

MEMORANDUM

Agenda Item No. 7(E)

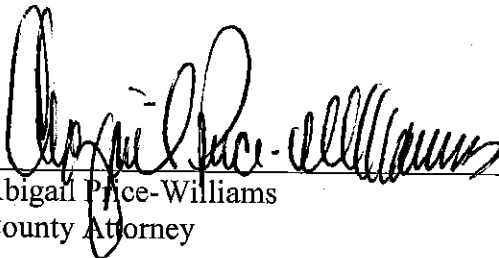
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: (Second Reading 2-2-16)
December 1, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance pertaining to human trafficking; requiring the posting of human trafficking public awareness signs at adult entertainment establishments and certain massage or bodywork services establishments; creating section 21-31.5 of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Sally A. Heyman and Commissioner Jose "Pepe" Diaz and Co-Sponsors Commissioner Daniella Levine Cava, Commissioner Audrey M. Edmonson, Commissioner Barbara J. Jordan and Commissioner Rebeca Sosa.



Abigail Price-Williams
County Attorney

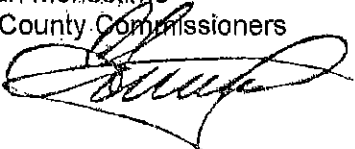
APW/lmp

Memorandum



Date: February 2, 2016

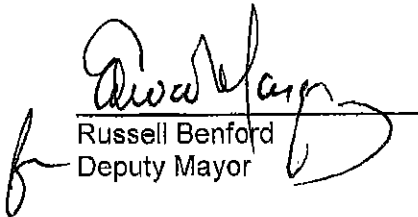
To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Relating to Human Trafficking Public Awareness Signs

The proposed ordinance creates Section 21-31.5 the Code of Miami-Dade County requiring the posting of human trafficking public awareness signs at adult entertainment establishments and certain massage or bodywork service establishments.

Miami-Dade Police Department (MDPD) will enforce this ordinance when an officer is called to one of these establishments and they notice this sign/s is not posted. The implementation of this ordinance will not have a fiscal impact to the County.


Russell Benford
Deputy Mayor

Fis1516

Memorandum



DATE: February 2, 2016

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

FROM: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

SUBJECT: Social Equity Statement – Ordinance Creating Section 21-31.5 of the Code of Miami-Dade County, Florida to Require the Posting of Human Trafficking Public Awareness Signs

The proposed Ordinance creates Section 21-31.5 of the Code of Miami-Dade County to require the posting of human trafficking public awareness signs at adult entertainment establishments and certain massage or bodywork services establishments.

The proposed Ordinance is consistent with a wide array of efforts and initiatives which aim to prevent and assist victims of human trafficking in our local community. It provides an opportunity to inform the public by making them aware of human trafficking and posting the hotline phone number for the National Human Trafficking Resource Center to seek help. This is a responsible action on the part of Miami-Dade County and is expressly authorized in the Florida Statutes, Section 787.29.

A handwritten signature in black ink, appearing to read "Russell Benford".

Russell Benford
Deputy Mayor

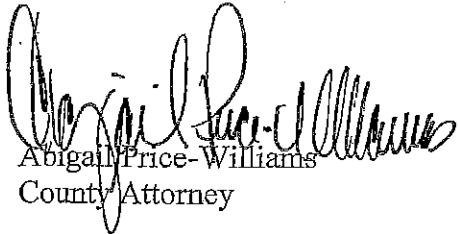


MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 2, 2016

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(E)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(E)
2-2-16

ORDINANCE NO. _____

ORDINANCE PERTAINING TO HUMAN TRAFFICKING;
REQUIRING THE POSTING OF HUMAN TRAFFICKING
PUBLIC AWARENESS SIGNS AT ADULT ENTERTAINMENT
ESTABLISHMENTS AND CERTAIN MASSAGE OR
BODYWORK SERVICES ESTABLISHMENTS; CREATING
SECTION 21-31.5 OF THE CODE OF MIAMI-DADE COUNTY,
FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN
THE CODE, AND 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 often 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, the Florida legislature recently created Section 787.29, Florida Statutes, which requires the placement of human trafficking awareness signs at: (1) transportation centers, such as rest areas, turnpike service plazas, weigh stations, airports, passenger rail stations, and welcome centers; (2) strip clubs or other adult entertainment establishments, and (3) any business that provides massage or bodywork services for compensation that is not operated and regulated as a health care profession; and

WHEREAS, the awareness signs include contact information for the National Human Trafficking Resource Center (“NHTRC”), a national hotline funded by the United States Department of Health and Human Services that provides referral services to victims of human trafficking, tips to law enforcement, and information to raise public awareness; and

WHEREAS, in 2014, the NHTRC hotline received 1,428 phone calls and reported 364 human trafficking cases in Florida alone; and

WHEREAS, at least 25 other states require or encourage the NHTRC hotline number to be posted or promoted within the state;

WHEREAS, Section 787.29, Florida Statutes also authorizes county commissions to adopt ordinances to enforce the posting of the human trafficking awareness signs at the previously specified adult entertainment, massage, or bodywork services establishments and specifies that a violation of the posting requirements constitutes a noncriminal violation punishable by a fine not to exceed \$500; and

WHEREAS, this Board finds that enforcement of the sign posting requirements in Section 787.29, Florida Statutes will serve the public interest by helping to combat human trafficking and increasing the likelihood that victims will be informed of who to contact to get necessary help,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 21-31.5 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:¹

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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Sec. 21-31.5. Human Trafficking Awareness Signs at Adult Entertainment, Massage, and Bodywork Services Establishments.

(a) *Definitions.* The following words, phrases, or terms, when used in this section shall, unless the content otherwise indicates, have the meanings provided below.

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

(2) *Bodywork services* means services involving therapeutic touching or manipulation of the body using specialized techniques.

(3) *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.

(4) *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.

(5) *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.

(b) *Application.* This section shall be applicable in the incorporated and unincorporated areas of Miami-Dade County, with the enforcement of the provision of this section in the unincorporated area being the responsibility of Miami-Dade County and in the incorporated area being the responsibility of the respective municipalities.

(c) *General Requirements.*

(1) 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: (i) a strip club or other adult entertainment establishment or (ii) 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.

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

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 Miami-Dade County Code Section 21-31.5.

- (d) *Enforcement.* Any person violating any of the provisions of this section shall, upon conviction of such offense, be punished by a fine not to exceed five hundred dollars (\$500.00) as provided in Section 775.083, Florida Statutes, which may be amended from time to time, in the discretion of the court. Each day of continued violation shall be considered a separate offense.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

ADW

Michael B. Valdes

MBV

- Co-Prime Sponsors: Commissioner Sally A. Heyman
Commissioner Jose "Pepe" Diaz
- Co-Sponsors: Commissioner Daniella Levine Cava
Commissioner Audrey M. Edmonson
Commissioner Barbara J. Jordan
Commissioner Rebeca Sosa