



545678

LEGISLATIVE ACTION

| Senate | . | House |
|---------------------|---|---------------------|
| | . | |
| | . | |
| Floor: 1/AD/2R | . | Floor: C |
| 03/05/2024 03:40 PM | . | 03/08/2024 11:21 AM |
| | . | |

Senator Avila moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (12) of section 16.618, Florida
Statutes, is amended to read:

16.618 Direct-support organization.—

(12) This section is repealed October 1, 2029 ~~2024~~, unless
reviewed and saved from repeal by the Legislature.

Section 2. Paragraph (b) of subsection (8) of section
394.875, Florida Statutes, is amended to read:



545678

12 394.875 Crisis stabilization units, residential treatment
13 facilities, and residential treatment centers for children and
14 adolescents; authorized services; license required.-

15 (8)

16 (b) Residential treatment centers for children and
17 adolescents must conspicuously place signs on their premises to
18 warn children and adolescents of the dangers of human
19 trafficking and to encourage the reporting of individuals
20 observed attempting to engage in human trafficking activity. The
21 signs must contain the telephone number for the Florida Human
22 Trafficking Hotline, 1-855-FLA-SAFE, ~~the National Human~~
23 ~~Trafficking Hotline~~ or such other number that the Department of
24 Law Enforcement uses to detect and stop human trafficking. The
25 department, in consultation with the agency, shall specify, at a
26 minimum, the content of the signs by rule.

27 Section 3. Subsection (3) of section 456.0341, Florida
28 Statutes, is amended to read:

29 456.0341 Requirements for instruction on human
30 trafficking.-The requirements of this section apply to each
31 person licensed or certified under chapter 457; chapter 458;
32 chapter 459; chapter 460; chapter 461; chapter 463; chapter 465;
33 chapter 466; part II, part III, part V, or part X of chapter
34 468; chapter 480; or chapter 486.

35 (3) By January 1, 2025 ~~2021~~, the licensees or
36 certificateholders shall post in their place of work in a
37 conspicuous place accessible to employees a sign at least 11
38 inches by 15 inches in size, printed in a clearly legible font
39 and in at least a 32-point type, which substantially states in
40 English and Spanish:



545678

41
42 "If you or someone you know is being forced to engage
43 in an activity and cannot leave, whether it is
44 prostitution, housework, farm work, factory work,
45 retail work, restaurant work, or any other activity,
46 call the Florida Human Trafficking Hotline, 1-855-FLA-
47 SAFE, the National Human Trafficking Resource Center
48 at 888-373-7888 or text INFO or HELP to 233-733 to
49 access help and services. Victims of slavery and human
50 trafficking are protected under United States and
51 Florida law."

52
53 Section 4. Subsection (13) of section 480.043, Florida
54 Statutes, is amended to read:

55 480.043 Massage establishments; requisites; licensure;
56 inspection; human trafficking awareness training and policies.-

57 (13) By January 1, 2025 ~~2021~~, a massage establishment shall
58 implement a procedure for reporting suspected human trafficking
59 to the Florida Human Trafficking Hotline, 1-855-FLA-SAFE, the
60 ~~National Human Trafficking Hotline~~ or to a local law enforcement
61 agency and shall post in a conspicuous place in the
62 establishment which is accessible to employees a sign with the
63 relevant provisions of the reporting procedure.

64 Section 5. Subsections (1) and (3) of section 509.096,
65 Florida Statutes, are amended to read:

66 509.096 Human trafficking awareness training and policies
67 for ~~employees of~~ public lodging establishments; enforcement.-

68 (1) A public lodging establishment shall:

69 (a) Provide annual training regarding human trafficking



545678

70 awareness to employees of the establishment who perform
71 housekeeping duties in the rental units or who work at the front
72 desk or reception area where guests ordinarily check in or check
73 out. Such training must also be provided for new employees
74 within 60 days after they begin their employment in those roles,
75 ~~or by January 1, 2021, whichever occurs later.~~ Each employee
76 must submit to the hiring establishment a signed and dated
77 acknowledgment of having received the training, which the
78 establishment must provide to the Department of Business and
79 Professional Regulation upon request. The establishment may keep
80 such acknowledgment electronically.

81 (b) ~~By January 1, 2021,~~ Implement a procedure for the
82 reporting of suspected human trafficking to the National Human
83 Trafficking Hotline or to a local law enforcement agency.

84 (c) By January 1, 2025 ~~2021~~, post in a conspicuous location
85 in the establishment which is accessible to employees a human
86 trafficking public awareness sign at least 11 inches by 15
87 inches in size, printed in an easily legible font and in at
88 least 32-point type, which states in English and Spanish and any
89 other language predominantly spoken in that area which the
90 department deems appropriate substantially the following:

91
92 "If you or someone you know is being forced to engage
93 in an activity and cannot leave, whether it is
94 prostitution, housework, farm work, factory work,
95 retail work, restaurant work, or any other activity,
96 call the Florida Human Trafficking Hotline, 1-855-FLA-
97 SAFE, ~~the National Human Trafficking Resource Center~~
98 ~~at 888-373-7888 or text INFO or HELP to 233-733~~ to



545678

99 access help and services. Victims of slavery and human
100 trafficking are protected under United States and
101 Florida law.”
102

103 (3) ~~For a violation committed on or after July 1, 2023,~~ The
104 division shall impose an administrative fine of \$2,000 per day
105 on a public lodging establishment that is not in compliance with
106 this section and remit the fines to the direct-support
107 organization established under s. 16.618, unless the division
108 receives adequate written documentation from the public lodging
109 establishment which provides assurance that each deficiency will
110 be corrected within 45 days after the division provided the
111 public lodging establishment with notice of its violation. For a
112 second or subsequent violation of this subsection ~~committed on~~
113 ~~or after July 1, 2023,~~ the division may not provide a correction
114 period to a public lodging establishment and must impose the
115 applicable administrative fines.

116 Section 6. Section 562.13, Florida Statutes, is amended to
117 read:

118 562.13 Employment of minors or certain other persons by
119 certain vendors prohibited; exceptions.—

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

123 (2) This section shall not apply to:

124 (a) Professional entertainers 17 years of age who are not
125 in school.

126 (b) Minors employed in the entertainment industry, as
127 defined by s. 450.012(5), who have either been granted a waiver



545678

128 under s. 450.095 or employed under the terms of s. 450.132 or
129 under rules adopted pursuant to either of these sections.

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

135 (d) Persons 17 years of age or over or any person
136 furnishing evidence that he or she is a senior high school
137 student with written permission of the principal of said senior
138 high school or that he or she is a senior high school graduate,
139 or any high school graduate, employed by a bona fide food
140 service establishment where alcoholic beverages are sold,
141 provided such persons do not participate in the sale,
142 preparation, or service of the beverages and that their duties
143 are of such nature as to provide them with training and
144 knowledge as might lead to further advancement in food service
145 establishments.

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

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

155 (g) Persons under the age of 18 years employed by a bona
156 fide dinner theater as defined in this paragraph, as long as



545678

157 their employment is limited to the services of an actor,
158 actress, or musician. For the purposes of this paragraph, a
159 dinner theater means a theater presenting consecutive
160 productions playing no less than 3 weeks each in conjunction
161 with dinner service on a regular basis. In addition, both events
162 must occur in the same room, and the only advertised price of
163 admission must include both the cost of the meal and the
164 attendance at the performance.

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

169
170 However, a minor who qualifies for one of the exceptions in this
171 subsection to whom this subsection otherwise applies may not be
172 employed as or perform if the employment, whether as a
173 professional entertainer or otherwise if such employment,
174 involves nudity, as defined in s. 847.001, on the part of the
175 minor and such nudity is intended as a form of adult
176 entertainment, or be employed by an adult entertainment
177 establishment, as defined in s. 847.001.

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

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

184 2. Who has been convicted within the last past 5 years in
185 this state or any other state or the United States of soliciting



545678

186 for prostitution, pandering, letting premises for prostitution,
187 keeping a disorderly place, or any felony violation of chapter
188 893 or the controlled substances act of any other state or the
189 Federal Government.

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

192
193 The term "conviction" shall include an adjudication of guilt on
194 a plea of guilty or nolo contendere or forfeiture of a bond when
195 such person is charged with a crime.

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

198 Section 7. Subsection (13) is added to section 787.06,
199 Florida Statutes, to read:

200 787.06 Human trafficking.—

201 (13) When a contract is executed, renewed, or extended
202 between a nongovernmental entity and a governmental entity, the
203 nongovernmental entity must provide the governmental entity with
204 an affidavit signed by an officer or a representative of the
205 nongovernmental entity under penalty of perjury attesting that
206 the nongovernmental entity does not use coercion for labor or
207 services as defined in this section. For purposes of this
208 subsection, the term "governmental entity" has the same meaning
209 as in s. 287.138(1).

210 Section 8. Subsection (4) of section 787.29, Florida
211 Statutes, is amended to read:

212 787.29 Human trafficking public awareness signs.—

213 (4) The required public awareness sign must be at least 8.5
214 inches by 11 inches in size, must be printed in at least a 16-



545678

215 point type, and must state substantially the following in
216 English and Spanish:

217
218 "If you or someone you know is being forced to engage
219 in an activity and cannot leave—whether it is
220 prostitution, housework, farm work, factory work,
221 retail work, restaurant work, or any other activity—
222 call the Florida Human Trafficking Hotline, 1-855-FLA-
223 SAFE, ~~the National Human Trafficking Resource Center~~
224 at ~~1-888-373-7888~~ or text INFO or HELP to ~~233-733~~ to
225 access help and services. Victims of slavery and human
226 trafficking are protected under United States and
227 Florida law."

228
229 Section 9. Section 787.30, Florida Statutes, is created to
230 read:

231 787.30 Employing persons under the age of 21 years in adult
232 entertainment establishments prohibited.—

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

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

236 (b) "Nude" means the showing of the human male or female
237 genitals, pubic area, or buttock with less than a fully opaque
238 covering; or the showing of the female breast with less than a
239 fully opaque covering of any portion thereof below the top of
240 the nipple; or the depiction of covered male genitals in a
241 discernibly turgid state. A mother's breastfeeding of her baby
242 does not under any circumstance constitute nudity, regardless of
243 whether the nipple is covered during or incidental to feeding.



545678

244 (2) (a) Except as provided in paragraph (b), an owner, a
245 manager, an employee, or a contractor of an adult entertainment
246 establishment who knowingly employs, contracts with, contracts
247 with another person to employ, or otherwise permits a person
248 younger than 21 years of age to perform or work in an adult
249 entertainment establishment commits a misdemeanor of the first
250 degree, punishable as provided in s. 775.082 or s. 775.083.

251 (b) An owner, a manager, an employee, or a contractor of an
252 adult entertainment establishment who knowingly employs,
253 contracts with, contracts with another person to employ, or
254 otherwise permits a person younger than 21 years of age to
255 perform or work while nude in an adult entertainment
256 establishment commits a felony of the second degree, punishable
257 as provided in s. 775.082, s. 775.083, or s. 775.084.

258 (3) An owner, a manager, an employee, or a contractor of an
259 adult entertainment establishment who permits a person to
260 perform as an entertainer or work in any capacity for the
261 establishment shall carefully check the person's driver license
262 or identification card issued by this state or another state of
263 the United States, a passport, or a United States Uniformed
264 Services identification card presented by the person and act in
265 good faith and in reliance upon the representation and
266 appearance of the person in the belief that the person is 21
267 years of age or older.

268 (4) For purposes of this section, a person's ignorance of
269 another person's age or a person's misrepresentation of his or
270 her age may not be raised as a defense in a prosecution for a
271 violation of this section.

272 Section 10. This act shall take effect July 1, 2024.



273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301

===== 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 anti-human trafficking; amending s.
16.618, F.S.; extending the future repeal date of the
direct-support organization for the Statewide Council
on Human Trafficking; amending ss. 394.875, 456.0341,
and 480.043, F.S.; revising the hotline telephone
number to be included on human trafficking awareness
signs; amending s. 509.096, F.S.; deleting obsolete
provisions; revising the hotline telephone number to
be included on human trafficking awareness signs;
amending s. 562.13, F.S.; revising applicability of
provisions governing the employment of minors by
vendors licensed under the Beverage Law; amending s.
787.06, F.S.; requiring nongovernmental entities
contracting with governmental entities to attest that
they do not use coercion for labor or services;
defining the term "governmental entity"; amending s.
787.29, F.S.; revising the hotline telephone number to
be included on human trafficking awareness signs;
creating s. 787.30, F.S.; defining terms; 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



545678

302 entertainers; specifying forms of identification that
303 may be used; prohibiting the raising of specified
304 arguments as a defense in a prosecution for certain
305 violations; providing an effective date.

306

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

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

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

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

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

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

328 WHEREAS, sex trade at adult entertainment establishments is
329 a common occurrence in Florida, thereby subjecting performers at
330 these establishments to frequent propositions and enticements to



331 engage in sex trade actions and sex trafficking from customers,
332 as well as strip club employees, managers, and owners, and

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

336 WHEREAS, restricting the employment of persons younger than
337 21 years of age at adult entertainment establishments furthers
338 an important state interest of protecting those vulnerable
339 individuals from sex trafficking, drug abuse, and other harm,
340 and

341 WHEREAS, many court opinions recognize that, while
342 expressive activities are entitled to some First Amendment
343 protections at adult entertainment establishments, content-
344 neutral restrictions or regulations intended to minimize the
345 secondary harmful effects of those businesses tend to be upheld,
346 and

347 WHEREAS, on November 16, 2018, the federal Fifth Circuit
348 Court of Appeals, in the case of *Jane Doe I v. Landry*, 909 F.3d
349 99 (5th Cir. 2018), upheld a Louisiana law that prohibited
350 establishments licensed to serve alcohol from employing nearly
351 nude entertainers younger than 21 years of age on the grounds
352 that the law furthered the state's interests in curbing human
353 trafficking and prostitution, and

354 WHEREAS, the federal district court in *Valadez v. Paxton*,
355 553 F.Supp.3d 387 (W.D. Tex. 2021), denied a motion for a
356 preliminary injunction against the enforcement of Texas Senate
357 Bill 315 prohibiting "all working relationships between 18-20-
358 year-olds and sexually-oriented businesses" because the
359 plaintiffs failed to show that the age restrictions were not



545678

360 rationally related to the state's interest in curbing human
361 trafficking, and

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

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