

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

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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.