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1
 2 An act relating to anti-human trafficking; amending s.
 3 16.618, F.S.; extending the future repeal date of the
 4 direct-support organization for the Statewide Council
 5 on Human Trafficking; amending ss. 394.875, 456.0341,
 6 and 480.043, F.S.; revising the hotline telephone
 7 number to be included on human trafficking awareness
 8 signs; amending s. 509.096, F.S.; deleting obsolete
 9 provisions; revising the hotline telephone number to
 10 be included on human trafficking awareness signs;
 11 amending s. 562.13, F.S.; revising applicability of
 12 provisions governing the employment of minors by
 13 vendors licensed under the Beverage Law; amending s.
 14 787.06, F.S.; requiring nongovernmental entities
 15 contracting with governmental entities to attest that
 16 they do not use coercion for labor or services;
 17 defining the term "governmental entity"; amending s.
 18 787.29, F.S.; revising the hotline telephone number to
 19 be included on human trafficking awareness signs;
 20 creating s. 787.30, F.S.; defining terms; prohibiting
 21 the employment of persons younger than 21 years of age
 22 in adult entertainment establishments; providing
 23 criminal penalties; requiring adult entertainment
 24 establishments to check identification of
 25 entertainers; specifying forms of identification that

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26 | may be used; prohibiting the raising of specified
 27 | arguments as a defense in a prosecution for certain
 28 | violations; providing an effective date.

29 |
 30 | WHEREAS, Florida is ranked third nationally for
 31 | reported cases of human trafficking abuses, many of
 32 | which involved sex trafficking, and

33 | WHEREAS, adult entertainment establishments are
 34 | widely recognized as being a significant part of the
 35 | sex trafficking network used by traffickers to coerce
 36 | and facilitate men, women, and children into
 37 | performing sexual acts, which places the employees of
 38 | these establishments in direct and frequent contact
 39 | with the victims of human trafficking, and

40 | WHEREAS, victims of sex trafficking are
 41 | frequently recruited to work as performers or
 42 | employees in adult entertainment establishments, and

43 | WHEREAS, researchers have found that sex
 44 | trafficking victims are more likely to be trafficked
 45 | by someone from within her or his own community, and

46 | WHEREAS, persons younger than 21 years of age are
 47 | more likely to still remain within and dependent on
 48 | the community in which they were raised, and

49 | WHEREAS, research studies have identified the
 50 | average age at which a person in the United States

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51 enters the sex trade for the first time as 17 years of
 52 age, and

53 WHEREAS, sex trade at adult entertainment
 54 establishments is a common occurrence in Florida,
 55 thereby subjecting performers at these establishments
 56 to frequent propositions and enticements to engage in
 57 sex trade actions and sex trafficking from customers,
 58 as well as strip club employees, managers, and owners,
 59 and

60 WHEREAS, an understanding of history and human
 61 nature reveals that there are sex criminals of various
 62 kinds who will prey on the young and vulnerable, and

63 WHEREAS, restricting the employment of persons
 64 younger than 21 years of age at adult entertainment
 65 establishments furthers an important state interest of
 66 protecting those vulnerable individuals from sex
 67 trafficking, drug abuse, and other harm, and

68 WHEREAS, many court opinions recognize that,
 69 while expressive activities are entitled to some First
 70 Amendment protections at adult entertainment
 71 establishments, content-neutral restrictions or
 72 regulations intended to minimize the secondary harmful
 73 effects of those businesses tend to be upheld, and

74 WHEREAS, on November 16, 2018, the federal Fifth
 75 Circuit Court of Appeals, in the case of *Jane Doe I v.*

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76 | *Landry*, 909 F.3d 99 (5th Cir. 2018), upheld a
 77 | Louisiana law that prohibited establishments licensed
 78 | to serve alcohol from employing nearly nude
 79 | entertainers younger than 21 years of age on the
 80 | grounds that the law furthered the state's interests
 81 | in curbing human trafficking and prostitution, and
 82 | WHEREAS, the federal district court in *Valadez v.*
 83 | *Paxton*, 553 F.Supp.3d 387 (W.D. Tex. 2021), denied a
 84 | motion for a preliminary injunction against the
 85 | enforcement of Texas Senate Bill 315 prohibiting "all
 86 | working relationships between 18-20-year-olds and
 87 | sexually-oriented businesses" because the plaintiffs
 88 | failed to show that the age restrictions were not
 89 | rationally related to the state's interest in curbing
 90 | human trafficking, and
 91 | WHEREAS, the federal district court in *DC*
 92 | *Operating, LLC v. Paxton*, 586 F.Supp.3d 554 (W.D. Tex.
 93 | 2022), denied a motion for a preliminary injunction
 94 | against Texas Senate Bill 315, at least in part,
 95 | because of the state's evidence of the correlation
 96 | between raising the minimum employment age and
 97 | reducing human trafficking, and
 98 | WHEREAS, the federal district court in *Wacko's*
 99 | *Too, Inc., v. City of Jacksonville*, 658 F.Supp.3d 1086
 100 | (M.D. Fla. 2023), upheld age restrictions in a City of

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101 Jacksonville ordinance requiring performers at adult
 102 entertainment establishments to be at least 21 years
 103 of age based, at least in part, on evidence that there
 104 was a reasonable basis to believe that the age
 105 restrictions would further the city's interest in
 106 preventing human and sex trafficking, NOW, THEREFORE,
 107

108 Be It Enacted by the Legislature of the State of Florida:
 109

110 Section 1. Subsection (12) of section 16.618, Florida
 111 Statutes, is amended to read:

112 16.618 Direct-support organization.—

113 (12) This section is repealed October 1, 2029 ~~2024~~, unless
 114 reviewed and saved from repeal by the Legislature.

115 Section 2. Paragraph (b) of subsection (8) of section
 116 394.875, Florida Statutes, is amended to read:

117 394.875 Crisis stabilization units, residential treatment
 118 facilities, and residential treatment centers for children and
 119 adolescents; authorized services; license required.—

120 (8)

121 (b) Residential treatment centers for children and
 122 adolescents must conspicuously place signs on their premises to
 123 warn children and adolescents of the dangers of human
 124 trafficking and to encourage the reporting of individuals
 125 observed attempting to engage in human trafficking activity. The

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126 signs must contain the telephone number for the Florida Human
 127 Trafficking Hotline, 1-855-FLA-SAFE, ~~the National Human~~
 128 ~~Trafficking Hotline~~ or such other number that the Department of
 129 Law Enforcement uses to detect and stop human trafficking. The
 130 department, in consultation with the agency, shall specify, at a
 131 minimum, the content of the signs by rule.

132 Section 3. Subsection (3) of section 456.0341, Florida
 133 Statutes, is amended to read:

134 456.0341 Requirements for instruction on human
 135 trafficking.—The requirements of this section apply to each
 136 person licensed or certified under chapter 457; chapter 458;
 137 chapter 459; chapter 460; chapter 461; chapter 463; chapter 465;
 138 chapter 466; part II, part III, part V, or part X of chapter
 139 468; chapter 480; or chapter 486.

140 (3) By January 1, 2025 ~~2024~~, the licensees or
 141 certificateholders shall post in their place of work in a
 142 conspicuous place accessible to employees a sign at least 11
 143 inches by 15 inches in size, printed in a clearly legible font
 144 and in at least a 32-point type, which substantially states in
 145 English and Spanish:

146
 147 "If you or someone you know is being forced to engage
 148 in an activity and cannot leave, whether it is
 149 prostitution, housework, farm work, factory work,
 150 retail work, restaurant work, or any other activity,

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151 call the Florida Human Trafficking Hotline, 1-855-FLA-
 152 SAFE, ~~the National Human Trafficking Resource Center~~
 153 ~~at 888-373-7888 or text INFO or HELP to 233-733~~ to
 154 access help and services. Victims of slavery and human
 155 trafficking are protected under United States and
 156 Florida law."

157
 158 Section 4. Subsection (13) of section 480.043, Florida
 159 Statutes, is amended to read:

160 480.043 Massage establishments; requisites; licensure;
 161 inspection; human trafficking awareness training and policies.-

162 (13) By January 1, 2025 ~~2021~~, a massage establishment
 163 shall implement a procedure for reporting suspected human
 164 trafficking to the Florida Human Trafficking Hotline, 1-855-FLA-
 165 SAFE, ~~the National Human Trafficking Hotline~~ or to a local law
 166 enforcement agency and shall post in a conspicuous place in the
 167 establishment which is accessible to employees a sign with the
 168 relevant provisions of the reporting procedure.

169 Section 5. Subsections (1) and (3) of section 509.096,
 170 Florida Statutes, are amended to read:

171 509.096 Human trafficking awareness training and policies
 172 for ~~employees of~~ public lodging establishments; enforcement.-

173 (1) A public lodging establishment shall:

174 (a) Provide annual training regarding human trafficking
 175 awareness to employees of the establishment who perform

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176 housekeeping duties in the rental units or who work at the front
 177 desk or reception area where guests ordinarily check in or check
 178 out. Such training must also be provided for new employees
 179 within 60 days after they begin their employment in those roles,
 180 ~~or by January 1, 2021, whichever occurs later.~~ Each employee
 181 must submit to the hiring establishment a signed and dated
 182 acknowledgment of having received the training, which the
 183 establishment must provide to the Department of Business and
 184 Professional Regulation upon request. The establishment may keep
 185 such acknowledgment electronically.

186 (b) ~~By January 1, 2021,~~ Implement a procedure for the
 187 reporting of suspected human trafficking to the National Human
 188 Trafficking Hotline or to a local law enforcement agency.

189 (c) By January 1, 2025 ~~2021~~, post in a conspicuous
 190 location in the establishment which is accessible to employees a
 191 human trafficking public awareness sign at least 11 inches by 15
 192 inches in size, printed in an easily legible font and in at
 193 least 32-point type, which states in English and Spanish and any
 194 other language predominantly spoken in that area which the
 195 department deems appropriate substantially the following:

196
 197 "If you or someone you know is being forced to engage
 198 in an activity and cannot leave, whether it is
 199 prostitution, housework, farm work, factory work,
 200 retail work, restaurant work, or any other activity,

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201 call the Florida Human Trafficking Hotline, 1-855-FLA-
 202 SAFE, ~~the National Human Trafficking Resource Center~~
 203 ~~at 888-373-7888 or text INFO or HELP to 233-733~~ to
 204 access help and services. Victims of slavery and human
 205 trafficking are protected under United States and
 206 Florida law."

207
 208 (3) ~~For a violation committed on or after July 1, 2023,~~
 209 The division shall impose an administrative fine of \$2,000 per
 210 day on a public lodging establishment that is not in compliance
 211 with this section and remit the fines to the direct-support
 212 organization established under s. 16.618, unless the division
 213 receives adequate written documentation from the public lodging
 214 establishment which provides assurance that each deficiency will
 215 be corrected within 45 days after the division provided the
 216 public lodging establishment with notice of its violation. For a
 217 second or subsequent violation of this subsection ~~committed on~~
 218 ~~or after July 1, 2023,~~ the division may not provide a correction
 219 period to a public lodging establishment and must impose the
 220 applicable administrative fines.

221 Section 6. Section 562.13, Florida Statutes, is amended to
 222 read:

223 562.13 Employment of minors or certain other persons by
 224 certain vendors prohibited; exceptions.—

225 (1) Unless otherwise provided in this section, it is

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226 | unlawful for any vendor licensed under the Beverage Law to
 227 | employ any person under 18 years of age.

228 | (2) This section shall not apply to:

229 | (a) Professional entertainers 17 years of age who are not
 230 | in school.

231 | (b) Minors employed in the entertainment industry, as
 232 | defined by s. 450.012(5), who have either been granted a waiver
 233 | under s. 450.095 or employed under the terms of s. 450.132 or
 234 | under rules adopted pursuant to either of these sections.

235 | (c) Persons under the age of 18 years who are employed in
 236 | drugstores, grocery stores, department stores, florists,
 237 | specialty gift shops, or automobile service stations which have
 238 | obtained licenses to sell beer or beer and wine, when such sales
 239 | are made for consumption off the premises.

240 | (d) Persons 17 years of age or over or any person
 241 | furnishing evidence that he or she is a senior high school
 242 | student with written permission of the principal of said senior
 243 | high school or that he or she is a senior high school graduate,
 244 | or any high school graduate, employed by a bona fide food
 245 | service establishment where alcoholic beverages are sold,
 246 | provided such persons do not participate in the sale,
 247 | preparation, or service of the beverages and that their duties
 248 | are of such nature as to provide them with training and
 249 | knowledge as might lead to further advancement in food service
 250 | establishments.

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251 (e) Persons under the age of 18 years employed as
 252 bellhops, elevator operators, and others in hotels when such
 253 employees are engaged in work apart from the portion of the
 254 hotel property where alcoholic beverages are offered for sale
 255 for consumption on the premises.

256 (f) Persons under the age of 18 years employed in bowling
 257 alleys in which alcoholic beverages are sold or consumed, so
 258 long as such minors do not participate in the sale, preparation,
 259 or service of such beverages.

260 (g) Persons under the age of 18 years employed by a bona
 261 fide dinner theater as defined in this paragraph, as long as
 262 their employment is limited to the services of an actor,
 263 actress, or musician. For the purposes of this paragraph, a
 264 dinner theater means a theater presenting consecutive
 265 productions playing no less than 3 weeks each in conjunction
 266 with dinner service on a regular basis. In addition, both events
 267 must occur in the same room, and the only advertised price of
 268 admission must include both the cost of the meal and the
 269 attendance at the performance.

270 (h) Persons under the age of 18 years who are employed in
 271 places of business licensed under s. 565.02(6), provided such
 272 persons do not participate in the sale, preparation, or service
 273 of alcoholic beverages.

274
 275 However, a minor who qualifies for one of the exceptions in this

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276 ~~subsection to whom this subsection otherwise applies~~ may not be
 277 employed as or perform ~~if the employment,~~ whether as a
 278 professional entertainer or otherwise if such employment,
 279 involves nudity, as defined in s. 847.001, on the part of the
 280 minor and such nudity is intended as a form of adult
 281 entertainment, or be employed by an adult entertainment
 282 establishment, as defined in s. 847.001.

283 (3)(a) It is unlawful for any vendor licensed under the
 284 beverage law to employ as a manager or person in charge or as a
 285 bartender any person:

286 1. Who has been convicted within the last past 5 years of
 287 any offense against the beverage laws of this state, the United
 288 States, or any other state.

289 2. Who has been convicted within the last past 5 years in
 290 this state or any other state or the United States of soliciting
 291 for prostitution, pandering, letting premises for prostitution,
 292 keeping a disorderly place, or any felony violation of chapter
 293 893 or the controlled substances act of any other state or the
 294 Federal Government.

295 3. Who has, in the last past 5 years, been convicted of
 296 any felony in this state, any other state, or the United States.

297
 298 The term "conviction" shall include an adjudication of guilt on
 299 a plea of guilty or nolo contendere or forfeiture of a bond when
 300 such person is charged with a crime.

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301 (b) This subsection shall not apply to any vendor licensed
 302 under the provisions of s. 563.02(1)(a) or s. 564.02(1)(a).

303 Section 7. Subsection (13) is added to section 787.06,
 304 Florida Statutes, to read:

305 787.06 Human trafficking.—

306 (13) When a contract is executed, renewed, or extended
 307 between a nongovernmental entity and a governmental entity, the
 308 nongovernmental entity must provide the governmental entity with
 309 an affidavit signed by an officer or a representative of the
 310 nongovernmental entity under penalty of perjury attesting that
 311 the nongovernmental entity does not use coercion for labor or
 312 services as defined in this section. For purposes of this
 313 subsection, the term "governmental entity" has the same meaning
 314 as in s. 287.138(1).

315 Section 8. Subsection (4) of section 787.29, Florida
 316 Statutes, is amended to read:

317 787.29 Human trafficking public awareness signs.—

318 (4) The required public awareness sign must be at least
 319 8.5 inches by 11 inches in size, must be printed in at least a
 320 16-point type, and must state substantially the following in
 321 English and Spanish:

322
 323 "If you or someone you know is being forced to engage
 324 in an activity and cannot leave—whether it is
 325 prostitution, housework, farm work, factory work,

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326 retail work, restaurant work, or any other activity—
 327 call the Florida Human Trafficking Hotline, 1-855-FLA-
 328 SAFE, ~~the National Human Trafficking Resource Center~~
 329 ~~at 1-888-373-7888 or text INFO or HELP to 233-733~~ to
 330 access help and services. Victims of slavery and human
 331 trafficking are protected under United States and
 332 Florida law."
 333

334 Section 9. Section 787.30, Florida Statutes, is created to
 335 read:

336 787.30 Employing persons under the age of 21 years in
 337 adult entertainment establishments prohibited.—

338 (1) As used in this section, the term:

339 (a) "Adult entertainment establishment" has the same
 340 meaning as in s. 847.001.

341 (b) "Nude" means the showing of the human male or female
 342 genitals, pubic area, or buttock with less than a fully opaque
 343 covering; or the showing of the female breast with less than a
 344 fully opaque covering of any portion thereof below the top of
 345 the nipple; or the depiction of covered male genitals in a
 346 discernibly turgid state. A mother's breastfeeding of her baby
 347 does not under any circumstance constitute nudity, regardless of
 348 whether the nipple is covered during or incidental to feeding.

349 (2)(a) Except as provided in paragraph (b), an owner, a
 350 manager, an employee, or a contractor of an adult entertainment

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351 establishment who knowingly employs, contracts with, contracts
352 with another person to employ, or otherwise permits a person
353 younger than 21 years of age to perform or work in an adult
354 entertainment establishment commits a misdemeanor of the first
355 degree, punishable as provided in s. 775.082 or s. 775.083.

356 (b) An owner, a manager, an employee, or a contractor of
357 an adult entertainment establishment who knowingly employs,
358 contracts with, contracts with another person to employ, or
359 otherwise permits a person younger than 21 years of age to
360 perform or work while nude in an adult entertainment
361 establishment commits a felony of the second degree, punishable
362 as provided in s. 775.082, s. 775.083, or s. 775.084.

363 (3) An owner, a manager, an employee, or a contractor of
364 an adult entertainment establishment who permits a person to
365 perform as an entertainer or work in any capacity for the
366 establishment shall carefully check the person's driver license
367 or identification card issued by this state or another state of
368 the United States, a passport, or a United States Uniformed
369 Services identification card presented by the person and act in
370 good faith and in reliance upon the representation and
371 appearance of the person in the belief that the person is 21
372 years of age or older.

373 (4) For purposes of this section, a person's ignorance of
374 another person's age or a person's misrepresentation of his or
375 her age may not be raised as a defense in a prosecution for a

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376 | violation of this section.

377 | Section 10. This act shall take effect July 1, 2024.