

By Senator Yarborough

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1                   A bill to be entitled  
2       An act relating to human trafficking; amending s.  
3       562.13, F.S.; revising applicability; creating s.  
4       787.30, F.S.; prohibiting the employment of persons  
5       younger than 21 years of age in adult entertainment  
6       establishments; providing criminal penalties;  
7       providing an effective date.

8  
9       WHEREAS, Florida is ranked third nationally for reported  
10      cases of human trafficking abuses, many of which involved sex  
11      trafficking, and

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

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

21      WHEREAS, researchers have found that sex trafficking  
22      victims are more likely to be trafficked by someone from within  
23      her or his own community, and

24      WHEREAS, persons younger than 21 years are more likely to  
25      still remain within and dependent on the community in which they  
26      were raised, and

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

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

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

38 WHEREAS, restricting the employment of persons younger than  
39 21 years of age at adult entertainment establishments furthers  
40 an important state interest of protecting those vulnerable  
41 individuals from sex trafficking, drug abuse, and other harm,  
42 and

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

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

56 WHEREAS, the federal district court in *Valadez v. Paxton*,  
57 553 F.Supp.3d 387 (W.D. Tex. 2021), denied a motion for a  
58 preliminary injunction against the enforcement of Texas Senate

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59 Bill 315 prohibiting "all working relationships between 18-20-  
60 year-olds and sexually-oriented businesses" because the  
61 plaintiffs failed to show that the age restrictions were not  
62 rationally related to the state's interest in curbing human  
63 trafficking, and

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

70 WHEREAS, the federal district court in *Wacko's Too, Inc.,*  
71 *v. City of Jacksonville*, 658 F.Supp.3d 1086 (M.D. Fla. 2023),  
72 upheld age restrictions in a City of Jacksonville ordinance  
73 requiring performers at adult entertainment establishments to be  
74 at least 21 years of age based, at least in part, on evidence  
75 that there was a reasonable basis to believe that the age  
76 restrictions would further the City's interest in preventing  
77 human and sex trafficking, NOW, THEREFORE,

78

79 Be It Enacted by the Legislature of the State of Florida:

80

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

83 562.13 Employment of minors or certain other persons by  
84 certain vendors prohibited; exceptions.—

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

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88 (2) This section shall not apply to:

89 (a) Professional entertainers 17 years of age who are not  
90 in school.

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

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

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

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

116 (f) Persons under the age of 18 years employed in bowling

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117 alleys in which alcoholic beverages are sold or consumed, so  
118 long as such minors do not participate in the sale, preparation,  
119 or service of such beverages.

120 (g) Persons under the age of 18 years employed by a bona  
121 fide dinner theater as defined in this paragraph, as long as  
122 their employment is limited to the services of an actor,  
123 actress, or musician. For the purposes of this paragraph, a  
124 dinner theater means a theater presenting consecutive  
125 productions playing no less than 3 weeks each in conjunction  
126 with dinner service on a regular basis. In addition, both events  
127 must occur in the same room, and the only advertised price of  
128 admission must include both the cost of the meal and the  
129 attendance at the performance.

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

134  
135 ~~However, a minor to whom this subsection otherwise applies may~~  
136 ~~not be employed if the employment, whether as a professional~~  
137 ~~entertainer or otherwise, involves nudity, as defined in s.~~  
138 ~~847.001, on the part of the minor and such nudity is intended as~~  
139 ~~a form of adult entertainment.~~

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

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

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146           2. Who has been convicted within the last past 5 years in  
147 this state or any other state or the United States of soliciting  
148 for prostitution, pandering, letting premises for prostitution,  
149 keeping a disorderly place, or any felony violation of chapter  
150 893 or the controlled substances act of any other state or the  
151 Federal Government.

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

154  
155 The term "conviction" shall include an adjudication of guilt on  
156 a plea of guilty or nolo contendere or forfeiture of a bond when  
157 such person is charged with a crime.

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

160           Section 2. Section 787.30, Florida Statutes, is created to  
161 read:

162           787.30 Employing persons under the age of 21 years in adult  
163 entertainment establishments prohibited.—

164           (1) A person may not knowingly employ any person younger  
165 than 21 years in any adult entertainment establishment, as  
166 defined in s. 847.001.

167           (2) A person who violates subsection (1) commits a felony  
168 of the second degree, punishable as provided in s. 775.082, s.  
169 775.083, or s. 775.084.

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