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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/23/2024	.	
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The Committee on Fiscal Policy (Yarborough) recommended 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(12) This section is repealed October 1, 2029 ~~2024~~, unless  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



11 394.875, Florida Statutes, is amended to read:

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



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40 English and Spanish:

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

50 Section 4. Subsection (13) of section 480.043, Florida  
51 Statutes, is amended to read:

52 480.043 Massage establishments; requisites; licensure;  
53 inspection; human trafficking awareness training and policies.-

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

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

63 509.096 Human trafficking awareness training and policies  
64 for ~~employees of~~ public lodging establishments; enforcement.-

65 (1) A public lodging establishment shall:

66 (a) Provide annual training regarding human trafficking  
67 awareness to employees of the establishment who perform  
68 housekeeping duties in the rental units or who work at the front



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

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

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

88  
89 "If you or someone you know is being forced to engage in an  
90 activity and cannot leave, whether it is prostitution,  
91 housework, farm work, factory work, retail work, restaurant  
92 work, or any other activity, call the Florida Human Trafficking  
93 Hotline, 1-855-FLA-SAFE, ~~the National Human Trafficking Resource~~  
94 ~~Center at 888-373-7888 or text INFO or HELP to 233-733~~ to access  
95 help and services. Victims of slavery and human trafficking are  
96 protected under United States and Florida law."

97 (3) ~~For a violation committed on or after July 1, 2023,~~ The



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

110 Section 6. Section 562.13, Florida Statutes, is amended to  
111 read:

112 562.13 Employment of minors or certain other persons by  
113 certain vendors prohibited; exceptions.—

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

117 (2) This section shall not apply to:

118 (a) Professional entertainers 17 years of age who are not  
119 in school.

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

124 (c) Persons under the age of 18 years who are employed in  
125 drugstores, grocery stores, department stores, florists,  
126 specialty gift shops, or automobile service stations which have



127 obtained licenses to sell beer or beer and wine, when such sales  
128 are made for consumption off the premises.

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

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

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

149 (g) Persons under the age of 18 years employed by a bona  
150 fide dinner theater as defined in this paragraph, as long as  
151 their employment is limited to the services of an actor,  
152 actress, or musician. For the purposes of this paragraph, a  
153 dinner theater means a theater presenting consecutive  
154 productions playing no less than 3 weeks each in conjunction  
155 with dinner service on a regular basis. In addition, both events



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156 must occur in the same room, and the only advertised price of  
157 admission must include both the cost of the meal and the  
158 attendance at the performance.

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

163  
164 However, a minor who qualifies for one of the exceptions in this  
165 subsection to whom this subsection otherwise applies may not be  
166 employed as or perform if the employment, whether as a  
167 professional entertainer or otherwise if such employment,  
168 involves nudity, as defined in s. 847.001, on the part of the  
169 minor and such nudity is intended as a form of adult  
170 entertainment, or be employed by an adult entertainment  
171 establishment, as defined in s. 847.001.

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

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

178 2. Who has been convicted within the last past 5 years in  
179 this state or any other state or the United States of soliciting  
180 for prostitution, pandering, letting premises for prostitution,  
181 keeping a disorderly place, or any felony violation of chapter  
182 893 or the controlled substances act of any other state or the  
183 Federal Government.

184 3. Who has, in the last past 5 years, been convicted of any



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185 felony in this state, any other state, or the United States.

186

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

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

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

194 787.06 Human trafficking.—

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

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

206 787.29 Human trafficking public awareness signs.—

207 (4) The required public awareness sign must be at least 8.5  
208 inches by 11 inches in size, must be printed in at least a 16-  
209 point type, and must state substantially the following in  
210 English and Spanish:

211

212 "If you or someone you know is being forced to engage in an  
213 activity and cannot leave—whether it is prostitution, housework,





214 farm work, factory work, retail work, restaurant work, or any  
215 other activity—call the Florida Human Trafficking Hotline, 1-  
216 855-FLA-SAFE, the National Human Trafficking Resource Center at  
217 1-888-373-7888 or text INFO or HELP to 233-733 to access help  
218 and services. Victims of slavery and human trafficking are  
219 protected under United States and Florida law.”

220 Section 9. Section 787.30, Florida Statutes, is created to  
221 read:

222 787.30 Employing persons under the age of 21 years in adult  
223 entertainment establishments prohibited.—

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

225 (a) “Adult entertainment establishment” has the same  
226 meaning as in s. 847.001.

227 (b) “Nude” means the showing of the human male or female  
228 genitals, pubic area, or buttock with less than a fully opaque  
229 covering; or the showing of the female breast with less than a  
230 fully opaque covering of any portion thereof below the top of  
231 the nipple; or the depiction of covered male genitals in a  
232 discernibly turgid state. A mother’s breastfeeding of her baby  
233 does not under any circumstance constitute nudity, regardless of  
234 whether the nipple is covered during or incidental to feeding.

235 (2) (a) Except as provided in paragraph (b), an owner, a  
236 manager, an employee, or a contractor of an adult entertainment  
237 establishment who knowingly employs, contracts with, contracts  
238 with another person to employ, or otherwise permits a person  
239 younger than 21 years of age to perform or work in an adult  
240 entertainment establishment commits a misdemeanor of the first  
241 degree, punishable as provided in s. 775.082 or s. 775.083.

242 (b) An owner, a manager, an employee, or a contractor of an



243 adult entertainment establishment who knowingly employs,  
244 contracts with, contracts with another person to employ, or  
245 otherwise permits a person younger than 21 years of age to  
246 perform or work while nude in an adult entertainment  
247 establishment commits a felony of the second degree, punishable  
248 as provided in s. 775.082, s. 775.083, or s. 775.084.

249 (3) An owner, a manager, an employee, or a contractor of an  
250 adult entertainment establishment who permits a person to  
251 perform as an entertainer or work in any capacity for the  
252 establishment shall carefully check the person's driver license  
253 or identification card issued by this state or another state of  
254 the United States, a passport, or a United States Uniformed  
255 Services identification card presented by the person and act in  
256 good faith and in reliance upon the representation and  
257 appearance of the person in the belief that the person is 21  
258 years of age or older.

259 (4) For purposes of this section, a person's ignorance of  
260 another person's age or a person's misrepresentation of his or  
261 her age may not be raised as a defense in a prosecution for a  
262 violation of this section.

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

264  
265 ===== T I T L E A M E N D M E N T =====

266 And the title is amended as follows:

267 Delete everything before the enacting clause  
268 and insert:

269 A bill to be entitled  
270 An act relating to anti-human trafficking; amending s.  
271 16.618, F.S.; extending the future repeal date of the



272 direct-support organization for the Statewide Council  
273 on Human Trafficking; amending ss. 394.875, 456.0341,  
274 and 480.043, F.S.; revising the hotline telephone  
275 number to be included in human trafficking awareness  
276 signs; amending s. 509.096, F.S.; deleting obsolete  
277 provisions; revising the hotline telephone number to  
278 be included in human trafficking awareness signs;  
279 amending s. 562.13, F.S.; revising applicability of  
280 provisions governing the employment of minors by  
281 vendors licensed under the Beverage Law; amending s.  
282 787.06, F.S.; requiring that contractors with  
283 governmental entities attest that they do not use  
284 coercion for labor or services; defining the term  
285 "governmental entity"; amending s. 787.29, F.S.;  
286 revising the hotline telephone number to be included  
287 in human trafficking awareness signs; creating s.  
288 787.30, F.S.; defining terms; prohibiting the  
289 employment of persons younger than 21 years of age in  
290 adult entertainment establishments; providing criminal  
291 penalties; requiring adult entertainment  
292 establishments to check identification of  
293 entertainers; specifying forms of identification that  
294 may be used; prohibiting the raising of specified  
295 arguments as a defense in a prosecution for certain  
296 violations; providing an effective date.

297  
298 WHEREAS, Florida is ranked third nationally for reported  
299 cases of human trafficking abuses, many of which involved sex  
300 trafficking, and



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

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

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

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

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

319 WHEREAS, sex trade at adult entertainment establishments is  
320 a common occurrence in Florida, thereby subjecting performers at  
321 these establishments to frequent propositions and enticements to  
322 engage in sex trade actions and sex trafficking from customers,  
323 as well as strip club employees, managers, and owners, and

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

327 WHEREAS, restricting the employment of persons younger than  
328 21 years of age at adult entertainment establishments furthers  
329 an important state interest of protecting those vulnerable



330 individuals from sex trafficking, drug abuse, and other harm,  
331 and

332 WHEREAS, many court opinions recognize that, while  
333 expressive activities are entitled to some First Amendment  
334 protections at adult entertainment establishments, content-  
335 neutral restrictions or regulations intended to minimize the  
336 secondary harmful effects of those businesses tend to be upheld,  
337 and

338 WHEREAS, on November 16, 2018, the federal Fifth Circuit  
339 Court of Appeals, in the case of *Jane Doe I v. Landry*, 909 F.3d  
340 99 (5th Cir. 2018), upheld a Louisiana law that prohibited  
341 establishments licensed to serve alcohol from employing nearly  
342 nude entertainers younger than 21 years of age on the grounds  
343 that the law furthered the state's interests in curbing human  
344 trafficking and prostitution, and

345 WHEREAS, the federal district court in *Valadez v. Paxton*,  
346 553 F.Supp.3d 387 (W.D. Tex. 2021), denied a motion for a  
347 preliminary injunction against the enforcement of Texas Senate  
348 Bill 315 prohibiting "all working relationships between 18-20-  
349 year-olds and sexually-oriented businesses" because the  
350 plaintiffs failed to show that the age restrictions were not  
351 rationally related to the state's interest in curbing human  
352 trafficking, and

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



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