

26 | her or his own community, and

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

30 | WHEREAS, research studies have identified the average age
31 | at which a person in the United States enters the sex trade for
32 | the first time is age 17, and

33 | WHEREAS, sex trade at adult entertainment establishments is
34 | a common occurrence in Florida, thereby subjecting performers at
35 | these establishments to frequent propositions and enticements to
36 | engage in sex trade actions and sex trafficking from customers,
37 | as well as strip club employees, managers, and owners, and

38 | WHEREAS, an understanding of history and human nature
39 | reveals that there are sex criminals of various kinds who will
40 | prey on the young and vulnerable, and

41 | WHEREAS, restricting the employment of persons younger than
42 | 21 years of age at adult entertainment establishments furthers
43 | an important state interest of protecting those vulnerable
44 | individuals from sex trafficking, drug abuse, and other harm,
45 | and

46 | WHEREAS, many court opinions recognize that while
47 | expressive activities are entitled to some First Amendment
48 | protections at adult entertainment establishments, content
49 | neutral restrictions or regulations intended to minimize the
50 | secondary harmful effects of those businesses tend to be upheld,

51 and

52 WHEREAS, on November 16, 2018, the federal Fifth Circuit
53 Court of Appeals, in the case of *Jane Doe I v. Landry*, 909 F.3d
54 99 (5th Cir. 2018), upheld a Louisiana law that prohibited
55 establishments licensed to serve alcohol from employing nearly
56 nude entertainers younger than 21 years of age on the grounds
57 that the law furthered the state's interests in curbing human
58 trafficking and prostitution, and

59 WHEREAS, the federal district court in *Valadez v. Paxton*,
60 553 F.Supp.3d 387 (W.D. Tex. 2021), denied a motion for a
61 preliminary injunction against the enforcement of Texas Senate
62 Bill 315 prohibiting "all working relationships between 18-20-
63 year-olds and sexually-oriented businesses" because the
64 plaintiffs failed to show that the age restrictions were not
65 rationally related to the state's interest in curbing human
66 trafficking, and

67 WHEREAS, the federal district court in *DC Operating, LLC v.*
68 *Paxton*, 586 F.Supp.3d 554 (W.D. Tex. 2022), denied a motion for
69 a preliminary injunction against Texas Senate Bill 315, at least
70 in part, because of the state's evidence of the correlation
71 between raising the minimum employment age and reducing human
72 trafficking, and

73 WHEREAS, the federal district court in *Wacko's Too, Inc.,*
74 *v. City of Jacksonville*, 658 F.Supp.3d 1086 (M.D. Fla. 2023),
75 upheld age restrictions in a City of Jacksonville ordinance

76 | requiring performers at adult entertainment establishments to be
 77 | at least 21 years of age based, at least in part, on evidence
 78 | that there was a reasonable basis to believe that the age
 79 | restrictions would further the city's interest in preventing
 80 | human and sex trafficking, NOW, THEREFORE,

81 |

82 | Be It Enacted by the Legislature of the State of Florida:

83 |

84 | Section 1. Section 562.13, Florida Statutes, is amended to
 85 | read:

86 | 562.13 Employment of minors or certain other persons by
 87 | certain vendors prohibited; exceptions.—

88 | (1) Unless otherwise provided in this section, it is
 89 | unlawful for any vendor licensed under the Beverage Law to
 90 | employ any person under 18 years of age.

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

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

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

98 | (c) Persons under the age of 18 years who are employed in
 99 | drugstores, grocery stores, department stores, florists,
 100 | specialty gift shops, or automobile service stations which have

101 obtained licenses to sell beer or beer and wine, when such sales
102 are made for consumption off the premises.

103 (d) Persons 17 years of age or over or any person
104 furnishing evidence that he or she is a senior high school
105 student with written permission of the principal of said senior
106 high school or that he or she is a senior high school graduate,
107 or any high school graduate, employed by a bona fide food
108 service establishment where alcoholic beverages are sold,
109 provided such persons do not participate in the sale,
110 preparation, or service of the beverages and that their duties
111 are of such nature as to provide them with training and
112 knowledge as might lead to further advancement in food service
113 establishments.

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

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

123 (g) Persons under the age of 18 years employed by a bona
124 fide dinner theater as defined in this paragraph, as long as
125 their employment is limited to the services of an actor,

126 | actress, or musician. For the purposes of this paragraph, a
 127 | dinner theater means a theater presenting consecutive
 128 | productions playing no less than 3 weeks each in conjunction
 129 | with dinner service on a regular basis. In addition, both events
 130 | must occur in the same room, and the only advertised price of
 131 | admission must include both the cost of the meal and the
 132 | attendance at the performance.

133 | (h) Persons under the age of 18 years who are employed in
 134 | places of business licensed under s. 565.02(6), provided such
 135 | persons do not participate in the sale, preparation, or service
 136 | of alcoholic beverages.

137 |
 138 | However, a minor who qualifies for one of the exceptions in this
 139 | subsection ~~to whom this subsection otherwise applies~~ may not be
 140 | employed ~~if the employment, whether~~ as a professional
 141 | entertainer or otherwise if such employment, involves nudity, as
 142 | defined in s. 847.001, on the part of the minor and such nudity
 143 | is intended as a form of adult entertainment, or be employed by
 144 | an adult entertainment establishment, as defined in s. 847.001.

145 | (3)(a) It is unlawful for any vendor licensed under the
 146 | beverage law to employ as a manager or person in charge or as a
 147 | bartender any person:

148 | 1. Who has been convicted within the last past 5 years of
 149 | any offense against the beverage laws of this state, the United
 150 | States, or any other state.

151 2. Who has been convicted within the last past 5 years in
 152 this state or any other state or the United States of soliciting
 153 for prostitution, pandering, letting premises for prostitution,
 154 keeping a disorderly place, or any felony violation of chapter
 155 893 or the controlled substances act of any other state or the
 156 Federal Government.

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

159
 160 The term "conviction" shall include an adjudication of guilt on
 161 a plea of guilty or nolo contendere or forfeiture of a bond when
 162 such person is charged with a crime.

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

165 Section 2. Section 787.30, Florida Statutes, is created to
 166 read:

167 787.30 Employing persons under the age of 21 years in
 168 adult entertainment establishments prohibited.-

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

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

172 (b) "Nude" means the showing of the human male or female
 173 genitals, pubic area, or buttock with less than a fully opaque
 174 covering; or the showing of the female breast with less than a
 175 fully opaque covering of any portion thereof below the top of

176 the nipple; or the depiction of covered male genitals in a
177 discernibly turgid state. A mother's breastfeeding of her baby
178 does not under any circumstance constitute nudity, regardless of
179 whether the nipple is covered during or incidental to feeding.

180 (2) (a) Except as provided in paragraph (b), an owner, a
181 manager, an employee, or a contractor of an adult entertainment
182 establishment who knowingly employs, contracts with, contracts
183 with another person to employ, or otherwise permits a person
184 younger than 21 years of age to perform or work in an adult
185 entertainment establishment commits a misdemeanor of the first
186 degree, punishable as provided in s. 775.082 or s. 775.083.

187 (b) An owner, a manager, an employee, or a contractor of
188 an adult entertainment establishment who knowingly employs,
189 contracts with, contracts with another person to employ, or
190 otherwise permits a person younger than 21 years of age to
191 perform or work while nude in an adult entertainment
192 establishment commits a felony of the second degree, punishable
193 as provided in s. 775.082, s. 775.083, or s. 775.084.

194 (3) An owner, a manager, an employee, or a contractor of
195 an adult entertainment establishment who permits a person to
196 perform as an entertainer or work in any capacity for the
197 establishment shall carefully check the person's driver license
198 or identification card issued by this state or another state of
199 the United States, a passport, or a United States Uniformed
200 Services identification card presented by the person and act in

CS/HB 1379

2024

201 good faith and in reliance upon the representation and
202 appearance of the person in the belief that the person is 21
203 years of age or older.

204 Section 3. This act shall take effect July 1, 2024.