

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

604-03273-24

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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 of provisions
4 governing the employment of minors by vendors licensed
5 under the Beverage Law; creating s. 787.30, F.S.;
6 defining terms; prohibiting the employment of persons
7 younger than 21 years of age in adult entertainment
8 establishments; providing criminal penalties;
9 requiring adult entertainment establishments to check
10 identification of entertainers; specifying forms of
11 identification that may be used; prohibiting the
12 raising of specified arguments as a defense in a
13 prosecution for certain violations; providing an
14 effective date.

15
16 WHEREAS, Florida is ranked third nationally for reported
17 cases of human trafficking abuses, many of which involved sex
18 trafficking, and

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

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

28 WHEREAS, researchers have found that sex trafficking
29 victims are more likely to be trafficked by someone from within

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30 her or his own community, and

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

34 WHEREAS, research studies have identified the average age
35 at which a person in the United States enters the sex trade for
36 the first time as 17 years of age, and

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

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

45 WHEREAS, restricting the employment of persons younger than
46 21 years of age at adult entertainment establishments furthers
47 an important state interest of protecting those vulnerable
48 individuals from sex trafficking, drug abuse, and other harm,
49 and

50 WHEREAS, many court opinions recognize that, while
51 expressive activities are entitled to some First Amendment
52 protections at adult entertainment establishments, content-
53 neutral restrictions or regulations intended to minimize the
54 secondary harmful effects of those businesses tend to be upheld,
55 and

56 WHEREAS, on November 16, 2018, the federal Fifth Circuit
57 Court of Appeals, in the case of *Jane Doe I v. Landry*, 909 F.3d
58 99 (5th Cir. 2018), upheld a Louisiana law that prohibited

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59 establishments licensed to serve alcohol from employing nearly
60 nude entertainers younger than 21 years of age on the grounds
61 that the law furthered the state's interests in curbing human
62 trafficking and prostitution, and

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

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

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

85

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

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

90 562.13 Employment of minors or certain other persons by
91 certain vendors prohibited; exceptions.—

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

95 (2) This section shall not apply to:

96 (a) Professional entertainers 17 years of age who are not
97 in school.

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

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

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

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117 establishments.

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

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

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

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

141
142 However, a minor who qualifies for one of the exceptions in this
143 subsection ~~to whom this subsection otherwise applies~~ may not be
144 employed as or perform ~~if the employment, whether as a~~
145 professional entertainer or otherwise if such employment,

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146 involves nudity, as defined in s. 847.001, on the part of the
147 minor and such nudity is intended as a form of adult
148 entertainment, or be employed by an adult entertainment
149 establishment, as defined in s. 847.001.

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

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

156 2. Who has been convicted within the last past 5 years in
157 this state or any other state or the United States of soliciting
158 for prostitution, pandering, letting premises for prostitution,
159 keeping a disorderly place, or any felony violation of chapter
160 893 or the controlled substances act of any other state or the
161 Federal Government.

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

164

165 The term "conviction" shall include an adjudication of guilt on
166 a plea of guilty or nolo contendere or forfeiture of a bond when
167 such person is charged with a crime.

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

170 Section 2. Section 787.30, Florida Statutes, is created to
171 read:

172 787.30 Employing persons under the age of 21 years in adult
173 entertainment establishments prohibited.—

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

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

177 (b) "Nude" means the showing of the human male or female
178 genitals, pubic area, or buttock with less than a fully opaque
179 covering; or the showing of the female breast with less than a
180 fully opaque covering of any portion thereof below the top of
181 the nipple; or the depiction of covered male genitals in a
182 discernibly turgid state. A mother's breastfeeding of her baby
183 does not under any circumstance constitute nudity, regardless of
184 whether the nipple is covered during or incidental to feeding.

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

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

199 (3) An owner, a manager, an employee, or a contractor of an
200 adult entertainment establishment who permits a person to
201 perform as an entertainer or work in any capacity for the
202 establishment shall carefully check the person's driver license
203 or identification card issued by this state or another state of

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204 the United States, a passport, or a United States Uniformed
205 Services identification card presented by the person and act in
206 good faith and in reliance upon the representation and
207 appearance of the person in the belief that the person is 21
208 years of age or older.

209 (4) For purposes of this section, a person's ignorance of
210 another person's age or a person's misrepresentation of his or
211 her age may not be raised as a defense in a prosecution for a
212 violation of this section.

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