

By the Committee on Criminal Justice; and Senators Yarborough and Perry

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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*, 909 F.3d
51 99 (5th Cir. 2018), upheld a Louisiana law that prohibited
52 establishments licensed to serve alcohol from employing nearly
53 nude entertainers younger than 21 years of age on the grounds
54 that the law furthered the state's interests in curbing human
55 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) Except as provided in paragraph (b), an owner, a
165 manager, an employee, or a contractor of an adult entertainment
166 establishment who knowingly employs, contracts with, contracts
167 with another person to employ, or otherwise permits a person
168 younger than 21 years of age to perform or work in an adult
169 entertainment establishment commits a misdemeanor of the first
170 degree, punishable as provided in s. 775.082 or s. 775.083.

171 (b) An owner, a manager, an employee, or a contractor of an
172 adult entertainment establishment who knowingly employs,
173 contracts with, contracts with another person to employ, or
174 otherwise permits a person younger than 21 years of age to

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175 perform or work nude in an adult entertainment establishment
176 commits a felony of the second degree, punishable as provided in
177 s. 775.082, s. 775.083, or s. 775.084.

178 (2) An owner, a manager, an employee, or a contractor of an
179 adult entertainment establishment who permits a person to
180 perform as an entertainer or work in any capacity for the
181 establishment shall carefully check the person's driver license
182 or identification card issued by this state or another state of
183 the United States, a passport, or a United States Uniformed
184 Services identification card presented by the person and act in
185 good faith and in reliance upon the representation and
186 appearance of the person in the belief that the person is 21
187 years of age or older.

188 (3) As used in this section, the term:

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

191 (b) "Nude" means the showing of the human male or female
192 genitals, pubic area, or buttock with less than a fully opaque
193 covering; or the showing of the female breast with less than a
194 fully opaque covering of any portion thereof below the top of
195 the nipple; or the depiction of covered male genitals in a
196 discernibly turgid state. A mother's breastfeeding of her baby
197 does not under any circumstance constitute nudity, irrespective
198 of whether or not the nipple is covered during or incidental to
199 feeding.

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