

DRAFT EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for public hearing on (date/time): An Ordinance of the Board of County Commissioners of (insert) County, Florida, pertaining to posting of human trafficking public awareness signs; providing for definitions; providing for general requirements; providing for enforcement; providing for severability; providing for repeal of laws in conflict; providing for inclusion in the Code of Laws and Ordinances; providing for captions; providing for applicability; and providing for an effective date.

Summary: The Board of County Commissioners, at its (date/time) meeting, directed staff to prepare an ordinance pertaining to human trafficking upon passage of a state law pertaining to this subject. The new law (Ch. 2015-172), signed by the Governor on June 16, 2015, authorizes counties to enforce posting of human trafficking public awareness signs at adult entertainment and massage/bodywork establishments alerting employees and patrons to remedies and protections related to human trafficking. The law and provisions of this proposed ordinance are to become effective January 1, 2016.

Background and Policy Issues: A new Florida law (Ch. 2015-172), to become effective January 1, 2016, authorizes counties to enforce posting of human trafficking public awareness signs at adult entertainment and massage/bodywork establishments alerting employees and patrons to remedies and protections related to human trafficking. The new law requires the employer at each of the following establishments to display public awareness signs in a conspicuous location that is clearly visible to the public and employees of the establishment:

(a) A strip club or other adult entertainment establishment.

(b) A business or establishment that offers massage or bodywork services for compensation that is not owned by a health care profession regulated pursuant to Chapter 456 and defined in Section 456.001.

The law authorizes county commissions to adopt ordinances to enforce posting of human trafficking public awareness signs in the above referenced establishments and that violations related thereto are punishable only by fine. This Ordinance requires employers to display public awareness signs in conspicuous locations that are clearly visible to the public and employees at strip clubs, adult entertainment and massage/bodywork establishments. The signs provide contact information to report anyone who is being forced to engage in an activity against their will.

DRAFT ORDINANCE NO. 2015-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF (INSERT) COUNTY, FLORIDA, PERTAINING TO HUMAN TRAFFICKING; POSTING OF HUMAN TRAFFICKING PUBLIC AWARENESS SIGNS AT SPECIFIED LOCATIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR . GENERAL REQUIREMENTS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; PROVIDING FOR APPLICABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, human trafficking is a form of modern-day slavery, which involves the exploitation of persons for commercial sex or forced labor and often subjects victims to force, fraud and coercion; and

WHEREAS, while many victims of human trafficking are forced to work in prostitution or the sexual entertainment industry, trafficking also occurs in forms of labor exploitation, such as domestic servitude and restaurant, janitorial, sweatshop factory and agricultural work; and

WHEREAS, traffickers use various techniques to instill fear in victims to keep them enslaved such as isolation, threats of imprisonment and deportation, confiscation of passports, visas or other identification documents and threats of violence toward victims or their families; and

WHEREAS, Florida law authorizes counties to enforce posting of human trafficking public awareness signs in certain establishments; and,

WHEREAS, the Board of County Commissioners finds that it will serve the public health, safety and welfare of the citizens of (insert) County to inform the public as to the existence of human trafficking and the reporting thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF (INSERT) COUNTY, FLORIDA, that:

Section 1. Definitions

The following words, phrases, or terms when used in this Ordinance shall, unless the content otherwise indicates, have the meanings provided below.

A. Adult Entertainment Establishment means adult bookstores and theaters, special cabarets and unlicensed massage establishments regulated pursuant to Chapter 847, Florida Statutes and defined in Section 847.001, Florida Statutes, as may be amended and strip clubs.

B. Bodywork Services means services involving therapeutic touching or manipulation of the body using specialized techniques.

C. Business or establishment means any place of business or any club, organization, person, firm, corporation or partnership, wherein massage or bodywork services are provided and such establishment is not owned by a health care profession regulated pursuant to Chapter 456, Florida Statutes, and defined in Section 456.001, Florida Statutes, as may be amended.

D. Human trafficking means transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person regulated pursuant to Chapter 787, Florida Statutes, and defined in Section 787.06, Florida Statutes, as may be amended.

E. Massage services means the manipulation of the soft tissues of the human body with the hand, foot, arm, or elbow, whether or not such manipulation is aided by hydrotherapy, including colonic irrigation, or thermal therapy; any electrical or mechanical device; or the application to the human body of a chemical or herbal preparation.

Section 2. General Requirements

A. The employer at each of the following establishments shall display public awareness signs in a conspicuous location that is clearly visible to the public and employees of the establishment:

(1) A strip club or other adult entertainment establishment.

(2) A business or establishment that offers massage or bodywork services for compensation that is not owned by a health care profession regulated pursuant to Chapter 456, Florida Statutes, and defined in Section 456.001, Florida Statutes.

B. The required public awareness sign must be at least 8.5 inches by 11 inches in size, must be printed in at least a 16-point type, and must state substantially the following in English and Spanish:

"If you or someone you know is being forced to engage in an activity and cannot leave-whether it is prostitution, housework, farm work, factory work, retail work, restaurant work, or any other activity-call the National Human Trafficking Resource Center at 1-888-373-

7888 or text INFO or HELP to 233-733 to access help and services. Victims of slavery and human trafficking are protected under United States and Florida law."

Posted Pursuant to Section 787.29, Florida Statutes and (insert) County Code Section (Insert Section #)

Section 3. Enforcement

It is unlawful to violate any provisions of this Ordinance and any violation hereof shall be deemed a noncriminal violation, punishable by a fine only as provided in Section 775.083, Florida Statutes.

Section 4. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 5. Repeal of Laws in Conflict

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Inclusion in the Code of Laws and Ordinances

The provisions of this Ordinance shall become and be made a part of the (insert) County Code. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. Captions

The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

Section 8. Applicability

All provisions of this Ordinance shall apply to the unincorporated areas of (insert) County, Florida, and to all municipalities within (insert) County that elect to have the provisions of this Ordinance apply within their respective jurisdictions.

Section 9. Effective Date

The provisions of this Ordinance shall become effective on January 1, 2016. APPROVED and ADOPTED by the Board of County Commissioners of (insert) County, Florida, on the ___ day of _____, 2015.

By: _____ By: _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____

County Attorney

Filed with the Department of State on the __ day of _____, 2015.