. Stat.

To prove the crime of Employing a Person Under the Age of 21 in an Adult Entertainment Establishment to Perform or Work Nude, the State must prove the following three elements beyond a reasonable doubt:

1. (Defendant) **knowingly [employed] [contracted with] [contracted with another person to employ] [permitted]** (name of worker/performer) **to perform or work while nude in an adult entertainment establishment.**
2. **At the time,** (name of worker/performer) **was younger than 21 years of age.**
3. **At the time,** (defendant) **was a[n] [owner] [manager] [employee] [contractor] of the adult entertainment establishment.**

“Adult entertainment establishment” means *(give applicable portion as defined in F.S. 847.001).*

“Nude” means the showing of the human male or female genitals, pubic area, or buttock with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother’s breastfeeding of her baby does not under any circumstance constitute nudity, regardless of whether the nipple is covered during or incidental to feeding.

A person’s ignorance of another person’s age or a person’s misrepresentation of his or her age may not be raised as a defense to this crime.

Lesser Included Offenses*

**EMPLOYING PERSON UNDER THE AGE OF 21 IN AN ADULT ENTERTAINMENT
ESTABLISHMENT WHILE WORKING OR PERFORMING NUDE — 787.30(2)(b)**

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
Employing Person Under the Age of 21 in an Adult Entertainment Establishment		787.30(2)(a)	29.31*
	Attempt	777.04	5.1

Comments

*This instruction can be used for the lesser included first degree misdemeanor in § 787.30(2)(a), Fla. Stat., by deleting the words “while nude” in element #1.

This instruction was adopted on September 5, 2025.