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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2024	.	
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The Appropriations Committee on Criminal and Civil Justice
(Yarborough) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1) Unless otherwise provided in this section, it is
unlawful for any vendor licensed under the Beverage Law to



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11 employ any person under 18 years of age.

12 (2) This section shall not apply to:

13 (a) Professional entertainers 17 years of age who are not
14 in school.

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

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

24 (d) Persons 17 years of age or over or any person
25 furnishing evidence that he or she is a senior high school
26 student with written permission of the principal of said senior
27 high school or that he or she is a senior high school graduate,
28 or any high school graduate, employed by a bona fide food
29 service establishment where alcoholic beverages are sold,
30 provided such persons do not participate in the sale,
31 preparation, or service of the beverages and that their duties
32 are of such nature as to provide them with training and
33 knowledge as might lead to further advancement in food service
34 establishments.

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



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

44 (g) Persons under the age of 18 years employed by a bona
45 fide dinner theater as defined in this paragraph, as long as
46 their employment is limited to the services of an actor,
47 actress, or musician. For the purposes of this paragraph, a
48 dinner theater means a theater presenting consecutive
49 productions playing no less than 3 weeks each in conjunction
50 with dinner service on a regular basis. In addition, both events
51 must occur in the same room, and the only advertised price of
52 admission must include both the cost of the meal and the
53 attendance at the performance.

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

58
59 However, a minor who qualifies for one of the exceptions in this
60 subsection to whom this subsection otherwise applies may not be
61 employed as or perform if the employment, whether as a
62 professional entertainer or otherwise if such employment,
63 involves nudity, as defined in s. 847.001, on the part of the
64 minor and such nudity is intended as a form of adult
65 entertainment, or be employed by an adult entertainment
66 establishment, as defined in s. 847.001.

67 (3) (a) It is unlawful for any vendor licensed under the
68 beverage law to employ as a manager or person in charge or as a



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69 bartender any person:

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

73 2. Who has been convicted within the last past 5 years in
74 this state or any other state or the United States of soliciting
75 for prostitution, pandering, letting premises for prostitution,
76 keeping a disorderly place, or any felony violation of chapter
77 893 or the controlled substances act of any other state or the
78 Federal Government.

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

81
82 The term "conviction" shall include an adjudication of guilt on
83 a plea of guilty or nolo contendere or forfeiture of a bond when
84 such person is charged with a crime.

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

87 Section 2. Section 787.30, Florida Statutes, is created to
88 read:

89 787.30 Employing persons under the age of 21 years in adult
90 entertainment establishments prohibited.—

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

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

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



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

102 (2) (a) Except as provided in paragraph (b), an owner, a
103 manager, an employee, or a contractor of an adult entertainment
104 establishment who knowingly employs, contracts with, contracts
105 with another person to employ, or otherwise permits a person
106 younger than 21 years of age to perform or work in an adult
107 entertainment establishment commits a misdemeanor of the first
108 degree, punishable as provided in s. 775.082 or s. 775.083.

109 (b) An owner, a manager, an employee, or a contractor of an
110 adult entertainment establishment who knowingly employs,
111 contracts with, contracts with another person to employ, or
112 otherwise permits a person younger than 21 years of age to
113 perform or work while nude in an adult entertainment
114 establishment commits a felony of the second degree, punishable
115 as provided in s. 775.082, s. 775.083, or s. 775.084.

116 (3) An owner, a manager, an employee, or a contractor of an
117 adult entertainment establishment who permits a person to
118 perform as an entertainer or work in any capacity for the
119 establishment shall carefully check the person's driver license
120 or identification card issued by this state or another state of
121 the United States, a passport, or a United States Uniformed
122 Services identification card presented by the person and act in
123 good faith and in reliance upon the representation and
124 appearance of the person in the belief that the person is 21
125 years of age or older.

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



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to human trafficking; amending s.
562.13, F.S.; revising applicability; creating s.
787.30, F.S.; providing definitions; prohibiting the
employment of persons younger than 21 years of age in
adult entertainment establishments; providing criminal
penalties; requiring adult entertainment
establishments to check identification of
entertainers; specifying forms of identification that
may be used; providing an effective date.

WHEREAS, Florida is ranked third nationally for reported
cases of human trafficking abuses, many of which involved sex
trafficking, and

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

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

WHEREAS, researchers have found that sex trafficking



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156 victims are more likely to be trafficked by someone from within
157 her or his own community, and

158 WHEREAS, persons younger than 21 years of age are more
159 likely to still remain within and dependent on the community in
160 which they were raised, and

161 WHEREAS, research studies have identified the average age
162 at which a person in the United States enters the sex trade for
163 the first time is age 17, and

164 WHEREAS, sex trade at adult entertainment establishments is
165 a common occurrence in Florida, thereby subjecting performers at
166 these establishments to frequent propositions and enticements to
167 engage in sex trade actions and sex trafficking from customers,
168 as well as strip club employees, managers, and owners, and

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

172 WHEREAS, restricting the employment of persons younger than
173 21 years of age at adult entertainment establishments furthers
174 an important state interest of protecting those vulnerable
175 individuals from sex trafficking, drug abuse, and other harm,
176 and

177 WHEREAS, many court opinions recognize that, while
178 expressive activities are entitled to some First Amendment
179 protections at adult entertainment establishments, content-
180 neutral restrictions or regulations intended to minimize the
181 secondary harmful effects of those businesses tend to be upheld,
182 and

183 WHEREAS, on November 16, 2018, the federal Fifth Circuit
184 Court of Appeals, in the case of *Jane Doe I v. Landry*, 909 F.3d



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185 99 (5th Cir. 2018), upheld a Louisiana law that prohibited
186 establishments licensed to serve alcohol from employing nearly
187 nude entertainers younger than 21 years of age on the grounds
188 that the law furthered the state's interests in curbing human
189 trafficking and prostitution, and

190 WHEREAS, the federal district court in *Valadez v. Paxton*,
191 553 F.Supp.3d 387 (W.D. Tex. 2021), denied a motion for a
192 preliminary injunction against the enforcement of Texas Senate
193 Bill 315 prohibiting "all working relationships between 18-20-
194 year-olds and sexually-oriented businesses" because the
195 plaintiffs failed to show that the age restrictions were not
196 rationally related to the state's interest in curbing human
197 trafficking, and

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

204 WHEREAS, the federal district court in *Wacko's Too, Inc.,*
205 *v. City of Jacksonville*, 658 F.Supp.3d 1086 (M.D. Fla. 2023),
206 upheld age restrictions in a City of Jacksonville ordinance
207 requiring performers at adult entertainment establishments to be
208 at least 21 years of age based, at least in part, on evidence
209 that there was a reasonable basis to believe that the age
210 restrictions would further the city's interest in preventing
211 human and sex trafficking, NOW, THEREFORE,