

By the Committees on Fiscal Policy; Criminal Justice; and Governmental Oversight and Accountability; and Senators Avila and Yarborough

594-03633-24

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1 A bill to be entitled
2 An act relating to anti-human trafficking; amending s.
3 16.618, F.S.; extending the future repeal date of the
4 direct-support organization for the Statewide Council
5 on Human Trafficking; amending ss. 394.875, 456.0341,
6 and 480.043, F.S.; revising the hotline telephone
7 number to be included in human trafficking awareness
8 signs; amending s. 509.096, F.S.; deleting obsolete
9 provisions; revising the hotline telephone number to
10 be included in human trafficking awareness signs;
11 amending s. 562.13, F.S.; revising applicability of
12 provisions governing the employment of minors by
13 vendors licensed under the Beverage Law; amending s.
14 787.06, F.S.; requiring that contractors with
15 governmental entities attest that they do not use
16 coercion for labor or services; defining the term
17 "governmental entity"; amending s. 787.29, F.S.;
18 revising the hotline telephone number to be included
19 in human trafficking awareness signs; creating s.
20 787.30, F.S.; defining terms; prohibiting the
21 employment of persons younger than 21 years of age in
22 adult entertainment establishments; providing criminal
23 penalties; requiring adult entertainment
24 establishments to check identification of
25 entertainers; specifying forms of identification that
26 may be used; prohibiting the raising of specified
27 arguments as a defense in a prosecution for certain
28 violations; providing an effective date.
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30 WHEREAS, Florida is ranked third nationally for reported
31 cases of human trafficking abuses, many of which involved sex
32 trafficking, and

33 WHEREAS, adult entertainment establishments are widely
34 recognized as being a significant part of the sex trafficking
35 network used by traffickers to coerce and facilitate men, women,
36 and children into performing sexual acts, which places the
37 employees of these establishments in direct and frequent contact
38 with the victims of human trafficking, and

39 WHEREAS, victims of sex trafficking are frequently
40 recruited to work as performers or employees in adult
41 entertainment establishments, and

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

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

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

51 WHEREAS, sex trade at adult entertainment establishments is
52 a common occurrence in Florida, thereby subjecting performers at
53 these establishments to frequent propositions and enticements to
54 engage in sex trade actions and sex trafficking from customers,
55 as well as strip club employees, managers, and owners, and

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

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59 WHEREAS, restricting the employment of persons younger than
60 21 years of age at adult entertainment establishments furthers
61 an important state interest of protecting those vulnerable
62 individuals from sex trafficking, drug abuse, and other harm,
63 and

64 WHEREAS, many court opinions recognize that, while
65 expressive activities are entitled to some First Amendment
66 protections at adult entertainment establishments, content-
67 neutral restrictions or regulations intended to minimize the
68 secondary harmful effects of those businesses tend to be upheld,
69 and

70 WHEREAS, on November 16, 2018, the federal Fifth Circuit
71 Court of Appeals, in the case of Jane Doe I v. Landry, 909 F.3d
72 99 (5th Cir. 2018), upheld a Louisiana law that prohibited
73 establishments licensed to serve alcohol from employing nearly
74 nude entertainers younger than 21 years of age on the grounds
75 that the law furthered the state's interests in curbing human
76 trafficking and prostitution, and

77 WHEREAS, the federal district court in Valadez v. Paxton,
78 553 F.Supp.3d 387 (W.D. Tex. 2021), denied a motion for a
79 preliminary injunction against the enforcement of Texas Senate
80 Bill 315 prohibiting "all working relationships between 18-20-
81 year-olds and sexually-oriented businesses" because the
82 plaintiffs failed to show that the age restrictions were not
83 rationally related to the state's interest in curbing human
84 trafficking, and

85 WHEREAS, the federal district court in DC Operating, LLC v.
86 Paxton, 586 F.Supp.3d 554 (W.D. Tex. 2022), denied a motion for
87 a preliminary injunction against Texas Senate Bill 315, at least

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88 in part, because of the state's evidence of the correlation
89 between raising the minimum employment age and reducing human
90 trafficking, and

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

99

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

101

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

104 16.618 Direct-support organization.—

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

107 Section 2. Paragraph (b) of subsection (8) of section
108 394.875, Florida Statutes, is amended to read:

109 394.875 Crisis stabilization units, residential treatment
110 facilities, and residential treatment centers for children and
111 adolescents; authorized services; license required.—

112 (8)

113 (b) Residential treatment centers for children and
114 adolescents must conspicuously place signs on their premises to
115 warn children and adolescents of the dangers of human
116 trafficking and to encourage the reporting of individuals

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117 observed attempting to engage in human trafficking activity. The
118 signs must contain the telephone number for the Florida Human
119 Trafficking Hotline, 1-855-FLA-SAFE, ~~the National Human~~
120 ~~Trafficking Hotline~~ or such other number that the Department of
121 Law Enforcement uses to detect and stop human trafficking. The
122 department, in consultation with the agency, shall specify, at a
123 minimum, the content of the signs by rule.

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

126 456.0341 Requirements for instruction on human
127 trafficking.—The requirements of this section apply to each
128 person licensed or certified under chapter 457; chapter 458;
129 chapter 459; chapter 460; chapter 461; chapter 463; chapter 465;
130 chapter 466; part II, part III, part V, or part X of chapter
131 468; chapter 480; or chapter 486.

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

138
139 "If you or someone you know is being forced to engage in an
140 activity and cannot leave, whether it is prostitution,
141 housework, farm work, factory work, retail work, restaurant
142 work, or any other activity, call the Florida Human Trafficking
143 Hotline, 1-855-FLA-SAFE, ~~the National Human Trafficking Resource~~
144 ~~Center at 888-373-7888 or text INFO or HELP to 233-733~~ to access
145 help and services. Victims of slavery and human trafficking are

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146 protected under United States and Florida law.”

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

149 480.043 Massage establishments; requisites; licensure;
150 inspection; human trafficking awareness training and policies.—

151 (13) By January 1, 2025 ~~2021~~, a massage establishment shall
152 implement a procedure for reporting suspected human trafficking
153 to the Florida Human Trafficking Hotline, 1-855-FLA-SAFE, ~~the~~
154 ~~National Human Trafficking Hotline~~ or to a local law enforcement
155 agency and shall post in a conspicuous place in the
156 establishment which is accessible to employees a sign with the
157 relevant provisions of the reporting procedure.

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

160 509.096 Human trafficking awareness training and policies
161 for ~~employees of~~ public lodging establishments; enforcement.—

162 (1) A public lodging establishment shall:

163 (a) Provide annual training regarding human trafficking
164 awareness to employees of the establishment who perform
165 housekeeping duties in the rental units or who work at the front
166 desk or reception area where guests ordinarily check in or check
167 out. Such training must also be provided for new employees
168 within 60 days after they begin their employment in those roles,
169 ~~or by January 1, 2021, whichever occurs later.~~ Each employee
170 must submit to the hiring establishment a signed and dated
171 acknowledgment of having received the training, which the
172 establishment must provide to the Department of Business and
173 Professional Regulation upon request. The establishment may keep
174 such acknowledgment electronically.

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

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

185
186 "If you or someone you know is being forced to engage in an
187 activity and cannot leave, whether it is prostitution,
188 housework, farm work, factory work, retail work, restaurant
189 work, or any other activity, call the Florida Human Trafficking
190 Hotline, 1-855-FLA-SAFE, ~~the National Human Trafficking Resource~~
191 ~~Center at 888-373-7888 or text INFO or HELP to 233-733~~ to access
192 help and services. Victims of slavery and human trafficking are
193 protected under United States and Florida law."

194 (3) ~~For a violation committed on or after July 1, 2023,~~ The
195 division shall impose an administrative fine of \$2,000 per day
196 on a public lodging establishment that is not in compliance with
197 this section and remit the fines to the direct-support
198 organization established under s. 16.618, unless the division
199 receives adequate written documentation from the public lodging
200 establishment which provides assurance that each deficiency will
201 be corrected within 45 days after the division provided the
202 public lodging establishment with notice of its violation. For a
203 second or subsequent violation of this subsection ~~committed on~~

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204 ~~or after July 1, 2023,~~ the division may not provide a correction
205 period to a public lodging establishment and must impose the
206 applicable administrative fines.

207 Section 6. Section 562.13, Florida Statutes, is amended to
208 read:

209 562.13 Employment of minors or certain other persons by
210 certain vendors prohibited; exceptions.—

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

214 (2) This section shall not apply to:

215 (a) Professional entertainers 17 years of age who are not
216 in school.

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

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

226 (d) Persons 17 years of age or over or any person
227 furnishing evidence that he or she is a senior high school
228 student with written permission of the principal of said senior
229 high school or that he or she is a senior high school graduate,
230 or any high school graduate, employed by a bona fide food
231 service establishment where alcoholic beverages are sold,
232 provided such persons do not participate in the sale,

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233 preparation, or service of the beverages and that their duties
234 are of such nature as to provide them with training and
235 knowledge as might lead to further advancement in food service
236 establishments.

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

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

246 (g) Persons under the age of 18 years employed by a bona
247 fide dinner theater as defined in this paragraph, as long as
248 their employment is limited to the services of an actor,
249 actress, or musician. For the purposes of this paragraph, a
250 dinner theater means a theater presenting consecutive
251 productions playing no less than 3 weeks each in conjunction
252 with dinner service on a regular basis. In addition, both events
253 must occur in the same room, and the only advertised price of
254 admission must include both the cost of the meal and the
255 attendance at the performance.

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

260
261 However, a minor who qualifies for one of the exceptions in this

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262 subsection ~~to whom this subsection otherwise applies~~ may not be
263 employed as or perform ~~if the employment, whether~~ as a
264 professional entertainer or otherwise if such employment,
265 involves nudity, as defined in s. 847.001, on the part of the
266 minor and such nudity is intended as a form of adult
267 entertainment, or be employed by an adult entertainment
268 establishment, as defined in s. 847.001.

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

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

275 2. Who has been convicted within the last past 5 years in
276 this state or any other state or the United States of soliciting
277 for prostitution, pandering, letting premises for prostitution,
278 keeping a disorderly place, or any felony violation of chapter
279 893 or the controlled substances act of any other state or the
280 Federal Government.

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

283

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

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

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

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291 787.06 Human trafficking.—

292 (13) When a contract is executed, renewed, or extended
293 between a nongovernmental entity and a governmental entity, the
294 nongovernmental entity must provide the governmental entity with
295 an affidavit signed by an officer or a representative of the
296 nongovernmental entity under penalty of perjury attesting that
297 the nongovernmental entity does not use coercion for labor or
298 services as defined in this section. For purposes of this
299 subsection, the term "governmental entity" has the same meaning
300 as in s. 287.138(1).

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

303 787.29 Human trafficking public awareness signs.—

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

308
309 "If you or someone you know is being forced to engage in an
310 activity and cannot leave—whether it is prostitution, housework,
311 farm work, factory work, retail work, restaurant work, or any
312 other activity—call the Florida Human Trafficking Hotline, 1-
313 855-FLA-SAFE, the National Human Trafficking Resource Center at
314 1-888-373-7888 or text INFO or HELP to 233-733 to access help
315 and services. Victims of slavery and human trafficking are
316 protected under United States and Florida law."

317 Section 9. Section 787.30, Florida Statutes, is created to
318 read:

319 787.30 Employing persons under the age of 21 years in adult

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320 entertainment establishments prohibited.-

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

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

324 (b) "Nude" means the showing of the human male or female
325 genitals, pubic area, or buttock with less than a fully opaque
326 covering; or the showing of the female breast with less than a
327 fully opaque covering of any portion thereof below the top of
328 the nipple; or the depiction of covered male genitals in a
329 discernibly turgid state. A mother's breastfeeding of her baby
330 does not under any circumstance constitute nudity, regardless of
331 whether the nipple is covered during or incidental to feeding.

332 (2) (a) Except as provided in paragraph (b), an owner, a
333 manager, an employee, or a contractor of an adult entertainment
334 establishment who knowingly employs, contracts with, contracts
335 with another person to employ, or otherwise permits a person
336 younger than 21 years of age to perform or work in an adult
337 entertainment establishment commits a misdemeanor of the first
338 degree, punishable as provided in s. 775.082 or s. 775.083.

339 (b) An owner, a manager, an employee, or a contractor of an
340 adult entertainment establishment who knowingly employs,
341 contracts with, contracts with another person to employ, or
342 otherwise permits a person younger than 21 years of age to
343 perform or work while nude in an adult entertainment
344 establishment commits a felony of the second degree, punishable
345 as provided in s. 775.082, s. 775.083, or s. 775.084.

346 (3) An owner, a manager, an employee, or a contractor of an
347 adult entertainment establishment who permits a person to
348 perform as an entertainer or work in any capacity for the

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349 establishment shall carefully check the person's driver license
350 or identification card issued by this state or another state of
351 the United States, a passport, or a United States Uniformed
352 Services identification card presented by the person and act in
353 good faith and in reliance upon the representation and
354 appearance of the person in the belief that the person is 21
355 years of age or older.

356 (4) For purposes of this section, a person's ignorance of
357 another person's age or a person's misrepresentation of his or
358 her age may not be raised as a defense in a prosecution for a
359 violation of this section.

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